

From: [Tu, John](#)
To: [Downtown West Project](#)
Subject: Fw: GP / DSAP / T20
Date: Monday, April 19, 2021 8:40:34 PM
Attachments: [T-20 ORDINANCE \(4-19-21\) CLEAN.docx](#)
[DSAP Amendment Resolution \(4-19-21\) REDLINE.docx](#)
[DSAP Amendment Resolution \(4-19-21\) CLEAN.docx](#)
[GP Resolution \(4-19-21\) REDLINE.docx](#)
[GPA Resolution \(4-19-21\) CLEAN.docx](#)
[T-20 ORDINANCE \(4-19-21\) REDLINE.pdf](#)

Best,
Tong (John) Tu

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From: Amanda Wolf <amandawolf@google.com>
Sent: Monday, April 19, 2021 6:39 PM
To: Tu, John <john.tu@sanjoseca.gov>; Han, James <James.Han@sanjoseca.gov>
Subject: Fwd: GP / DSAP / T20

[External Email]

John,

Attached are updated clean and redline versions of the following:

1. General Plan Amendment Resolution
2. DSAP Amendment Resolution
3. Ordinance Amendment Title 20

Thank you,
Amanda

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ORDINANCE NO. _____

**A CODIFIED ORDINANCE OF THE CITY OF SAN JOSE
AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING
CODE) OF THE SAN JOSE MUNICIPAL CODE TO ADD
SECTION 20.70.700 TO TITLE 20 OF THE SAN JOSE
MUNICIPAL CODE TO CLARIFY THAT PROJECT-
SPECIFIC ORDINANCES FOR THE DOWNTOWN WEST
MIXED-USE PLAN SHALL GOVERN DEVELOPMENT
WITHIN THE DOWNTOWN WEST PLANNED
DEVELOPMENT ZONING DISTRICT AND SUPERSEDE
ANY CONFLICTING PROVISIONS IN TITLE 20**

WHEREAS, the City of San José and Google LLC (“Project Sponsor” or “Google”) entered into a non-binding Memorandum of Understanding (“MOU”), dated December 4, 2018, to collaborate on the development of Downtown San José, a key “Growth Area” identified in the Envision San José 2040 General Plan (“General Plan”); and

WHEREAS, the MOU described the City’s and Google’s shared vision to create a vibrant, welcoming, and accessible urban destination consisting of a mix of land uses that are well-integrated with the intermodal transit station, adjacent neighborhoods, and Downtown based on shared goals; and

WHEREAS, following an extensive public process involving the City, residents of San José, and other stakeholders, the Project Sponsor submitted project applications for the Downtown West Mixed-Use Plan (the “Project” or “Downtown West”) on October 10, 2019, proposing amendments to the General Plan (“General Plan Amendment”), a Project-specific amendment to the Diridon Station Area Plan (“DSAP Amendment”) that is separate from the City’s DSAP amendment efforts, rezoning to a Planned Development Zoning District and General Development Plan, and Planned Development Permit; and

WHEREAS, on October 7, 2020, Google submitted additional Project applications for a Vesting Tentative Map, two Historic Landmark Boundary amendments to adjust the landmark boundaries of the San José Water Company and Southern Pacific Depot

Historic District, amendment of an existing Historic Preservation Permit, and other permits and approvals required to implement the Project (File Nos. GP19-009, PDC19-039, PD19-029, HL20-004, HL20-005, HP20-002, PT20-027); and

WHEREAS, the Project advances a plan that re-envision a significant portion of the Diridon Station Area Plan as a mixed-use area that includes development of: up to 7.3 million gross square feet (gsf) of commercial office space; up to 5,900 residential units; up to 500,000 gsf of active uses (commercial retail/restaurant, arts, cultural, live entertainment, community spaces, institutional, childcare and education, maker spaces, non-profit, and small-format office space); up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to 100,000 gsf of event and conference space; up to 4,800 publicly accessible commercial parking spaces and up to 2,360 unbundled parking spaces for residential use; a "District Systems" approach to delivery of on-site utilities, including designated infrastructure zones with up to two (2) on-site centralized utility plants totaling up to 130,000 gsf; one or more on-site logistics centers to serve the commercial on-site uses that would occupy a total of about 100,000 gsf; a total of approximately 15 acres of parks, plazas and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails; and various other improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods; and

WHEREAS, On December 30, 2019, Governor Gavin Newsom certified the Project as an environmental leadership development project under Public Resources Code § 21178 et. seq. the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (Assembly Bill [AB] 900, as amended by Senate Bill 734 [2013], AB 246 [2017], Senate Bill 7 [2021], which is currently pending approval in the California State Legislature); and

[WHEREAS, the Project has complied with requirements related to AB 900 as of the date of adoption of this Ordinance and would comply with post-adoption AB 900 requirements if AB 7 is adopted by the California State Legislature; and]

WHEREAS, pursuant to Section 20.10.070 of the San José Municipal Code, a Planned Development Zoning District shall be individually designed to meet the needs of the territory so zoned and that development of the subject property can occur only pursuant to an effective Planned Development Permit issued in strict conformity with the adopted general development plan; and

WHEREAS, by Ordinance No. ____, City Council approved the Downtown West Planned Development Zoning District (“Downtown West PD Zoning District”), 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; Auzerai Avenue to the south; and Diridon Station and the Caltrain rail tracks to the west; and

WHEREAS, the specific land use regulations and development standards applicable to the Downtown West PD Zoning District are established in the Downtown West General Development Plan (“GDP”), dated ____, which guides the content of the Downtown West Planned Development Permit (“Downtown West PD Permit”), which consists of the following components: Downtown West Design Standards and Guidelines (“DWDSG”) dated ____, Downtown West Improvement Standards (“DWIS”) dated ____, Conceptual Infrastructure Plan Sheets dated ____, and the Conformance Review Implementation Guide (“Implementation Guide”) dated ____ (collectively, these documents are referred to as the “Downtown West PD Permit”); and

WHEREAS, the Downtown West PD Zoning District and accompanying GDP, adopted by Ordinance No. ____, establishes use regulations and development standards, including but not limited to permitted land uses, building heights, open space requirements, design

standards, and a review and approval process for subsequent approvals, that are unique to Downtown West; and

WHEREAS, the regulations and standards established in the Downtown West PD Zoning District and GDP, adopted by Ordinance No. ___ and other Project approvals, are intended to control and govern development of the Project within the Downtown West PD Zoning District notwithstanding any contrary provision in Title 20, including but not limited to any greater restrictions on the use of buildings or premises, height of buildings, or open space requirements; and

WHEREAS, development of the Project is intended to occur in phases and the GDP authorizes and 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; and

WHEREAS, pursuant to the Conformance Review process, the Project Sponsor may request the following types of relief from DWDSG standards, which are further described in the GDP: Minor Modifications (deviation of less than 10% from a numerical standard or minor deviation from a qualitative standard), Exceptions (waiver of a DWDSG standard), Deferral (deferring compliance of a DWDSG standard), and Amendment (deviations that require an amendment to the Downtown West PD Permit); and

WHEREAS, the Conformance Review process authorizes the Director of Planning, Building, and Code Enforcement (“Director of PBCE”) to review and approve Conformance Review applications for vertical improvements and open space for consistency with the General Plan, GDP, and Downtown West PD Permit, and authorizes the Director of Public Works (“PW Director”) to review 35%, 65%, and 95% improvement plan sets for consistency with the GDP, Downtown West PD Permit, Infrastructure Plan, and other applicable Project approvals and documents; and

WHEREAS, Ordinance No. __ approving the Downtown West Planned Development Zoning Ordinance amends Title 21 of the San José Municipal Code to provide specific CEQA procedures that apply to all subsequent approvals associated with development of the Project, including Conformance Review applications, notwithstanding anything to the contrary elsewhere in Title 21; and

WHEREAS, the Implementation Guide sets forth the Conformance Review process, including but not limited to application submittal requirements and City review timelines for the City's review and approval of Conformance Review applications for vertical improvements, open space improvements, and horizontal improvements; and

WHEREAS, the Director of PBCE's determination on a Conformance Review application shall occur at a Conformance Review Hearing (as described in the Implementation Guide), which may be held on dates when Director of PBCE Hearings are also scheduled to occur for other matters; however, the Director of PBCE's decision on a Conformance Review application shall not be subject to appeal pursuant to Section 20.100.220; and

WHEREAS, on April 28, 2021, the Planning Commission of the City of San José held a duly noticed and advertised public hearing to receive oral and written testimony regarding the planned rezoning and recommended that the subject property be zoned to the Downtown West PD Zoning District; and

WHEREAS, the City Council of the City of San José held a duly noticed and advertised public hearing to receive oral and written testimony regarding the planned rezoning based on the recommendations of the City's Planning Commission and Director of PBCE; and

WHEREAS, the approximately 80-acre site located in the General Plan Downtown Growth Area and within the boundaries of the Diridon Station Area Plan (as amended by Resolution No. __) encompassed by the proposed rezoning was the subject of that certain Final Environmental Impact Report for the Downtown West Mixed-Use Plan ("FEIR"); and

WHEREAS, this Council of the City of San José has considered, approved, and certified said FEIR and adopted related findings, a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations under separate Resolution No. ____ on May ___, 2021 prior to taking any approval actions on the Project; and

WHEREAS, this Ordinance approving amendments to Title 20 is a companion to the following approvals relating to Downtown West: override of the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan inconsistency determination (Resolution No. __); amendments to the General Plan including land use designations applicable to Downtown West (Resolution No. __); amendments to the Diridon Station Area Plan (Resolution No. __); Planned Development Rezoning, including a General Development Plan (Ordinance No. __); the Development Agreement for the Downtown West Mixed-Use Plan (Ordinance No. __); a Planned Development Permit (Resolution No. __); approval of a Vesting Tentative Map (Resolution No. __); amendments to the landmark boundaries of the San José Water Company Historic Landmark and the Southern Pacific Depot Historic District (Resolutions No. __ and __, respectively); an amendment to Historic Preservation Permit (HP16-002) (Resolution No. __); approval of Major Encroachment Permits (Resolution No. __); and approval of the Construction Impact Mitigation Plan (Resolution No. __); and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed amendment to Title 20 of the San José Municipal Code;

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

Having reviewed the materials identified in the recitals above, and having heard all testimony and comments, the City Council finds and determines as follows:

SECTION 1. The recitals above are incorporated herein.

SECTION 2. The purpose and intent of this Ordinance is to ensure that development within Downtown West shall be allowed in a manner that fully implements development of the Project consistent with the standards, requirements, and procedures set forth in the Downtown West PD Zoning District, approved by Ordinance No. ____, including but not limited to intensity, height, land uses, and subsequent review and approval procedures, and the following specific requirements and regulations applicable to the Project:

1. The Director of PBCE's determination on a Conformance Review application shall occur at a Conformance Review Hearing (as set forth in the Implementation Guide), which may be held on dates when Director of PBCE Hearings are also scheduled to occur for other matters. A Conformance Review Hearing shall not constitute a "Director's hearing" under Section 20.100.220 and Table 20-260 (Appeal Hearing Body) of Title 20 of the Municipal Code. The Director of PBCE's decision on a Conformance Review application shall not be subject to appeal to the Planning Commission or City Council. The decision of the Director of PBCE is final and shall not be appealable to any other approval body within the City.
2. The GDP for the Downtown West PD Zoning District establishes the maximum allowable building heights for development within the Downtown West PD Zoning District. The GDP further establishes a process where the maximum building heights for individual buildings in the Downtown West PD Zoning District may be increased without amendment to the GDP, provided that (a) such increase correlates to an increase in maximum allowable height authorized by the FAA and approved by City Council following review by the Santa Clara County Airport Land Use Commission, if applicable, and (b) Director of PBCE conducts environmental review of the building's proposed height increase to determine compliance under CEQA.
3. The GDP establishes specific residential parking standards applicable within the Downtown West PD Zoning District. The Development Agreement and the GDP also establishes specific commercial/public parking requirements applicable to the

Downtown West PD Zoning District (the “Required Parking Ratio” as defined and described in the GDP and Development Agreement, approved by Ordinance No. ____). The specific parking standards set forth in the GDP and Development Agreement shall apply and govern development within the Downtown West PD Zoning District notwithstanding anything to the contrary in Title 20. The GDP also establishes the standards and requirements for bicycle parking in the Downtown West PD Zoning District notwithstanding anything to the contrary in Title 20.

4. The GDP establishes the land uses authorized within the Downtown West PD Zoning District. The GDP identifies whether land uses are: Permitted; a Conditional Use that requires the approval of a subsequent planned development permit; a Special Use that requires the approval of a subsequent planned development permit; and authorized upon the issuance of an Administrative Permit. Certain uses require compliance with conditions of approval that are set forth in the GDP. The land use regulations in the GDP shall control and apply within the Downtown West PD Zoning District notwithstanding anything to the contrary in Title 20.
5. The term of an Administrative Permit issued within the Downtown West PD Zoning District shall be a minimum of five (5) years, subject to a five (5) year extension. A permittee may request the renewal of an Administrative Permit pursuant to the terms of the GDP.
6. The GDP authorizes Special Events and Limited-Term Uses (as defined in the GDP) on private property within the Downtown West PD Zoning District, without any further authorization, permits, or approvals from the Director of PBCE or any other City department, except to the extent a permit is required under the San José Municipal Fire Code or the event includes amplified noise that exceeds 60 decibels (dBA) based on an hourly average noise level (hourly L_{eq}). The GDP establishes a process for obtaining a Fire Permit for Special Events and Limited-Term Uses on private property, which shall apply to the Downtown West PD Zoning District. The GDP establishes a process for obtaining an Amplified Sound Permit for

Special Events and Limited-Term Uses that include amplified noise that exceeds 60 dBA based on an hourly L_{eq} , which shall apply to the Downtown West PD Zoning District. The GDP also establishes a process for coordinating review of certain Special Events with other City departments (Police Department and Department of Transportation).

SECTION 3. To ensure that Project-specific development regulations will control over Title 20 of the San Jose Municipal Code, notwithstanding Section 20.10.040.A and 20.10.030, this codified Ordinance hereby amends Title 20 of the San José Municipal Code to add a new Part 7 - Downtown West Regulations and Standards, Section 20.70.700 as follows:

Part 7 - DOWNTOWN WEST REGULATIONS AND STANDARDS

20.70.700 Downtown West Planned Development Zoning District.

The standards applicable in the Downtown West Planned Development Zoning District, including but not limited to permitted land uses, building heights, open space requirements, design standards, and subsequent conformance review and approval and appealability requirements, shall be as set forth in City Council Ordinance No. ____, which established the Downtown West Planned Development Zoning District and adopted the Downtown West General Development Plan. Notwithstanding any other provision of this Title 20, City Council Ordinance No. ____ establishes the applicable standards and requirements for the Downtown West Planned Development Zoning District. In the event of a conflict between Title 20 and City Council Ordinance No. ____, City Council Ordinance No. ____ shall control and shall govern development within the Downtown West Planned Development Zoning District.

SECTION 4. This Ordinance shall take effect upon the effective date of Ordinance No. ____, rezoning the Downtown West property to the Downtown West PD Zoning District.

ADOPTED this day of , 2021, by the following vote:

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE DIRIDON STATION AREA PLAN, A COMPONENT OF THE GENERAL PLAN, PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE, TO REVISE THE LAND USE DESIGNATION FOR THE DOWNTOWN WEST MIXED-USE PLAN PROJECT SITE, EXPAND THE DIRIDON STATION AREA PLAN BOUNDARY, AND IMPLEMENT OTHER TEXT AMENDMENTS AND AMENDMENTS TO DIAGRAMS RELATED TO THE DOWNTOWN WEST MIXED-USE PLAN

File No. GP19-009

WHEREAS, the City Council of the City of San José (“City”) adopted the Envision San José 2040 General Plan in 2011, which General Plan has been amended from time to time (“General Plan”); and

WHEREAS, the General Plan sets forth a vision and comprehensive road map to guide the City’s continued growth through the year 2040 and includes land use policies to focus new growth capacity in strategically identified “Growth Areas” to facilitate the development of higher-density, mixed-use, urban districts that can accommodate employment and housing growth while reducing environmental impacts of that growth by promoting transit use and walkability; and

WHEREAS, the General Plan identifies Downtown San José as a key “Growth Area,” and includes policies intended to support the development of Downtown consistent with the City’s economic, fiscal, environmental, and urban placemaking goals; and

WHEREAS, the City adopted the Diridon Station Area Plan (“DSAP”) in 2014, which is a component of the General Plan and implements the goals and policies of the General Plan within the DSAP area while also addressing issues that are unique to the development of the DSAP area; and

WHEREAS, the DSAP adopted by the City in 2014 covered an approximately 240-acre area located primarily within the Downtown Growth Area Boundary, in anticipation of major transportation investments and a major league ballpark; and

WHEREAS, since the City's adoption of the DSAP in 2014, the City engaged in a community outreach process regarding the community's vision for the DSAP, resulting in several key changes, including the following: the City is no longer planning for a major league ballpark; the City Council adopted the San José Downtown Design Guidelines and Standards ("DDG"); the City Council approved a policy to allow for greater height limits in Downtown, including within the DSAP, in March 2019; and Google LLC submitted a development proposal for the Downtown West Mixed-Use Plan; and

WHEREAS, the City and Google LLC ("Project Sponsor" or "Google") entered into a non-binding Memorandum of Understanding ("MOU"), dated December 4, 2018, to collaborate on development in Downtown San José based on a shared vision to create a vibrant, welcoming, and accessible urban destination consisting of a mix of land uses that are well-integrated with the intermodal transit station, adjacent neighborhoods, and Downtown and shared goals to guide the development of Downtown San José; and

WHEREAS, following an extensive public process involving the City, residents of San José, and other stakeholders, Google submitted project applications for the Downtown West Mixed-Use Plan (the "Project" or "Downtown West") on October 10, 2019, including proposed amendments to the General Plan ("General Plan Amendment"); a Project-specific amendment to the Diridon Station Area Plan ("DSAP Amendment") that is separate from the City's DSAP amendment efforts; rezoning to a Planned Development Zoning District with a General Development Plan; and a Planned Development Permit; and

WHEREAS, on October 7, 2020, Google submitted additional Project applications for a Vesting Tentative Map, two Historic Landmark Amendments to adjust the landmark boundaries of the San José Water Company and the Southern Pacific Depot Historic

District, an amendment of an existing Historic Preservation Permit, and other permits and approvals required to implement the Project (File Nos. GP19-009, PDC19-039, PD19-029, HL20-004, HL20-005, HP20-002, PT20-027); and

WHEREAS, since October 7, 2020, Google has submitted updated Project applications in response to public comments and discussions with City staff for the General Plan Amendment; DSAP Amendment; rezoning to a Planned Development Zoning District, including a General Development Plan; a Planned Development Permit consisting of the Downtown West Design Standards and Guidelines, Downtown West Improvement Standards, Conceptual Infrastructure Plan Sheets, and Downtown West Conformance Review Implementation Guide; Infrastructure Plan; amendment to the Historic Preservation Permit; Vesting Tentative Map; and development agreement; and

WHEREAS, the Project, which is located within the Downtown Growth Area Boundary and within the expanded boundaries of the DSAP as proposed by the DSAP Amendment, advances the shared vision and the shared goals identified in the MOU by optimizing density and a mix of land uses, preserving existing housing and creating new housing, creating broad job opportunities, pursuing equitable development, enhancing and connecting the public realm, pursuing excellence in design, enhancing sustainability and innovation, prioritizing community engagement regarding community benefits, and proceeding with timely implementation; and

WHEREAS, the Project advances a plan that re-envisioned a significant portion of the Diridon Station Area Plan as a mixed-use area that includes development of: up to 7.3 million gross square feet (gsf) of commercial office space; up to 5,900 residential units; up to 500,000 gsf of active uses (commercial retail/restaurant, arts, cultural, live entertainment, community spaces, institutional, childcare and education, maker spaces, non-profit, and small-format office space); up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to 100,000 gsf of event and conference space; up to 4,800 publicly accessible commercial parking spaces and up to 2,360 unbundled parking spaces for residential use; a "District Systems" approach to delivery of on-site utilities,

including designated infrastructure zones with up to two (2) on-site centralized utility plants totaling up to 130,000 gsf; one or more on-site logistics centers to serve the commercial on-site uses that would occupy a total of about 100,000 gsf; a total of approximately 15 acres of parks, plazas and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails; and various other improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods; and

WHEREAS, on December 30, 2019, Governor Gavin Newsom certified the Project as an environmental leadership development project under Public Resources Code Section 21178 *et seq.*, the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (Assembly Bill [AB] 900, as amended by Senate Bill 734 [2013], AB 246 [2017], and Senate Bill 7 [2021], which is currently pending approval in the California State Legislature); and

[WHEREAS, the Project has complied with the requirements related to AB 900 as of the date of adoption of this Resolution and would comply with post-adoption AB 900 requirements if AB 7 is adopted by the California State Legislature; and]

WHEREAS, community outreach for the Project has been ongoing since 2018 and has included over 50 meetings with members of the Diridon Station Area Advisory Group (SAAG), as well as over 100 community outreach events that provided the public with the opportunity to review the Project through a combination of in-person and digital engagement with residents, neighbors, business owners and employees, construction trades, and other stakeholders that included: public design workshops; booths at local and regional community events; presentations to and discussions with local neighborhood, business, and community/special interest associations and organizations; focus group discussions; engagement with faculty and students at local universities and

schools; and other large and small events reaching communities within and around the Project site; and

WHEREAS, the DSAP Amendment is needed to ensure consistency with the proposed General Plan Amendment (Resolution No. _____), which the City Council considered concurrently with the proposed DSAP Amendment, and to address changes that have occurred within the DSAP since the City's adoption of the DSAP in 2014; and

WHEREAS, as adopted in 2014, the DSAP identified a "test fit" that described a conceptual maximum possible build-out that could be achieved over time within the constraints and opportunities known in 2014; however, the City's planning efforts have continued to evolve since 2014 and the DSAP Amendment reflects certain changed conditions, including development of the Project; and

WHEREAS, the DSAP Amendment expands the existing 240-acre DSAP boundary to include the approximately 10-acre area bounded by West Santa Clara Street, Los Gatos Creek, Guadalupe River, and West San Fernando Street; and

WHEREAS, the DSAP Amendment further amends the land use designations for the Project site from the existing designations of Transit Employment Center, Public/Quasi-Public, Commercial Downtown, Open Space, Parklands and Habitat, Downtown and Combined Industrial/Commercial to the land use designations of Downtown or Commercial Downtown, consistent with the General Plan as amended by Resolution No. ____; and

WHEREAS, the DSAP Amendment further amends the street typology for the following streets to align with the General Plan (as amended by Resolution No. ____): South Montgomery Street (between West Santa Clara Street to West San Fernando Street) from a Grand Boulevard to Main Street; and N. Montgomery Street (between West Julian Street to West St. John Street) from a Local Connector to On-Street Primary Bicycle Facility; and

WHEREAS, the DSAP Amendment further amends the street typology for the following streets as shown in applicable DSAP diagrams in Exhibit “A”: St. John Street (east of N. Montgomery) from Local Connector to On-Street Primary Bicycle Facility; N. Montgomery from Bicycle Boulevard and Local Connector to On-Street Primary Bicycle Facility; and Post Street (between S. Montgomery and S. Autumn Street) from Bicycle Boulevard to Local Connector; and

WHEREAS, the DSAP Amendment further clarifies that certain design standards for Downtown West are set forth and governed by the Project’s approvals and documents, including but not limited to: the Downtown West Planned Development Zoning District, including a General Development Plan (Ordinance No. ____); the Downtown West Planned Development Permit, which consists of the Downtown West Design Standards and Guidelines, Downtown West Improvement Standards, Conformance Review Implementation Guide, and Conceptual Infrastructure Plan Sheets (Resolution No. ____); Development Agreement for the Downtown West Mixed-Use Plan (Ordinance No. ____); Vesting Tentative Map (Resolution No. ____); and other applicable Project approvals and documents (File No. ____); and

WHEREAS, the City is separately processing a subsequent amendment to the DSAP (“City DSAP Amendment”) that will reflect the proposed Project, and that is intended to adapt the DSAP to current circumstances, align it with other adopted and ongoing plans, integrate equity considerations, and support DSAP implementation through private development and public investments; it is anticipated that the City Council will consider the City DSAP Amendment in [Spring/Summer 2021]; and

WHEREAS, the governing DSAP for the Project shall be the DSAP Amendment approved by this Resolution No. ____; and

WHEREAS, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt, and from time to time amend, the General Plan governing the physical development of the City of San Jose; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, in compliance with AB 900, the City, as lead agency, has prepared an administrative record for the Project concurrently with the environmental review process for the Project, to inform governmental agencies and the public of the potential environmental impacts of the Project, and commencing on October 7, 2020, the City has timely published such documents on its official website; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code and State law, the City provided opportunities for public involvement in relation to the General Plan Amendment for the Project, and the City has published Project applications and documents, including the proposed General Plan Amendment, and updates and amendments to such applications and documents, on the City's official website; and

WHEREAS, on _____, the notice of the public hearing was published in the [____], published on the City's website, and mailed to property owners within a 1,000 foot radius of the subject real property; and

WHEREAS, on _____, the Planning Commission held a public hearing to consider the proposed DSAP Amendment, as set forth in Exhibit "A", at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission voted to recommend that the City Council approve the proposed DSAP Amendment; and

WHEREAS, a copy of the proposed DSAP Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on , 2021, at ____ p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the City Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed DSAP Amendment (Exhibit “A”); and

WHEREAS, on , 2021, the City Council held a duly noticed public hearing to consider the proposed DSAP Amendment, at which time all interested persons had an opportunity to and did testify either in support or in opposition to the proposed DSAP Amendment; and

WHEREAS, the City Council of the City of San José has considered, approved, and certified the Final Environmental Impact Report for the Downtown West Mixed-Use Plan (“FEIR”) and adopted related findings, a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations under separate Resolution No. ____ on May ____, 2021 prior to making its determination on the proposed DSAP Amendment or other Project approvals; and

WHEREAS, this Resolution approving the DSAP Amendment is a companion to the following approvals relating to Downtown West: an override of the Santa Clara County Airport Land Use Commission’s Comprehensive Land Use Plan inconsistency determination (Resolution No. ____); a General Plan Amendment (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. ____); amendments to the landmark boundaries of the San José Water

Company Historic Landmark and the Southern Pacific Depot Historic District (Resolutions No. ____ and ____); an amendment to Historic Preservation Permit (HP16-002) (Resolution No. ____); approval of Major Encroachment Permits (Resolution No. ____); and approval of the Construction Impact Mitigation Plan (Resolution No. ____); and

WHEREAS, the City Council is the decision-making body for the proposed DSAP Amendment;

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

SECTION 1. The City Council finds that all the facts set forth in the foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Having reviewed the materials identified in the recitals above, and having heard all testimony and comments, the City Council finds and determines as follows:

- A. The DSAP Amendment is consistent with the Goals and Policies of the General Plan as set forth in Exhibit “B” to the General Plan Amendment Resolution (Resolution No. ____).
- B. The City Council hereby adopts the Project-specific DSAP Amendment as set forth in Exhibit “A”.

SECTION 3. The City Council authorizes the Director of PBCE to make minor technical and clerical changes, such as grammatical or typographical changes, to the DSAP Amendment as set forth in Exhibit “A”, in consultation with the City Attorney’s Office, as necessary or appropriate, to implement this Resolution and to effectuate the City’s performance thereunder.

SECTION 4. This Resolution shall take effect thirty (30) days after adoption.

ADOPTED this day of , 2021 , by the following vote:

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE DIRIDON STATION AREA PLAN, A COMPONENT OF THE GENERAL PLAN, PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE, TO REVISE THE LAND USE DESIGNATION FOR THE DOWNTOWN WEST MIXED-USE PLAN PROJECT SITE, EXPAND THE DIRIDON STATION AREA PLAN BOUNDARY, AND IMPLEMENT OTHER TEXT AMENDMENTS AND AMENDMENTS TO DIAGRAMS RELATED TO THE DOWNTOWN WEST MIXED-USE PLAN

File No. GP19-009

WHEREAS, the City Council of the City of San José (“City”) adopted the Envision San José 2040 General Plan in 2011, which General Plan has been amended from time to time (“General Plan”); and

WHEREAS, the General Plan sets forth a vision and comprehensive road map to guide the City’s continued growth through the year 2040 and includes land use policies to focus new growth capacity in strategically identified “Growth Areas” to facilitate the development of higher-density, mixed-use, urban districts that can accommodate employment and housing growth while reducing environmental impacts of that growth by promoting transit use and walkability; and

WHEREAS, the General Plan identifies Downtown San José as a key “Growth Area,” and includes policies intended to support the development of Downtown consistent with the City’s economic, fiscal, environmental, and urban placemaking goals; and

WHEREAS, the City adopted the Diridon Station Area Plan (“DSAP”) in 2014, which is a component of the General Plan and implements the goals and policies of the General Plan within the DSAP area while also addressing issues that are unique to the development of the DSAP area; and

WHEREAS, the DSAP adopted by the City in 2014 covered an approximately 240-acre area located primarily within the Downtown Growth Area Boundary, in anticipation of major transportation investments and a major league ballpark; and

WHEREAS, since the City's adoption of the DSAP in 2014, the City engaged in a community outreach process regarding the community's vision for the DSAP, resulting in several key changes, including the following: the City is no longer planning for a major league ballpark; the City Council adopted the San José Downtown Design Guidelines and Standards ("DDG"); the City Council approved a policy to allow for greater height limits in Downtown, including within the DSAP, in March 2019; and Google LLC submitted a development proposal for the Downtown West Mixed-Use Plan; and

WHEREAS, the City and Google LLC ("Project Sponsor" or "Google") entered into a non-binding Memorandum of Understanding ("MOU"), dated December 4, 2018, to collaborate on development in Downtown San José based on a shared vision to create a vibrant, welcoming, and accessible urban destination consisting of a mix of land uses that are well-integrated with the intermodal transit station, adjacent neighborhoods, and Downtown and shared goals to guide the development of Downtown San José; and

WHEREAS, following an extensive public process involving the City, residents of San José, and other stakeholders, Google submitted project applications for the Downtown West Mixed-Use Plan (the "Project" or "Downtown West") on October 10, 2019, including proposed amendments to the General Plan ("General Plan Amendment"); a Project-specific amendment to the Diridon Station Area Plan ("DSAP Amendment") that is separate from the City's DSAP amendment efforts; rezoning to a Planned Development Zoning District with a General Development Plan; and a Planned Development Permit; and

WHEREAS, on October 7, 2020, Google submitted additional Project applications for a Vesting Tentative Map, two Historic Landmark Amendments to adjust the landmark boundaries of the San José Water Company and the Southern Pacific Depot Historic

District, an amendment of an existing Historic Preservation Permit, and other permits and approvals required to implement the Project (File Nos. GP19-009, PDC19-039, PD19-029, HL20-004, HL20-005, HP20-002, PT20-027); and

WHEREAS, since October 7, 2020, Google has submitted updated Project applications in response to public comments and discussions with City staff for the General Plan Amendment; DSAP Amendment; rezoning to a Planned Development Zoning District, including a General Development Plan; a Planned Development Permit consisting of the Downtown West Design Standards and Guidelines, Downtown West Improvement Standards, Conceptual Infrastructure Plan Sheets, and Downtown West Conformance Review Implementation Guide; Infrastructure Plan; amendment to the Historic Preservation Permit; Vesting Tentative Map; and development agreement; and

WHEREAS, the Project, which is located within the Downtown Growth Area Boundary and within the expanded boundaries of the DSAP as proposed by the DSAP Amendment, advances the shared vision and the shared goals identified in the MOU by optimizing density and a mix of land uses, preserving existing housing and creating new housing, creating broad job opportunities, pursuing equitable development, enhancing and connecting the public realm, pursuing excellence in design, enhancing sustainability and innovation, prioritizing community engagement regarding community benefits, and proceeding with timely implementation; and

WHEREAS, the Project advances a plan that re-envisioned a significant portion of the Diridon Station Area Plan as a mixed-use area that includes development of: up to 7.3 million gross square feet (gsf) of commercial office space; up to 5,900 residential units; up to 500,000 gsf of active uses (commercial retail/restaurant, arts, cultural, live entertainment, community spaces, institutional, childcare and education, maker spaces, non-profit, and small-format office space); up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to 100,000 gsf of event and conference space; up to 4,800 publicly accessible commercial parking spaces and up to 2,360 unbundled parking spaces for residential use; a "District Systems" approach to delivery of on-site utilities,

including designated infrastructure zones with up to two (2) on-site centralized utility plants totaling up to 130,000 gsf; one or more on-site logistics centers to serve the commercial on-site uses that would occupy a total of about 100,000 gsf; a total of approximately 15 acres of parks, plazas and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails; and various other improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods; and

WHEREAS, on December 30, 2019, Governor Gavin Newsom certified the Project as an environmental leadership development project under Public Resources Code Section 21178 *et seq.*, the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (Assembly Bill [AB] 900, as amended by Senate Bill 734 [2013], AB 246 [2017], and Senate Bill 7 [2021], which is currently pending approval in the California State Legislature); and

[**WHEREAS**, the Project has complied with the requirements related to AB 900 as of the date of adoption of this Resolution and would comply with post-adoption AB 900 requirements if AB 7 is adopted by the California State Legislature; and]

WHEREAS, community outreach for the Project has been ongoing since 2018 and has included over 50 meetings with members of the Diridon Station Area Advisory Group (SAAG), as well as over 100 community outreach events that provided the public with the opportunity to review the Project through a combination of in-person and digital engagement with residents, neighbors, business owners and employees, construction trades, and other stakeholders that included: public design workshops; booths at local and regional community events; presentations to and discussions with local neighborhood, business, and community/special interest associations and organizations; focus group discussions; engagement with faculty and students at local universities and

schools; and other large and small events reaching communities within and around the Project site; and

WHEREAS, the DSAP Amendment is needed to ensure consistency with the proposed General Plan Amendment (Resolution No. _____), which the City Council considered concurrently with the proposed DSAP Amendment, and to address changes that have occurred within the DSAP since the City's adoption of the DSAP in 2014; and

WHEREAS, as adopted in 2014, the DSAP identified a "test fit" that described a conceptual maximum possible build-out that could be achieved over time within the constraints and opportunities known in 2014; however, the City's planning efforts have continued to evolve since 2014 and the DSAP Amendment reflects certain changed conditions, including development of the Project; and

WHEREAS, the DSAP Amendment expands the existing 240-acre DSAP boundary to include the approximately 10-acre area bounded by West Santa Clara Street, Los Gatos Creek, Guadalupe River, and West San Fernando Street; and

WHEREAS, the DSAP Amendment further amends the land use designations for the Project site from the existing designations of Transit Employment Center, Public/Quasi-Public, Commercial Downtown, Open Space, Parklands and Habitat, Downtown and Combined Industrial/Commercial to the land use designations of Downtown or Commercial Downtown, consistent with the General Plan as amended by Resolution No. ____; and

WHEREAS, the DSAP Amendment further amends the street typology for the following streets to align with the General Plan (as amended by Resolution No. ____): South Montgomery Street (between West Santa Clara Street to West San Fernando Street) from a Grand Boulevard to Main Street; and N. Montgomery Street (between West Julian Street to West St. John Street) from a Local Connector to On-Street Primary Bicycle Facility; and

WHEREAS, the DSAP Amendment further amends the street typology for the following streets as shown in applicable DSAP diagrams in Exhibit “A”: St. John Street (east of N. Montgomery) from Local Connector to On-Street Primary Bicycle Facility; N. Montgomery from Bicycle Boulevard and Local Connector to On-Street Primary Bicycle Facility; and Post Street (between S. Montgomery and S. Autumn Street) from Bicycle Boulevard to Local Connector; and

WHEREAS, the DSAP Amendment further clarifies that certain design standards for Downtown West are set forth and governed by the Project’s approvals and documents, including but not limited to: the Downtown West Planned Development Zoning District, including a General Development Plan (Ordinance No. ____); the Downtown West Planned Development Permit, which consists of the Downtown West Design Standards and Guidelines, Downtown West Improvement Standards, Conformance Review Implementation Guide, and Conceptual Infrastructure Plan Sheets (Resolution No. ____); Development Agreement for the Downtown West Mixed-Use Plan (Ordinance No. ____); Vesting Tentative Map (Resolution No. ____); and other applicable Project approvals and documents (File No. ____); and

WHEREAS, the City is separately processing a subsequent amendment to the DSAP (“City DSAP Amendment”) that will reflect the proposed Project, and that is intended to adapt the DSAP to current circumstances, align it with other adopted and ongoing plans, integrate equity considerations, and support DSAP implementation through private development and public investments; it is anticipated that the City Council will consider the City DSAP Amendment in [Spring/Summer 2021]; and

WHEREAS, the governing DSAP for the Project shall be the DSAP Amendment approved by this Resolution No. ____; and

WHEREAS, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt, and from time to time amend, the General Plan governing the physical development of the City of San Jose; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, in compliance with AB 900, the City, as lead agency, has prepared an administrative record for the Project concurrently with the environmental review process for the Project, to inform governmental agencies and the public of the potential environmental impacts of the Project, and commencing on October 7, 2020, the City has timely published such documents on its official website; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code and State law, the City provided opportunities for public involvement in relation to the General Plan Amendment for the Project, and the City has published Project applications and documents, including the proposed General Plan Amendment, and updates and amendments to such applications and documents, on the City's official website; and

WHEREAS, on _____, the notice of the public hearing was published in the [____], published on the City's website, and mailed to property owners within a 1,000 foot radius of the subject real property; and

WHEREAS, on _____, the Planning Commission held a public hearing to consider the proposed DSAP Amendment, as set forth in Exhibit "A", at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission voted to recommend that the City Council approve the proposed DSAP Amendment; and

WHEREAS, a copy of the proposed DSAP Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on , 2021, at ____ p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the City Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed DSAP Amendment (Exhibit “A”); and

WHEREAS, on , 2021, the City Council held a duly noticed public hearing to consider the proposed DSAP Amendment, at which time all interested persons had an opportunity to and did testify either in support or in opposition to the proposed DSAP Amendment; and

WHEREAS, the City Council of the City of San José has considered, approved, and certified the Final Environmental Impact Report for the Downtown West Mixed-Use Plan (“FEIR”) and adopted related findings, a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations under separate Resolution No. ____ on May ___, 2021 prior to making its determination on the proposed DSAP Amendment or other Project approvals; and

WHEREAS, this Resolution approving the DSAP Amendment is a companion to the following approvals relating to Downtown West: an override of the Santa Clara County Airport Land Use Commission’s Comprehensive Land Use Plan inconsistency determination (Resolution No. ____); a General Plan Amendment (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. ____); amendments to the landmark boundaries of the San José Water Company Historic Landmark and the Southern Pacific Depot Historic District (Resolutions No. ____ and ____); an amendment to Historic Preservation Permit (HP16-002) (Resolution No. ____); approval of Major Encroachment Permits (Resolution No. ____); and approval of the Construction Impact Mitigation Plan (Resolution No. ____); and

WHEREAS, the City Council is the decision-making body for the proposed DSAP Amendment;

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

SECTION 1. The City Council finds that all the facts set forth in the foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Having reviewed the materials identified in the recitals above, and having heard all testimony and comments, the City Council finds and determines as follows:

- A. The DSAP Amendment is consistent with the Goals and Policies of the General Plan as set forth in Exhibit “B” to the General Plan Amendment Resolution (Resolution No. ____).
- B. The City Council hereby adopts the Project-specific DSAP Amendment as set forth in Exhibit “A”.

SECTION 3. The City Council authorizes the Director of PBCE to make minor technical and clerical changes, such as grammatical or typographical changes, to the DSAP Amendment as set forth in Exhibit “A”, in consultation with the City Attorney’s Office, as necessary or appropriate, to implement this Resolution and to effectuate the City’s performance thereunder.

SECTION 4. This Resolution shall take effect thirty (30) days after adoption.

ADOPTED this day of , 2021 , by the following vote:

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO REVISE THE LAND USE DESIGNATION OF THE DOWNTOWN WEST MIXED-USE PLAN PROJECT SITE, AMEND GENERAL PLAN POLICIES LU-6.1 AND LU-1.9, AND IMPLEMENT OTHER TEXT AMENDMENTS AND AMENDMENTS TO GENERAL PLAN DIAGRAMS RELATED TO THE DOWNTOWN WEST MIXED-USE PLAN

File No. GP19-009

WHEREAS, the City Council of the City of San José (“City”) adopted the Envision San José 2040 General Plan in 2011, which General Plan has been amended from time to time (“General Plan”); and

WHEREAS, the General Plan sets forth a vision and comprehensive road map to guide the City’s continued growth through the year 2040 and includes land use policies to focus new growth capacity in strategically identified “Growth Areas” to facilitate the development of higher-density, mixed-use, urban districts that can accommodate employment and housing growth while reducing environmental impacts of that growth by promoting transit use and walkability; and

WHEREAS, the General Plan identifies Downtown San José as a key “Growth Area,” and includes policies intended to support the development of Downtown consistent with the City’s economic, fiscal, environmental, and urban placemaking goals; and

WHEREAS, the City and Google LLC (“Google or Project Sponsor”) entered into a non-binding Memorandum of Understanding (“MOU”), dated December 4, 2018, to collaborate on development of Downtown San José based on a shared vision to create a vibrant, welcoming, and accessible urban destination consisting of a mix of land uses that are

well-integrated with the intermodal transit station, adjacent neighborhoods, and Downtown, and shared goals to guide the development of Downtown San José; and

WHEREAS, following an extensive public process involving the City, residents of San José, and other stakeholders, the Project Sponsor submitted project applications for the Downtown West Mixed-Use Plan (the “Project” or “Downtown West”) on October 10, 2019, including proposed amendments to the General Plan (“General Plan Amendment”); a Project-specific amendment to the Diridon Station Area Plan (“DSAP Amendment”) that is separate from the City’s DSAP amendment efforts; rezoning to a Planned Development Zoning District with a General Development Plan; and a Planned Development Permit; and

WHEREAS, on October 7, 2020, Google submitted additional Project applications for a Vesting Tentative Map, two Historic Landmark Boundary amendments to adjust the landmark boundaries of the San José Water Company and the Southern Pacific Depot Historic District, an amendment of an existing Historic Preservation Permit, a development agreement, and other permits and approvals required to implement the Project (File Nos. GP19-009, PDC19-039, PD19-029, HL20-004, HL20-005, HP20-002, PT20-027); and

WHEREAS, since October 7, 2020, Google has submitted updated Project applications in response to public comments and discussions with City staff for the General Plan Amendment; DSAP Amendment; rezoning to a Planned Development Zoning District, including a General Development Plan; a Planned Development Permit consisting of the Downtown West Design Standards and Guidelines, Downtown West Improvement Standards, Conceptual Infrastructure Plan Sheets, and Downtown West Conformance Review Implementation Guide; Infrastructure Plan; amendment to the Historic Preservation Permit; Vesting Tentative Map; and development agreement; and

WHEREAS, the Project, which is located within the Downtown Growth Area Boundary and within the boundaries of the DSAP (as such boundaries are proposed to be amended

by Resolution No. __), advances the shared vision and the shared goals identified in the MOU by optimizing density and a mix of land uses, preserving existing housing and creating new housing, creating broad job opportunities, pursuing equitable development, enhancing and connecting the public realm, pursuing excellence in design, enhancing sustainability and innovation, prioritizing community engagement regarding community benefits, and proceeding with timely implementation; and

WHEREAS, the Project advances a plan that re-envision a significant portion of the DSAP as a mixed-use area that includes development of: up to 7.3 million gross square feet (gsf) of commercial office space; up to 5,900 residential units; up to 500,000 gsf of active uses (commercial retail/restaurant, arts, cultural, live entertainment, community spaces, institutional, childcare and education, maker spaces, non-profit, and small-format office space); up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to 100,000 gsf of event and conference space; up to 4,800 publicly accessible commercial parking spaces and up to 2,360 unbundled parking spaces for residential use; a "District Systems" approach to delivery of on-site utilities, including designated infrastructure zones with up to two (2) on-site centralized utility plants totaling up to 130,000 gsf; one or more on-site logistics centers to serve the commercial on-site uses that would occupy a total of about 100,000 gsf; a total of approximately 15 acres of parks, plazas and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails; and various other improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods; and

WHEREAS, on December 30, 2019, Governor Gavin Newsom certified the Project as an environmental leadership development project under Public Resources Code § 21178 *et. seq.* the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (Assembly Bill [AB] 900, as amended by Senate Bill 734 [2013], AB 246 [2017], and Senate Bill 7 [2021], which is currently pending approval in the California State Legislature); and

[WHEREAS, the Project has complied with requirements related to AB 900 as of the date of adoption of this Ordinance and would comply with post-adoption AB 900 requirements if AB 7 is adopted by the California State Legislature; and

WHEREAS, community outreach for the Project has been ongoing since 2018 and has included over 50 meetings with members of the Diridon Station Area Advisory Group (SAAG), as well as over 100 community outreach events that provided the public with the opportunity to review the Project through a combination of in-person and digital engagement with residents, neighbors, business owners and employees, construction trades, and other stakeholders that included: public design workshops; booths at local and regional community events; presentations to and discussions with local neighborhood, business, and community/special interest associations and organizations; focus group discussions; engagement with faculty and students at local universities and schools; and other large and small events reaching communities within and around the Project site; and

WHEREAS, the existing General Plan land use designations for the Project site include: Transit Employment Center; Public/Quasi-Public; Open Space, Parklands and Habitat; Commercial Downtown, Downtown and Combined Industrial/Commercial; and

WHEREAS, the proposed General Plan Amendment would amend the land use designations for the approximately 80 acre Project site from the existing designations to the designations of Downtown and Commercial Downtown, as depicted on Exhibit "A"; and

WHEREAS, the General Plan Amendment would amend Policy LU-6.1 to provide that lands located within the DSAP may be re-designated from mixed industrial-commercial land uses to mixed residential-commercial or non-employment land uses consistent with the Downtown and Commercial Downtown land use designations for the Project site; and

WHEREAS, the General Plan Amendment would amend Policy LU-1.9 to authorize lands designated Public/Quasi-Public within the DSAP to be re-designated to other land use designations that advance the City's employment growth or housing goals; and

WHEREAS, the Project proposes improvements to the street network to support the Project's mix of land uses and promote walking, biking, and public transit access and ridership; and

WHEREAS, the General Plan Amendment proposes the re-designation of the following streets as further depicted in Exhibit "A": South Montgomery Street (between West Santa Clara Street to West San Fernando Street) from a Grand Boulevard to Main Street; and North Montgomery Street (between West Julian Street to West St. John Street) from a Local Connector to On-Street Primary Bicycle Facility; and

WHEREAS, the General Plan Amendment includes additional text and diagram amendments as further set forth in Exhibit "A", including but not limited to text amendments clarifying that the DSAP is not an "urban village" and describing changes that have occurred since the City's adoption of the DSAP in 2014, and diagram amendments showing changes to the street network, including through proposed street abandonments, and proposed changes to street typology within the Project site; and

WHEREAS, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt, and from time to time amend, the General Plan governing the physical development of the City of San José; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, in compliance with AB900, the City, as lead agency, has prepared an administrative record for the Project concurrently with the environmental review process for the Project, to inform governmental agencies and the public of the potential environmental impacts of the Project, and commencing on October 7, 2020, the City has timely published such documents on its official website; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code and State law, the City provided opportunities for public involvement in relation to the General Plan Amendment for the Project, and the City has published Project applications and documents, including the proposed General Plan Amendment, and updates and amendments to such applications and documents, on the City's official website; and

WHEREAS, on _____, the notice of the public hearing was published in the [____], published on the City's website, and mailed to property owners within a 1,000 foot radius of the subject real property; and

WHEREAS, on _____, the Planning Commission held a public hearing to consider the proposed General Plan Amendment, as set forth in Exhibit "A", at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission voted to recommend that the City Council approve the proposed General Plan Amendment; and

WHEREAS, a copy of the proposed General Plan Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on ____ 2021, at ____ p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the City Council would hold a public hearing where

interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit “A”); and

WHEREAS, the City Council of the City of San José has considered, approved, and certified the Final Environmental Impact Report for the Downtown West Mixed Use Plan (“FEIR”) and adopted related findings, a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations under separate Resolution No. ____ on May ___, 2021 prior to making its determination on the proposed General Plan Amendment or other Project approvals; and

WHEREAS, on May ___, 2021, by Resolution No. ___, the City Council of the City of San José by a two-thirds vote, approved an override of the Santa Clara County Airport Land Use Commission’s Comprehensive Land Use Plan inconsistency determination for the Downtown West General Plan Amendment and Planned Development Rezoning; and

WHEREAS, this Resolution approving the General Plan Amendment is a companion to the following approvals relating to Downtown West: 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. __); amendments to the landmark boundaries of the San José Water Company Historic Landmark and the Southern Pacific Depot Historic District (Resolutions No. __ and __); an amendment to Historic Preservation Permit (HP16-002) (Resolution No. __); approval of Major Encroachment Permits (Resolution No. __); and approval of the Construction Impact Mitigation Plan (Resolution No. __); and

WHEREAS, the City Council is the decision-making body for the proposed General Plan Amendment;

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

SECTION 1. The City Council finds that all the facts set forth in the foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Having reviewed the materials identified in the recitals above, and having heard all testimony and comments, the City Council finds and determines as follows:

- A. The City Council has reviewed the Project and determined that it promotes the General Plan's strategy (Major Strategy #9) of developing Downtown San José into an important employment and residential neighborhood by converting underutilized space into a mix of complementary land uses and the Project is anticipated to generate additional jobs and housing capacity within Downtown San José, increasing the current growth capacity within the Downtown Growth Area from 58,659 jobs and 15,160 dwelling units to 79,679 jobs and 20,735 dwelling units;
- B. The City Council has reviewed the General Plan Amendment set forth in Exhibit "A" and determined that the General Plan Amendment will result in an internally consistent General Plan, as set forth in the General Plan Consistency Findings in Exhibit "B", attached hereto and incorporated herein, and the land use designations for Downtown West will correlate with the circulation network, including the provision of infrastructure, public facilities and services to meet the demands of Downtown West;
- C. The City Council hereby approves the proposed General Plan Amendment, as set forth in Exhibit "A".

SECTION 3.

- A. The City Council authorizes the Director of PBCE to make minor technical and clerical changes, such as grammatical or typographical changes, to the General Plan Amendment as set forth in Exhibit "A", in consultation with the City Attorney's Office, as necessary or appropriate, to implement this Resolution and to effectuate the City's performance thereunder.
- B. The City Council authorizes the Director of Transportation, who maintains the City's Functional Classification Diagram, to update the Functional Classification Diagram, as necessary or appropriate, to conform the Functional Classification Diagram with the street network and street typology changes to ensure consistency with the General Plan Amendments.

SECTION 4. This Resolution shall take effect thirty (30) days after adoption.

ADOPTED this day of , 2021, by the following vote:

Exhibit A
Amendments to Envision San José 2040 General Plan

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO REVISE THE LAND USE DESIGNATION OF THE DOWNTOWN WEST MIXED-USE PLAN PROJECT SITE, AMEND GENERAL PLAN POLICIES LU-6.1 AND LU-1.9, AND IMPLEMENT OTHER TEXT AMENDMENTS AND AMENDMENTS TO GENERAL PLAN DIAGRAMS RELATED TO THE DOWNTOWN WEST MIXED-USE PLAN

File No. GP19-009

WHEREAS, the City Council of the City of San José (“City”) adopted the Envision San José 2040 General Plan in 2011, which General Plan has been amended from time to time (“General Plan”); and

WHEREAS, the General Plan sets forth a vision and comprehensive road map to guide the City’s continued growth through the year 2040 and includes land use policies to focus new growth capacity in strategically identified “Growth Areas” to facilitate the development of higher-density, mixed-use, urban districts that can accommodate employment and housing growth while reducing environmental impacts of that growth by promoting transit use and walkability; and

WHEREAS, the General Plan identifies Downtown San José as a key “Growth Area,” and includes policies intended to support the development of Downtown consistent with the City’s economic, fiscal, environmental, and urban placemaking goals; and

WHEREAS, the City and Google LLC (“Google or Project Sponsor”) entered into a non-binding Memorandum of Understanding (“MOU”), dated December 4, 2018, to collaborate on development of Downtown San José based on a shared vision to create a vibrant, welcoming, and accessible urban destination consisting of a mix of land uses that are

well-integrated with the intermodal transit station, adjacent neighborhoods, and Downtown, and shared goals to guide the development of Downtown San José; and

WHEREAS, following an extensive public process involving the City, residents of San José, and other stakeholders, the Project Sponsor submitted project applications for the Downtown West Mixed-Use Plan (the “Project” or “Downtown West”) on October 10, 2019, including proposed amendments to the General Plan (“General Plan Amendment”); a Project-specific amendment to the Diridon Station Area Plan (“DSAP Amendment”) that is separate from the City’s DSAP amendment efforts; rezoning to a Planned Development Zoning District with a General Development Plan; and a Planned Development Permit; and

WHEREAS, on October 7, 2020, Google submitted additional Project applications for a Vesting Tentative Map, two Historic Landmark Boundary amendments to adjust the landmark boundaries of the San José Water Company and the Southern Pacific Depot Historic District, an amendment of an existing Historic Preservation Permit, a development agreement, and other permits and approvals required to implement the Project (File Nos. GP19-009, PDC19-039, PD19-029, HL20-004, HL20-005, HP20-002, PT20-027); and

WHEREAS, since October 7, 2020, Google has submitted updated Project applications in response to public comments and discussions with City staff for the General Plan Amendment; DSAP Amendment; rezoning to a Planned Development Zoning District, including a General Development Plan; a Planned Development Permit consisting of the Downtown West Design Standards and Guidelines, Downtown West Improvement Standards, Conceptual Infrastructure Plan Sheets, and Downtown West Conformance Review Implementation Guide; Infrastructure Plan; amendment to the Historic Preservation Permit; Vesting Tentative Map; and development agreement; and

WHEREAS, the Project, which is located within the Downtown Growth Area Boundary and within the boundaries of the DSAP (as such boundaries are proposed to be amended

by Resolution No. __), advances the shared vision and the shared goals identified in the MOU by optimizing density and a mix of land uses, preserving existing housing and creating new housing, creating broad job opportunities, pursuing equitable development, enhancing and connecting the public realm, pursuing excellence in design, enhancing sustainability and innovation, prioritizing community engagement regarding community benefits, and proceeding with timely implementation; and

WHEREAS, the Project advances a plan that re-envision a significant portion of the DSAP as a mixed-use area that includes development of: up to 7.3 million gross square feet (gsf) of commercial office space; up to 5,900 residential units; up to 500,000 gsf of active uses (commercial retail/restaurant, arts, cultural, live entertainment, community spaces, institutional, childcare and education, maker spaces, non-profit, and small-format office space); up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to 100,000 gsf of event and conference space; up to 4,800 publicly accessible commercial parking spaces and up to 2,360 unbundled parking spaces for residential use; a "District Systems" approach to delivery of on-site utilities, including designated infrastructure zones with up to two (2) on-site centralized utility plants totaling up to 130,000 gsf; one or more on-site logistics centers to serve the commercial on-site uses that would occupy a total of about 100,000 gsf; a total of approximately 15 acres of parks, plazas and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails; and various other improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods; and

WHEREAS, on December 30, 2019, Governor Gavin Newsom certified the Project as an environmental leadership development project under Public Resources Code § 21178 *et. seq.* the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (Assembly Bill [AB] 900, as amended by Senate Bill 734 [2013], AB 246 [2017], and Senate Bill 7 [2021], which is currently pending approval in the California State Legislature); and

[WHEREAS, the Project has complied with requirements related to AB 900 as of the date of adoption of this Ordinance and would comply with post-adoption AB 900 requirements if AB 7 is adopted by the California State Legislature; and

WHEREAS, community outreach for the Project has been ongoing since 2018 and has included over 50 meetings with members of the Diridon Station Area Advisory Group (SAAG), as well as over 100 community outreach events that provided the public with the opportunity to review the Project through a combination of in-person and digital engagement with residents, neighbors, business owners and employees, construction trades, and other stakeholders that included: public design workshops; booths at local and regional community events; presentations to and discussions with local neighborhood, business, and community/special interest associations and organizations; focus group discussions; engagement with faculty and students at local universities and schools; and other large and small events reaching communities within and around the Project site; and

WHEREAS, the existing General Plan land use designations for the Project site include: Transit Employment Center; Public/Quasi-Public; Open Space, Parklands and Habitat; Commercial Downtown, Downtown and Combined Industrial/Commercial; and

WHEREAS, the proposed General Plan Amendment would amend the land use designations for the approximately 80 acre Project site from the existing designations to the designations of Downtown and Commercial Downtown, as depicted on Exhibit "A"; and

WHEREAS, the General Plan Amendment would amend Policy LU-6.1 to provide that lands located within the DSAP may be re-designated from mixed industrial-commercial land uses to mixed residential-commercial or non-employment land uses consistent with the Downtown and Commercial Downtown land use designations for the Project site; and

WHEREAS, the General Plan Amendment would amend Policy LU-1.9 to authorize lands designated Public/Quasi-Public within the DSAP to be re-designated to other land use designations that advance the City's employment growth or housing goals; and

WHEREAS, the Project proposes improvements to the street network to support the Project's mix of land uses and promote walking, biking, and public transit access and ridership; and

WHEREAS, the General Plan Amendment proposes the re-designation of the following streets as further depicted in Exhibit "A": South Montgomery Street (between West Santa Clara Street to West San Fernando Street) from a Grand Boulevard to Main Street; and North Montgomery Street (between West Julian Street to West St. John Street) from a Local Connector to On-Street Primary Bicycle Facility; and

WHEREAS, the General Plan Amendment includes additional text and diagram amendments as further set forth in Exhibit "A", including but not limited to text amendments clarifying that the DSAP is not an "urban village" and describing changes that have occurred since the City's adoption of the DSAP in 2014, and diagram amendments showing changes to the street network, including through proposed street abandonments, and proposed changes to street typology within the Project site; and

WHEREAS, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt, and from time to time amend, the General Plan governing the physical development of the City of San José; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, in compliance with AB900, the City, as lead agency, has prepared an administrative record for the Project concurrently with the environmental review process for the Project, to inform governmental agencies and the public of the potential environmental impacts of the Project, and commencing on October 7, 2020, the City has timely published such documents on its official website; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code and State law, the City provided opportunities for public involvement in relation to the General Plan Amendment for the Project, and the City has published Project applications and documents, including the proposed General Plan Amendment, and updates and amendments to such applications and documents, on the City's official website; and

WHEREAS, on _____, the notice of the public hearing was published in the [____], published on the City's website, and mailed to property owners within a 1,000 foot radius of the subject real property; and

WHEREAS, on _____, the Planning Commission held a public hearing to consider the proposed General Plan Amendment, as set forth in Exhibit "A", at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission voted to recommend that the City Council approve the proposed General Plan Amendment; and

WHEREAS, a copy of the proposed General Plan Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on ____ 2021, at ____ p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the City Council would hold a public hearing where

interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit “A”); and

WHEREAS, the City Council of the City of San José has considered, approved, and certified the Final Environmental Impact Report for the Downtown West Mixed Use Plan (“FEIR”) and adopted related findings, a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations under separate Resolution No. ____ on May ___, 2021 prior to making its determination on the proposed General Plan Amendment or other Project approvals; and

WHEREAS, on May ___, 2021, by Resolution No. ___, the City Council of the City of San José by a two-thirds vote, approved an override of the Santa Clara County Airport Land Use Commission’s Comprehensive Land Use Plan inconsistency determination for the Downtown West General Plan Amendment and Planned Development Rezoning; and

WHEREAS, this Resolution approving the General Plan Amendment is a companion to the following approvals relating to Downtown West: 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. __); amendments to the landmark boundaries of the San José Water Company Historic Landmark and the Southern Pacific Depot Historic District (Resolutions No. __ and __); an amendment to Historic Preservation Permit (HP16-002) (Resolution No. __); approval of Major Encroachment Permits (Resolution No. __); and approval of the Construction Impact Mitigation Plan (Resolution No. __); and

WHEREAS, the City Council is the decision-making body for the proposed General Plan Amendment;

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

SECTION 1. The City Council finds that all the facts set forth in the foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Having reviewed the materials identified in the recitals above, and having heard all testimony and comments, the City Council finds and determines as follows:

- A. The City Council has reviewed the Project and determined that it promotes the General Plan's strategy (Major Strategy #9) of developing Downtown San José into an important employment and residential neighborhood by converting underutilized space into a mix of complementary land uses and the Project is anticipated to generate additional jobs and housing capacity within Downtown San José, increasing the current growth capacity within the Downtown Growth Area from 58,659 jobs and 15,160 dwelling units to 79,679 jobs and 20,735 dwelling units;
- B. The City Council has reviewed the General Plan Amendment set forth in Exhibit "A" and determined that the General Plan Amendment will result in an internally consistent General Plan, as set forth in the General Plan Consistency Findings in Exhibit "B", attached hereto and incorporated herein, and the land use designations for Downtown West will correlate with the circulation network, including the provision of infrastructure, public facilities and services to meet the demands of Downtown West;
- C. The City Council hereby approves the proposed General Plan Amendment, as set forth in Exhibit "A".

SECTION 3.

- A. The City Council authorizes the Director of PBCE to make minor technical and clerical changes, such as grammatical or typographical changes, to the General Plan Amendment as set forth in Exhibit "A", in consultation with the City Attorney's Office, as necessary or appropriate, to implement this Resolution and to effectuate the City's performance thereunder.
- B. The City Council authorizes the Director of Transportation, who maintains the City's Functional Classification Diagram, to update the Functional Classification Diagram, as necessary or appropriate, to conform the Functional Classification Diagram with the street network and street typology changes to ensure consistency with the General Plan Amendments.

SECTION 4. This Resolution shall take effect thirty (30) days after adoption.

ADOPTED this day of , 2021, by the following vote:

Exhibit A
Amendments to Envision San José 2040 General Plan

DRAFT

ORDINANCE NO. _____

A CODIFIED ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO ~~AMEND CERTAIN PROVISIONS OF CHAPTER 20.100 AND TO~~ ADD SECTION 20.70.700 TO TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO CLARIFY THAT PROJECT-SPECIFIC ORDINANCES FOR THE DOWNTOWN WEST MIXED-USE PLAN SHALL GOVERN DEVELOPMENT WITHIN THE DOWNTOWN WEST PLANNED DEVELOPMENT ZONING DISTRICT AND SUPERSEDE ANY CONFLICTING PROVISIONS IN TITLE 20

WHEREAS, the City of San José and Google LLC (“Project Sponsor” or “Google”) entered into a non-binding Memorandum of Understanding (“MOU”), dated December 4, 2018, to collaborate on the development of Downtown San José, a key “Growth Area” identified in the Envision San José 2040 General Plan (“General Plan”); and

WHEREAS, the MOU described the City’s and Google’s shared vision “to create a vibrant, welcoming, and accessible urban destination consisting of a mix of land uses and that are well-integrated with the intermodal transit station, adjacent neighborhoods, and Downtown” based on shared goals; and

WHEREAS, following an extensive public process involving the City, residents of San José, and other stakeholders, the Project Sponsor submitted project applications for the Downtown West Mixed-Use Plan (the “Project” or “Downtown West”) on October 10, 2019, proposing amendments to the General Plan (“General Plan Amendment”), ~~amendments~~ a Project-specific amendment to the Diridon Station Area Plan (“DSAP Amendment”), ~~that is separate from the City’s DSAP amendment efforts,~~ rezoning to a Planned Development Zoning District and General Development Plan, and Planned Development Permit; and

WHEREAS, on October 7, 2020, Google submitted additional Project applications for a Vesting Tentative Map, two Historic Landmark Boundary amendments to adjust the landmark boundaries of the San José Water Company and Southern Pacific Depot Historic District, amendment of an existing Historic Preservation Permit, and other permits and approvals required to implement the Project (File Nos. GP19-009, PDC19-039, PD19-029, HL20-004, HL20-005, HP20-002, PT20-027); and

WHEREAS, the Project advances a plan that re-envision a significant portion of the Diridon Station Area Plan as a mixed-use area that includes development of: up to 7.3 million gross square feet (gsf) of commercial office space; up to 5,900 residential units; up to 500,000 gsf of active uses (commercial retail/restaurant, arts, cultural, live entertainment, community spaces, institutional, childcare and education, maker spaces, non-profit, and small-format office space); up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to 100,000 gsf of event and conference space; up to 4,800 publicly accessible commercial parking spaces and up to 2,360 unbundled parking spaces for residential use; a "District Systems" approach to delivery of on-site utilities, including designated infrastructure zones with up to two (2) on-site centralized utility plants totaling up to 130,000 gsf; one or more on-site logistics centers to serve the commercial on-site uses that would occupy a total of about 100,000 gsf; a total of approximately 15 acres of parks, plazas and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails; and various other improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods; and

WHEREAS, On December 30, 2019, Governor Gavin Newsom certified the Project under as an environmental leadership development project under Public Resources Code § 21178 et. seq. the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (Assembly Bill [AB] 900, as amended by Senate Bill 734, [2013], AB 246

[2017], Senate Bill 7 [2021], which is currently pending approval in the California State Legislature) ~~as an environmental leadership development project;~~ and

[WHEREAS, the Project has complied with requirements related to AB 900 as of the date of adoption of this Ordinance and would comply with post-adoption AB 900 requirements if AB 7 is adopted by the California State Legislature; and]

WHEREAS, pursuant to Section 20.10.070 of the San José Municipal Code, a Planned Development Zoning District shall be individually designed to meet the needs of the territory so zoned and that development of the subject property can occur only pursuant to an effective Planned Development Permit issued in strict conformity with the adopted general development plan; and

WHEREAS, by Ordinance No. ____, City Council approved the Downtown West Planned Development Zoning District (“Downtown West PD Zoning District”), which consists of approximately 7980 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; Auzerai Avenue to the south; and Diridon Station and the Caltrain rail tracks to the west; and

WHEREAS, the specific land use regulations and development standards applicable to the Downtown West PD Zoning District are established in the Downtown West General Development Plan (“GDP”), dated ____, which guides the content of the Downtown West Planned Development Permit (“Downtown West PD Permit”), which consists of the following components: Downtown West Design Standards and Guidelines (“DWDSG”) dated ____, Downtown West Improvement Standards (“DWIS”) dated ____, Conceptual Infrastructure Plan Sheets dated ____, and the Conformance Review Implementation Guide (“Implementation Guide”) dated ____ (collectively, these documents are referred to as the “Downtown West PD Permit”); and

WHEREAS, the Downtown West PD Zoning District and accompanying GDP, adopted by Ordinance No. ___, establishes use regulations and development standards, including but not limited to permitted land uses, building heights, open space requirements, design standards, and a review and approval process for subsequent approvals, that are unique to Downtown West; and

WHEREAS, the regulations and standards established in the Downtown West PD Zoning District and GDP, adopted by Ordinance No. ___ and other Project approvals, are intended to control and govern development of the Project within the Downtown West PD Zoning District notwithstanding any contrary provision in Title 20, including but not limited to any greater restrictions on the use of buildings or premises, height of buildings, or open space requirements ~~in Title 20~~; and

WHEREAS, development of the Project is intended to occur in phases and the GDP authorizes and 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; and

WHEREAS, pursuant to the Conformance Review process, the Project Sponsor may request the following types of relief from DWDSG standards, which are further described in the GDP: Minor Modifications (deviation of less than 10% from a numerical standard or minor deviation from a qualitative standard), Exceptions (waiver of a DWDSG standard), Deferral (deferring compliance of a DWDSG standard), and Amendment (deviations that require an amendment to the Downtown West PD Permit); and

WHEREAS, the Conformance Review process authorizes the Director of Planning, Building, and Code Enforcement (“Director of PBCE”) to review and approve Conformance Review applications for vertical improvements and open space for consistency with the General Plan, GDP, and Downtown West PD Permit, and authorizes the Director of Public Works (“PW Director”) to review 35%, 65%, and 95% improvement

plan sets for consistency with the GDP, Downtown West PD Permit, Infrastructure Plan, and other applicable Project approvals and documents; and
~~and other applicable Project approvals and documents; and~~

WHEREAS, Ordinance No. __ approving the Downtown West Planned Development Zoning Ordinance amends Title 21 of the San José Municipal Code to provide specific CEQA procedures that apply to all subsequent approvals associated with development of the Project, including Conformance Review applications, notwithstanding anything to the contrary elsewhere in Title 21; and

WHEREAS, the Implementation Guide sets forth the Conformance Review process, including but not limited to application submittal requirements and City review timelines for the City's review and approval of Conformance Review applications for vertical improvements, open space improvements, and horizontal improvements; and

WHEREAS, the Director of PBCE's determination on a Conformance Review application shall occur at a Conformance Review Hearing (as set forth described in the Implementation Guide), which may be held on dates when Director of PBCE Hearings are also scheduled to occur for other matters; however, the Director of PBCE's decision on a Conformance Review application shall not be subject to appeal pursuant to Section 20.100.220; and

WHEREAS, on April —,28, 2021, the Planning Commission of the City of San José held a duly noticed and advertised public hearing to receive oral and written testimony regarding the planned rezoning and recommended that the subject property be zoned to the Downtown West PD Zoning District; and

WHEREAS, the City Council of the City of San José held a duly noticed and advertised public hearing to receive oral and written testimony regarding the planned rezoning based on the recommendations of the City's Planning Commission and Director of PBCE; and

WHEREAS, the approximately 80-acre site located in the General Plan Downtown Growth Area and within the boundaries of the Diridon Station Area Plan (as amended by Resolution No. __) encompassed by the proposed rezoning was the subject of that certain Final Environmental Impact Report for the Downtown West Mixed-Use Plan (~~File No. ____~~) (“FEIR”); and

WHEREAS, this Council of the City of San José has considered, approved, and certified said FEIR and adopted related findings, a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations under separate Resolution No. ____ on May __, 2021 prior to taking any approval actions on the Project; and

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

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed amendment to Title 20 of the San José Municipal Code;

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

Having reviewed the materials identified in the recitals above, and having heard all testimony and comments, the City Council finds and determines as follows:

SECTION 1. The recitals above are incorporated herein.

SECTION 2. The purpose and intent of this Ordinance is to ensure that development within Downtown West shall be allowed in a manner that fully implements development of the Project consistent with the standards, requirements, and procedures set forth in the Downtown West PD Zoning District, approved by Ordinance No. ____, including but not limited to intensity, height, land uses, and subsequent review and approval procedures, and the following [specific requirements and regulations applicable to the Project](#):

1. The Director of PBCE's determination on a Conformance Review application shall occur at a Conformance Review Hearing (as set forth in the Implementation Guide), which may be held on dates when Director of PBCE Hearings are also scheduled to occur for other matters. A Conformance Review Hearing shall not constitute a "Director's hearing" under Section 20.100.220 and Table 20-260 (Appeal Hearing Body) [of Title 20 of the Municipal Code](#). The Director of PBCE's decision on a Conformance Review application shall not be subject to appeal to the Planning Commission or City Council. The decision of the Director of PBCE is final and shall not be appealable to any other approval body within the City.
2. The GDP for the Downtown West PD Zoning District establishes the maximum allowable building heights for development within the Downtown West PD Zoning District. The GDP further establishes a process where the maximum building

heights for individual buildings in the Downtown West PD Zoning District may be increased without amendment to the GDP, provided that (a) such increase correlates to an increase in maximum allowable height authorized by the FAA and approved by City Council following review by the Santa Clara County Airport Land Use Commission, if applicable, and (b) Director of PBCE conducts environmental review of the building's proposed height increase to determine compliance under CEQA.

3. The GDP establishes specific residential parking standards applicable within the Downtown West PD Zoning District. The Development Agreement and the GDP also establishes specific commercial/public parking requirements applicable to the Downtown West PD Zoning District (the "Required Parking Ratio" as defined and described in the GDP and Development Agreement~~), approved by Ordinance No. ____~~). The specific parking standards set forth in the GDP and Development Agreement shall apply and govern development within the Downtown West PD Zoning District notwithstanding anything to the contrary in Title 20. The GDP also establishes the standards and requirements for bicycle parking in the Downtown West PD Zoning District notwithstanding anything to the contrary in Title 20.
4. The GDP establishes the land uses authorized within the Downtown West PD Zoning District. The GDP identifies whether land uses are: Permitted; a Conditional Use that requires the approval of a subsequent planned development permit; a Special Use that requires the approval of a subsequent planned development permit; and authorized upon the issuance of an Administrative Permit. Certain uses require compliance with conditions of approval that are set forth in the GDP. The land use regulations in the GDP shall control and apply within the Downtown West PD Zoning District notwithstanding anything to the contrary in Title 20.
5. The term of an Administrative Permit issued within the Downtown West PD Zoning District shall be a minimum of five (5) years, subject to a five (5) year extension. A

permittee may request the renewal of an Administrative Permit pursuant to the terms of the GDP.

6. The GDP authorizes ~~special events~~Special Events and ~~limited-term uses~~Limited-Term Uses (as defined in the GDP) on private property within the Downtown West PD Zoning District, without any further authorization, permits, or approvals from the Director of PBCE or any other City department, except to the extent a permit is required under the San José Municipal Fire Code or the event includes amplified noise that exceeds 60 decibels (dBA) based on an hourly average noise level (hourly L_{eq}). The GDP establishes ~~an expedited a~~ process for obtaining a ~~fire permit~~Fire Permit for ~~special events~~Special Events and ~~limited-term uses~~Limited-Term U ses on private property, which shall apply to the Downtown West PD Zoning District. The GDP establishes ~~an expedited a~~ process for obtaining an Amplified Sound Permit for ~~special events~~Special Events and ~~limited-term uses~~Limited-Term Uses that include amplified noise that exceeds 60 dBA based on an hourly L_{eq} , which shall apply to the Downtown West PD Zoning District. The GDP also establishes a process for coordinating review of certain Special Events with other City departments (Police Department and Department of Transportation).
7. ~~The GDP establishes the commercial and residential parking requirements for development within the Downtown West PD Zoning District. The project sponsor shall provide publicly accessible off-street parking spaces serving new office development in compliance with the Required Parking Ratio as set forth in the GDP and the Development Agreement, approved by Ordinance No. _____. Residential parking requirements shall be provided in accordance with the standards in the GDP. The GDP also establishes the standards and requirements for bicycle parking in the Downtown West PD Zoning District notwithstanding anything to the contrary in Title 20.~~

SECTION 3. To ensure that ~~project~~Project-specific development regulations will control over Title 20 of the San Jose Municipal Code, notwithstanding Section 20.10.040.A and

20.10.030, this codified Ordinance hereby amends Title 20 of the San José Municipal Code to add a new Part 7 - Downtown West Regulations and Standards, Section 20.70.700 as follows:

Part 7 - DOWNTOWN WEST REGULATIONS AND STANDARDS

20.70.700 Downtown West Planned Development Zoning District.

The standards applicable in the Downtown West Planned Development Zoning District, including but not limited to permitted land uses, building heights, open space requirements, design standards, and subsequent conformance review and approval and appealability requirements, shall be as set forth in City Council Ordinance No. ____, which established the Downtown West Planned Development Zoning District and adopted the Downtown West General Development Plan. Notwithstanding any other provision of this Title 20, City Council Ordinance No. ____ establishes the applicable standards and requirements for the Downtown West Planned Development Zoning District. In the event of a conflict between Title 20 and City Council Ordinance No. ____, City Council Ordinance No. ____ shall control and shall govern development within the Downtown West Planned Development Zoning District.

SECTION 54. This Ordinance shall take effect upon the effective date of Ordinance No. ____, rezoning the Downtown West property to the Downtown West PD Zoning District.

ADOPTED this day of , 2021, by the following vote: