

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: DW -- Clean-Up Edits
Date: Tuesday, May 18, 2021 12:21:04 PM
Attachments: [Clean-up Edits \(ALUC and Landmark Adjustment\).docx](#)

From: MWChan@perkinscoie.com <MWChan@perkinscoie.com>
Sent: Wednesday, May 12, 2021 10:58 AM
To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Cc: Gray, Matthew S. (SFO) <mgray@perkinscoie.com>
Subject: DW -- Clean-Up Edits

[External Email]

Johnny,

Please find attached suggested clean-up edits to the ALUC and Landmark Adjustment resolutions.
Please let us know if you have any questions. Thanks,

Michelle

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1. **ALUC**

Page 3, 3rd to last WHEREAS clause from the bottom of the page

WHEREAS, pursuant to the provisions of Public Utilities Code Section 21676 the City may, after a public hearing on the matter, overrule a determination by the ALUC by a two-thirds vote of the City Council so long as the City Council makes specific findings that a proposed action is consistent with the purposes set forth in Public Utilities Code Section 21670; and

Page 10, paragraph 5

This statement is accurate, but the resolution is for consistency with the purpose of the Aeronautics Act. The findings that cite the City's General Plan are relevant to airport land use issues of safety, height and noise, and are relevant to the City Council decision to overrule the ALUC's determination under Public Utilities CodeGPUC Section 21676.

2. **Landmark Adjustment (Water Works)**

Page 4, first WHEREAS clause

WHEREAS, this 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 pursuant to the California Environmental Quality Act (CEQA) under separate Resolution No. ____ on ____, 2021 prior to making its determination on this Historic Landmark boundary adjustment ~~Designation Permit~~ or any other Project approvals; and

3. **Landmark Adjustment (Depot)**

Page 3, last WHEREAS clause

WHEREAS, this 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 pursuant to the California Environmental Quality Act (CEQA) under separate Resolution No. ____ on ____, 2021 prior to making its determination on this Historic Landmark boundary adjustment ~~Designation Permit~~ or any other Project approvals; and