

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: Fwd: DW -- Clean-Up Edits
Date: Thursday, May 20, 2021 1:45:14 PM
Attachments: [Reso and Ordinance Clean-up Edits.docx](#)

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Begin forwarded message:

From: mwchan@perkinscoie.com
Date: May 17, 2021 at 4:38:12 PM PDT
To: "Phan, Johnny" <Johnny.Phan@sanjoseca.gov>
Cc: "Gray, Matthew S. (SFO)" <mgray@perkinscoie.com>
Subject: DW -- Clean-Up Edits

[External Email]

Hi Johnny,

Attached is a list of clean-up edits to the resolutions and ordinances. You'll see that there is one edit that we have proposed in several documents to reflect the fact that there are 2 MEP resolutions. We've also identified documents where the version posted appears to be a scanned document rather than an electronic version. It would be great if we could get the scanned documents replaced with the electronic version.

Please let me know if you have any questions. Thank you,

Michelle

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1. **EIR Resolution**

- Page 2, first WHEREAS clause (companion approval recital):

“approval of Major Encroachment Permits (Resolution No~~S~~. ____)”
- Replace scan with electronic version

2. **ALUC Resolution**

- Page 8, paragraph 2:

As stated in the Environmental Impact Report for the Project, the City requires compliance with the ~~c~~Gited Building Code noise standards (p. 3.10-17), regularly imposes Standard Condition of Approval NO-2 to
- Page 8, paragraph 3:

This resolution does not rely on any single finding to support this conclusion, but rather on all the findings taken together; these findings include not only benefits of exterior spaces and minimal airport noise complaints from Downtown residents within the 65 dBA CNEL noise contour who have outdoor spaces, but all six other findings, including requirements for ~~a~~vigation easements and pre-contract notices to residential buyers and tenants.
- Page 9, Section H, paragraph 1:

The first finding is accurately quoted ~~by~~ ~~but~~ the second is not quoted correctly.
- Replace scan with electronic version

3. **General Plan Amendment**

- Page 8, companion recital

“approval of Major Encroachment Permits (Resolution No~~S~~. ____)”
- Exhibit B: General Plan Consistency Findings.

Remove “Draft” stamp. It is covering up text.

4. **DSAP Amendment**

- Page 9, last WHEREAS clause

“approval of Major Encroachment Permits (Resolution No~~S~~. ____)”

- Replace scanned with electronic version

5. **Title 20 Ordinance**

- Page 6, last sentence

“approval of Major Encroachment Permits (Resolution No~~S~~. ____)”

6. **PD Zoning Ordinance**

- Page 6, first WHEREAS clause:

“approval of Major Encroachment Permits (Resolution No~~S~~. ____)”

- Replace scanned with electronic version

7. **PD Permit Resolution**

- Page 7, companion recital:

“approval of Major Encroachment Permits (Resolution No~~S~~. ____)”

- Replace scanned with electronic version

8. **VTM Resolution**

- Page 3 last sentence:

“approval of Major Encroachment Permits (Resolution No~~S~~. ____)”

- Condition 15.C, include the following text which was omitted:

The private Microgrid is aligned to the City’s policies including the Climate Smart Plan, and the target of no net new emissions.

9. **DA Ordinance**

- Page 6, 3rd WHEREAS clause:

“approval of Major Encroachment Permits (Resolution No~~S~~. ____)”

10. **HP Permit Amendment**

- Replace scan with electronic version

11. **Landmark Boundary Adjustment (Depot)**

- Replace scan with electronic version

12. **Landmark Boundary Adjustment (Water Works)**

- Replace scan with electronic version

13. CIMP Resolution

- Top of Page 2

“approval of Major Encroachment Permits (Resolution Nos. ____)”

14. MEP Resolution (District Systems)

- Page 1, 2nd WHEREAS clause, add the following (note, the Resolution reference here should be singular):

“approval of the Construction Impact Mitigation Plan (Resolution No. ____);
approval of Major Encroachment Permits (Resolution No. ____); and ...”

15. MEP Resolution (Streetscape)

- Page 1, 2nd WHEREAS clause, add the following (note, the Resolution reference here should be singular):

“approval of the Construction Impact Mitigation Plan (Resolution No. ____);
approval of Major Encroachment Permits (Resolution No. ____); and ...”

16. Street Vacations (all 5 resolutions)

- Page 1, companion recital

“approval of Major Encroachment Permits (Resolution Nos. ____)”

- Exhibit B to all Resolutions:

“On these five Subject Portions the vehicular component of the right of way will be vacated, and the bicycle and pedestrian components of the ROW will remain in place, which allows them to continue to function consistently with the proposed open space plan as ~~defined~~ set forth in the DWDSG. . .”