

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: Additional Resolution Clean-up Edits
Date: Thursday, May 27, 2021 4:15:26 PM
Attachments: [Remaining Reso Clean-up Edits.docx](#)

From: MWChan@perkinscoie.com <MWChan@perkinscoie.com>
Sent: Tuesday, May 25, 2021 3:25 PM
To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Cc: Gray, Matthew S. (SFO) <mgray@perkinscoie.com>
Subject: Additional Resolution Clean-up Edits

[External Email]

Hi Johnny,

Attached are our remaining clean-up edits/comments to the Resolutions. A couple of the documents had inconsistent File Number references which we noted in the attached. Please note we are in the process of updating Exhibit A to the DSAP to fill-in placeholders and we are also updating Exhibit B to the MEP (Streetscape) to fill-in placeholders. We expect we can get these updated documents back to you later today for inclusion with the final resolutions.

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

Michelle

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EIR Resolution

- Page 135. Fix lettering for “Basis for Finding”. The letter heading “C” was deleted for the Basis for Finding Section for Alternative 2B

General Plan Resolution

- Page 3: Capitalize Development Agreement in paragraph at top of page 3.
- Pages 7- 8: If the last WHEREAS clause spills onto page 8, make sure there is line space between WHEREAS clauses

VTM Resolution

- Page 2, last WHEREAS clause. Change “October 7, 2020” date to “May 7, 2021”
- Page 21, item #17, remove brackets around "Director of Economic Development"
- If the last paragraph on Page 21 spills onto Page 22, add line space between paragraph ending with “hereby” and start of line item that states "Approved subject..."

HP Permit

- Page 2, 4th WHEREAS clause, need a space between “Title 13” and “of”

PD Permit

- Page 3, 2nd to last WHEREAS clause: Date of Errata should be “May 7, 2021”
- Page 5, last WHEREAS clause, please include dates for each document:

WHEREAS, at said hearing, this City Council received in evidence a development plan for the subject property entitled, “Downtown West Planned Development Permit” ~~dated October 7, 2020, last revised May 7, 2021~~, which consists of the DWDSG (dated March 3, 2021 and the Errata dated May 7, 2021), DWIS (dated April 5, 2021), Conceptual Infrastructure Plan Sheets (dated March 31, 2021), and Implementation Guide (dated May 12, 2021), as such documents may be amended from time to time, and said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

- Page 14, in Section 6 (DDG Consistency), “herein” should be one word:

As such, the City approves exceptions to DDG standards identified in Appendix D of the DWDSG, for the reasons set forth in Appendix D of the DWDSG, which are **herein** incorporated by reference. DDG standards and guidelines that are applicable to Downtown West are identified on the Vertical Improvement and Open Space Conformance Review Checklists and the Project Sponsor shall demonstrate consistency with applicable DDG standards and guidelines during the Conformance Review process.

- Page 28, paragraph 3, please include dates of each document:

Conformance to Plans. The development of the site and all associated development and improvements shall conform to the approved plans entitled, “Downtown West Planned Development Permit” ~~dated October 7, 2020, last revised on May 7, 2021,~~ on file with the Department of Planning, Building, and Code Enforcement (“Approved Plans”), and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes. The Approved Plans include the Downtown West Design Standards and Guidelines (DWDSG) **(dated March 3, 2021 and the Errata dated May 7, 2021)**, Downtown West Improvement Standards (DWIS) **(dated April 5, 2021)**, Conceptual Infrastructure Plan Sheets **(dated March 31, 2021)**, and Conformance Review Implementation Guide (Implementation Guide) **(dated May 12, 2021)**, **as such documents may be amended from time to time.**

CIMP

- Confirm File numbers listed under heading. Should both of these be listed? If so, need a space between the two numbers.
- The file numbers on the Resolution should align with those identified on Exhibit A. Exhibit A identifies File No. GP19-029; PD19-029 while the Resolution identifies GP-19-009 PDC 19-039.
- Page 3, top paragraph, after reference to May 12, 2021 include “(and as may be amended)”

MEP (District Systems and Streetscapes)

- The Resolution for the MEP District Systems includes GP19-009 and PDC 19-039 file numbers. The MEP for Streetscapes does not include file numbers. Please confirm (1) whether both file numbers are necessary; and (2) make conforming changes in both MEP resolutions.
- Please make sure exhibits attached to both MEP resolutions also refer to correct file numbers.