

November 8, 2019

Alexa Arena  
Google, LLC  
1600 Amphitheatre Parkway  
Mountain View, CA, 94043  
[sanjoseplan@google.com](mailto:sanjoseplan@google.com)

**SITE ADDRESS AND LOCATION:** 450 West Santa Clara Street (approximately 84-gross acre site generally bounded by Lenzen Avenue to the north, Cahill Street and the Caltrain rail tracks to the west, Auzerais Avenue to the south, and Los Gatos Creek and Highway 87 to the east)

**RE. File Nos. GP19-009, PDC19-039 and PD19-029:** General Plan Amendment, Planned Development Rezoning, and Planned Development Permit project to allow the construction of approximately 6,500,000 square feet of office (with a maximum of 7,300,000 square feet); approximately 3,000 to 5,000 units of housing (with a maximum of 5,900 units); approximately 300,000 to 500,000 square feet of active uses, which may include retail, cultural, arts, etc.; approximately 100,000 square feet of event space; up to 300 hotel rooms, and up to 800 rooms of limited-term corporate accommodations.

Dear Ms. Arena,

Your application, referenced above, has undergone review for completeness.

#### **Permit Streamlining Act**

Pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 of Title 7), your application has been deemed **complete**.

#### **Project Review**

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Below are initial comments based on this submittal. As review of the application progresses, additional comments will be provided and revisions will be required.

##### **1. General Plan Consistency**

The subject project area has multiple General Plan Land Use Designations in the Land Use/Transportation Diagram of the Envision San José 2040 General Plan. As the project is further refined, additional details and comments will be provided on the proposed General Plan Amendment.

## 2. Applicable Plan Requirements

The mixed-use project should further the guiding principles established in Diridon Station Area Plan, approved by City Council in 2014:

- Establish Diridon Area as a major destination;
- Create a new intermodal station of architectural significance;
- Encourage high-density land uses that support high transit ridership;
- Foster a lively public realm that supports walking and bicycling;
- Reflect Silicon Valley’s spirit of innovation and San José’s rich history through distinctive architecture and civic spaces.

## 3. Zoning Consistency

The project area is located in multiple zoning districts. Given the size of the area and scope of the project, specific Development Standards will need further refinement in the Planned Development Zoning District. The Development Standards need to include, but are not limited to the following areas:

- a. Land Use
- b. Height and Massing
- c. Setbacks
- d. Landscaping
- e. Historic Preservation
- f. Architectural details
- g. Parking

- Based on the current project scale and current municipal code requirements, the following is a baseline of the required number of parking spaces based on the proposed land uses. A Transportation Demand Management (TDM) Plan is required to utilize the 50% parking reduction. Pending outcomes of transportation studies currently underway, these parking requirements may be modified for the Diridon Station Area.

<u>Land Use</u>	<u>Proposed</u>	<u>Base Requirement (Downtown Zoning)</u>	<u>Downtown Parking Exception Reduction of 50%</u>	<u>Additional Reduction of 15%</u>	<u>Bicycle Parking Requirements</u>
<b>Residential</b>	3,000 – 5,900 SF	1 space/unit	0.5 spaces/unit	0.425 spaces/unit	1 per 4 living units
<b>Office/R&amp;D</b>	6,500,000 - 7,300,000 SF	2.5 spaces/1,000 floor area	1.25 spaces/1,000 floor area	1.06 spaces/ 1,000 floor area	1 per 4,000 SF of floor area
<b>Hotel</b>	Up to 300 Rooms	0.35 spaces/key	0.175 spaces/key	0.15 spaces/key	1 space plus 1 per 10 guest rooms

**Tree Removal:** If ordinance-sized trees are to be removed (those with a trunk circumference of 38 inches or more at 4 ½ feet above ground), then please provide a tree mitigation plan that would conform to the ratios shown in the table below. An arborist report would be required to summarize the location, species, size, and condition of the existing trees.

Circumference of Tree to be Removed (measured at 4.5 feet above ground)	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or greater	5:1	4:1	3:1	15-gallon
18 - 38 inches	3:1	2:1	none	15-gallon
less than 18 inches	1:1	1:1	none	15-gallon

x:x = tree replacement to tree loss ratio

**Note:** Trees greater than 38-inch circumference shall not be removed unless a Tree Removal Permit or equivalent has been approved for the removal of such tree.

For Multifamily Residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.

A 38-inch circumference equals 12.1 inches in diameter

A 24-inch box tree can be used in lieu of two 15-gallon trees

Single-Family and Two-dwelling properties may be mitigated at a 1:1 ratio

#### 4. Site Plan and Architectural Design

As proposed, the project may require changes to be consistent with the San José Downtown Design Guidelines and Standards. As the project progresses and additional details on the building and site designs are provided, please ensure consistency with the adopted Downtown Design Guidelines and Standards. If the project is proposing alternative guidelines and standards, additional narrative will be required pursuant to the Downtown Design Guidelines and Standards findings to justify exceptions to the adopted document.

#### 5. Plan Set Clarifications and Exhibits

- a. Clarify public and private park sites and provide calculation of the areas.
- b. Label and clarify any building encroachments into existing or proposed public rights-of-way.
- c. Separate the existing building footprint and parcel exhibit into two separate exhibits.
  - i. On the existing building footprint exhibit, provide existing land use and building square footage
- d. Illustrate properties boundaries, mergers, and subdivisions (Tentative Map)
- e. Contextual Photos of Adjacent Area
- f. Building Height/Proposal Plan (design, massing, scale, setbacks, etc.)

#### 6. Environmental Review - California Environmental Quality Act (CEQA)

The Scoping Meeting for the Environmental Impact Report (EIR) was held on November 7, 2019. At this time, staff is waiting for all public comments on the Notice of Preparation (NOP) and for the submittal of the full Environmental Impact Report to begin review. Please contact Shannon

Hill ([shannon.hill@sanjoseca.gov](mailto:shannon.hill@sanjoseca.gov)) for any questions or concerns regarding environmental review.

## **7. Comments from Other Departments/Agencies**

Attached to this letter are comments/memoranda from the departments listed below. Please carefully review the memoranda, as they contain information needed to successfully and efficiently move your project through the Planning entitlement process. Concerns about any of these issues should be brought to my attention so that I can coordinate with appropriate City staff on your behalf.

- a. Public Works Department Memorandum
- b. Department of Parks, Recreation and Neighborhood Services Memorandum
- c. Housing Department Memorandum
- d. Community Energy Department Memo
- e. Airport Department Memorandum
- f. Environmental Services Department Memorandum

## **8. Community Outreach**

Based on the scale and scope of the project, significant community outreach will be required prior to any public hearings for this project. The City will provide public notice of these meetings to property owners and tenants within 1,000 feet radius of the proposed site. Attached is the estimated schedule for the project review and anticipated community engagement schedule.

## **9. On-Site Sign Posting**

Pursuant to the City's Public Outreach Policy, a sign describing the proposed project is required to be placed on each project site street frontage so it is legible from the street. Given the size of the project area, please coordinate with staff on the specific locations of these signs. Once the signs are posted, please photograph the on-site signs and fill out the Declaration of Posting (page 3 of the first link below) and send both of those to me. Delay in posting the signs and providing the declaration form would delay any future review.

On-Site Noticing/Posting

Requirements: <http://www.sanjoseca.gov/DocumentCenter/Home/View/373>

Public Outreach: <http://www.sanjoseca.gov/DocumentCenter/Home/View/374>

## **10. Next Steps**

Please be advised that this letter does not constitute a final review. Additional comments may be provided upon review of any additional information and plan revisions submitted in response to this letter.

Should you have any questions, you may contact me at [james.han@sanjoseca.gov](mailto:james.han@sanjoseca.gov) or (408) 535-7843. You may also contact the Supervising Planner overseeing this project, John Tu, at [john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov).

We look forward to continuing to work with you and your team on your project.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Han', written in a cursive style.

James Han  
Project Manager  
City of San José

**Attachments:**

- a. Public Works Department Memorandum
- b. Department of Parks, Recreation and Neighborhood Services Memorandum
- c. Housing Department Memorandum
- d. Community Energy Department Memo
- e. Airport Department Memorandum
- f. Environmental Services Department Memorandum
- g. Community Engagement Schedule

# Memorandum

**TO:** James Han  
Planning and Building

**FROM:** Vivian Tom  
Public Works

**SUBJECT: INITIAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 11/07/19

Approved

VK

Date

11/7/19

**PLANNING NO.:** PDC19-039 and PD19-029  
**DESCRIPTION:** Planned Development Zoning to the A(PD) Planned Development Zoning and Planned Development Permit for approximately 6,500,000 square feet of office (with a maximum of 7,300,000 square feet); approximately 3,000 to 5,000 units of housing (with a maximum of 5,900 units); approximately 300,000 to 500,000 square feet of active uses, which may include retail, cultural, arts, etc.; approximately 100,000 square feet of event space; up to 300 hotel rooms and up to 800 rooms of limited-term corporate accommodations.  
**LOCATION:** an 84-gross acre site generally bounded by Lenzen Avenue to the north, Cahill Street and the Caltrain rail tracks to the west, Auzerais Avenue to the south, and Los Gatos Creek and Highway 87 to the east  
**P.W. NUMBER:** 3-25635

Public Works received the subject project on 10/10/19 and submits the following comments and requirements. **Upon completion of the Action/Revisions Required items by the applicant, Public Works will forward a Final Memo to the Department of Planning prior to the preparation of the Staff Report for Public Hearing.**

## **Actions / Revisions Required:**

1. **Stormwater Runoff Pollution Control Measures:** Revise the plan to provide clarification to the following:
  - a) All streets adjacent to Google development should be converted to green streets. This is consistent with the project foundations outlined on sheet 2.04 to provide high levels of sustainability and excellence in design.
  - b) Include the "Comparison of Impervious and Pervious Areas" data table on Stormwater Control Plan.
  - c) Include proposed bioretention area within public street sections for all streets requiring stormwater treatment. The treatment area should not conflict with other public amenities such as electroliers and street trees.
  - d) Provide standard detail for each proposed LID treatment measure type.

2. **Traffic Report:**

- a) A Transportation Analysis (TA) is required prior to environmental clearance or zoning. The TA must conform to the City of San Jose's Transportation Analysis Policy, Council Policy 5-1. The Council Policy, Transportation Analysis Handbook and other transportation analysis resources can be found at the Development Services website: <http://www.sanjoseca.gov/index.aspx?NID=3162>
- b) A formal Traffic Workslope Memo will be provided separately to applicant's traffic consultant.

3. **Transportation and Street Improvements:**

- a) Diridon Intermodal Station Planning and Integration:
  - i) Design development to integrate with key elements of DISC Partner Agency recommended Concept Layout, including the elevated station platforms and north/south track approaches. Continue to collaborate with City and DISC partners (Caltrain, VTA, HSR) on spatial layout and integration of station halls, adjacent plazas/public spaces, and the mixed-use development.
  - ii) Public plazas/public spaces should be active and clearly connected to the station. The application places the Primary Public Plaza east of Montgomery, surrounded by the Google development and away from Diridon Station.
  - iii) Orient buildings and ground floor active uses on Cahill toward the station. No driveways or back-of-house operations on Cahill between San Fernando and Santa Clara.
  - iv) In your next submittal, more clearly indicate potential right of way required for additional rail service and track—both for construction periods only and as permanent dedications.
- b) Design Montgomery Street to be a curbsless street.
- c) Street sections shall conform to City Municipal Code Title 13 and Complete Streets Design Standards and Guidelines. Revise to include the following for all street sections:
  - i) Existing public right-of-way widths.
  - ii) Typical sidewalk dimensions.
  - iii) Typical curb-to-curb dimensions.
  - iv) Dedication needed for public street and/or sidewalk purposes.
- d) Provide proposed truck and shuttle routes and identify loading/unloading areas.
- e) Revise plans to show proposed connection from Auzerais Avenue to Royal Avenue as a private street.
- f) Consider pedestrian connection between housing/office site at northern project to the San Jose Market Center.
- g) Other requirements, including Lenzen Avenue connection, will be informed through Transportation Analysis findings.
- h) The project, particularly the north portion of the development, will be subject to CPUC and Federal regulations if train crossing modification(s) is proposed. Additional rail improvements may be required to establish Quiet Zones per FRA Train Horn Rule for the proposed residential use.

- i) Utilities should be coordinated with future BART project underground tunnel and station proposal.
  - j) Include public street improvements to Autumn Street from W. Santa Clara Street to W. St John Street per the Diridon Infrastructure Analysis.
  
4. **Flood:**
  - a) The project boundary crosses multiple floodplain zones (zone X, D, AO and A). Provide a separate plan sheet overlay showing all FEMA flood zones.
  - b) Underground parking and structure(s) shall not be allowed for residential use within 100 year floodplain. All residential units and related use must be elevated above the Base Flood Elevation (BFE) level. Non-residential or mixed use buildings may be either elevated or flood-proofed above the BFE.
  - c) For properties located within Zone A, submit a detailed analysis to establish Base Flood Elevation.
  
5. **Utilidor:**
  - a) Confirm the proposed Utilidors are within private properties, except at certain perpendicular street crossings as shown on the plans.
  - b) Minimize Utilidor crossings to proposed project properties, such as one per block.
  - c) Proposed private utilities crossing public right-of-way will require execution of a Major Encroachment Agreement and approval by City Council.
  - d) Provide approximate height and depth of the proposed utilidors.
  - e) Indicate where existing utilities need to be modified and/or relocated as a result of the proposed utilidor crossings.
  
6. **Street Vacation:**
  - a) A street vacation is required in order to accomplish the land use plan as shown. The street vacation process requires further discretionary approval by the City Council and the project will be subject to this process prior to Public Works Clearance. Provide title report(s) for the streets proposed to be vacated.
  - b) Indicate ingress/egress access at properties along Montgomery Street, north of W. St John Street, shown to be vacated.
  
7. **Private Improvement Encroachments within Public Property:** All encroachments shall be consistent with City of San Jose Municipal Code Title 13 and California Building Code (CBC) Chapter 32 Section 3202 entitled Encroachments into the Public Right-of-Way. The proposed private bridge connections between office buildings may be allowed but will require a Major Encroachment Agreement approved by City Council.
  
8. **Sanitary:**
  - a) Construct sewer improvements in accordance to the Diridon Station Area Infrastructure Analysis. Particularly, the sewer improvements should include Julian Street (east and west of Montgomery Street) and Autumn Street (south of Santa Clara Street and south of St. John Street), and St. John (west of Pleasant Street).
  - b) The Illustrative Framework Plan (sheet 2.09) shows office use adjacent to Park Avenue where an existing 36" City Sanitary Sewer line exists. Clarify if the project proposes to relocate this City line and the planned new location of the line.

- c) Provide parcel level sewer discharge information.
  - d) If onsite treatment water reuse system is proposed, provide additional detail on size and capacity.
  - e) Construction of wastewater treatment plants, particularly in established neighborhoods, involve technical and community related challenges that must be evaluated in depth. The applicant must provide comprehensive studies/reports to address the following:
    - i) Odor generation and control, and odor impact on surrounding community.
    - ii) Noise impact outside of development area.
    - iii) Biosolids trucking and disposal.
    - iv) Amount of flow capacity required in the sanitary system.
    - v) Potential hydraulic impact, especially siphons.
    - vi) Sanitary system corrosion issues.
    - vii) Operational issues in the event of emergency discharge with high volume of wastewater.
    - viii) Impact of City revenue.
9. **Storm:**
- a) The Illustrative Framework Plan (sheet 2.09) shows office use at the existing Park Avenue pump station site. Clarify if the project proposes to relocate this pump station and the planned new location for the station.
  - b) Construct storm improvements in accordance to the Diridon Station Area Infrastructure Analysis. In addition to the segments shown on Grading & Drainage Plan (sheet 3.14), improvements should also include Santa Clara Street, west of Cahill Street.
10. **Private Streets:**
- a) Revise plans to show preliminary/conceptual private street cross section including street dimensions, cross slopes, curb & gutters, and sidewalks.
  - b) Final private street improvement plans may be required to the satisfaction of the Director of Public Works.
11. **Recycled Water:** The City has a considerable investment in a recycled water delivery system, and it is beneficial for Google to connect to already built infrastructure, rather than duplicating water treatment efforts. In addition to supporting existing investments, connecting to the recycled water system will expedite SWRCB approval and is negligible in cost compared to on-site treatment options.

## **Project Conditions:**

**Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
  
2. **Grading/Geology:**
  - a) A grading permit is required prior to the issuance of a Public Works Clearance.
  - b) All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
  - c) A haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
  - d) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
  - e) The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
  
3. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
  
4. **Diridon Station Area Impact Fee:**
  - a) The City has adopted a Basic Infrastructure Impact Fee associated with implementation of the Diridon Station Area Plan (Chapter 14.35 of Title 14 of the San Jose Municipal Code). Projects located within the Diridon Station Area are required to pay impact fee in categories of Transportation, Plaza, Sanitary Sewer and Storm Drainage.
  - b) The current impact fee that includes all infrastructure categories is \$5.95 per s.f. of Office/R&D, \$3.98 per s.f. of retail, and \$2,665 per residential unit. This fee is

subject to an annual increase by the Engineering News-Record (ENR) Construction Cost Index and must be paid prior to issuance of Public Works Clearance. Credits will be applied for any infrastructure built as identified in the Diridon Nexus Study by the developer.

5. **Parks:**

- a) The residential portion of project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the formula contained within in the Subject Chapter and the Associated Fees and Credit Resolutions.
- b) See additional project requirements in separate memo prepared by Parks, Recreation and Neighborhood Services.

6. **Stormwater:** At the Grading/Drainage Permit stage, provide detailed Stormwater Control Plan for each development parcel to include the following:

- a) Design stormwater treatment facilities using 100% landscaped based LID treatment. Use of mechanical system shall not be allowed.
- b) Design stormwater conveyance by gravity flow. Use of pumps shall not be allowed.
- c) Private treatment facilities must be located on private properties. The project may not use public areas for private stormwater treatment.
- d) Provide numeric sizing calculations for each drainage management area.
- e) Provide maintenance and inspection information on treatment control measures.

7. **Undergrounding:**

- a) Developer shall complete the underground conversion of the utility facilities along all new and widened/modified streets. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.
- b) In case existing overhead utilities are not undergrounded, the In Lieu Undergrounding Fee shall be paid prior to issuance of a Public Works clearance. Currently, the 2019 base fee is \$489 per linear foot of frontage and is subject to change every January 31<sup>st</sup> based on the Engineering News Record's City Average Cost Index for the previous year.

8. **Street Improvements:**

- a) Construct curb, gutter, sidewalk and pavement along the following streets:
  - i) Cahill Street, from Park Avenue to northern project boundary.
  - ii) Autumn Street, from W. San Carlos Street to W. St John Street.
  - iii) W. Julian Street, from N. Montgomery Street to western project boundary.
  - iv) Park Avenue within project boundary.
  - v) San Carlos Avenue within project boundary.
  - vi) Santa Clara Street, between Cahill Street to Guadalupe River.
  - vii) All other project frontages within development boundary.
  - viii) Additional streets to be determined prior to PD Permit approval.

- b) Dedicate and construct new public streets per City's Complete Street Design Guidelines, the Diridon Station Area Infrastructure Analysis, and as show on the plans. The standard street right-of-way, curb-to-curb, and sidewalk widths will be determined prior to PD Permit approval. The ultimate cross section, including lane configurations, will be finalized at the improvement plan stage.
  - c) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
  - d) Proposed driveway width to be maximum 32'.
  - e) Close unused driveway cut(s).
  - f) Developer shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - g) If project proposes any non-standard public improvements and/or enhanced features within the public-right-of way, developer will be required to either expand and join existing Downtown San Jose Property-Based Improvement District (PBID) or establish a new Special District.
  - h) Repair, overlay, or reconstruction of asphalt pavement will be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
  - i) Install new conduit with innerduct and fiber along project public street frontages and between existing traffic signals as needed to upgrade/complete City's fiber network.
  - j) Additional street and transportation improvements are currently under review and will be conditioned prior to PDC/PD Permit approval.
9. **Revocable Encroachment Permit (Street/Sidewalk Closures):** At the Implementation stage, Developer shall apply for a Revocable Encroachment Permit for any proposed sidewalk and lane closures to support the onsite construction activities.
- a) The following should be included with the Revocable Permit application, but are not limited to:
    - i) **Letter of Intent:** This document should provide a detailed description of the reasons for the sidewalk/lane closures and why they are absolutely necessary (man lifts, baker tanks, staging area, concrete pumping activities, etc.) and reasons why covered pedestrian walkways will not be provided (ex. swinging loads over sidewalk not safe for pedestrians).
    - ii) **Multi-Phased Site Specific Sketches:** These sketches should show the phased closures during the course of construction with a provided timeframe estimate of when each phase would be implemented. These sketches should include the type and location of the work to be accomplished within the right-of-way. The exhibit should show in detail the vehicular and/or pedestrian diversion route that shows the appropriate safety equipment, such as barricades, cones, arrow boards, signage, etc.
  - b) Developer shall minimize the potential impact to vehicular and pedestrian traffic by:
    - i) Implementing the closures at the time the onsite activities dictate the need for the closure.

- ii) Minimizing the closure timeframes to accomplish the onsite tasks and implement the next phase of the closure as outlines in condition 9.a.ii above.
  - c) If proposed lane and parking closures are a part of the Revocable Permit Application, Developer shall submit Downtown Lane Closure and Tow Away Permit Applications to DOT. These applications may be obtained at: <http://www.sanjoseca.gov/index.aspx?NID=3713>. Developer shall contact DOT at (408) 535-8350 for more information concerning the requirements of these applications.
- 10. **Electrical:** Existing electroliers within project boundary will be evaluated at the public improvement stage and street lighting requirements will be included on the public improvement plans.
- 11. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Obtain a DOT street tree planting permit for any proposed street tree plantings.
- 12. **Private Streets:** Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
- 13. **Referrals:** This project should be referred to Santa Clara Valley Water District, Union Pacific Rail Road, California Public Utilities Commission, and VTA.

Please contact me at [vivian.tom@sanjoseca.gov](mailto:vivian.tom@sanjoseca.gov) or (408) 535-6819 if you have any questions. You may also reach our Division Manager, Ryan Do, at [ryan.do@sanjoseca.gov](mailto:ryan.do@sanjoseca.gov) or (408) 535-6899.

  
Vivian Tom  
Senior Transportation Specialist  
Development Services Division

— SAN JOSE —  
**PARKS, RECREATION &  
NEIGHBORHOOD SERVICES**

**General Plan Amendment, Planned Development Zoning, and Development Permit**  
**File Nos.: GP19-009, PDC19-039 and PD19-029**

**November 8, 2019**

**TO:** James Han – Planner II; John Tu – Supervising Planner

**CC:** Vivian Tom - Senior Transportation Specialist; Michelle Kimball – Senior Engineer

**FOR:** Alexa Arena; Google, LLC; 1600 Amphitheatre Parkway, Mountain View, CA

94043: sanjoseplan@google.com

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The Department of Park, Recreation, and Neighborhood Services develops and manages a diverse system of high-quality, vibrant, and unique parks, trails, and community centers. The principles of Stewardship, Nature, Equity & Access, Identity, and Public Life guide our work.

**Project Summary**

- **Project Name:** [Downtown West - Mixed-Use Plan](#) (commonly referred to as the “Google Project”)
- **Location:** An approximate 84-acre site generally bounded by Lenzen Avenue and Union Pacific Rail to the north, Cahill Street and the Caltrain rail tracks to the west, Auzeais Avenue to the south, and Los Gatos Creek and Highway 87 to the east. **Primary Address:** 450 West Santa Clara; **Primary APN(s):** 259-38-132 - project encompasses approximately 100 parcels
- **Council District:** 3; **Park District:** 5; **Multiple Listing Service (MLS) Area:** 9; **Area Plan:** Diridon Station Area Plan; **Planning Area:** Central; **Strong Neighborhoods Initiative Area:** Burbank/Del Monte
- **Project Description Summary:** General Plan Amendment, Planned Development Rezoning and Development Permit for the development of up to 5,900 residential units; up to 7,300,000 gross square feet (GSF) of office space; up to 500,000 GSF of active uses such as retail, cultural, arts, etc.; up to 300 hotel rooms; up to 800 rooms of limited-term corporate accommodations; an approximately 100,000 GSF event center; up to two central utilities plants totaling approximately 115,000 GSF; and a logistics warehouse(s) of approximately 100,000 GSF; all on approximately 84 acres. The proposal also includes conceptual infrastructure, transportation, and public open space plans.

**Implementing the Diridon Station Area Plan (DSAP)**

This project is expected to implement the Policies, Objectives, and Vision of the [Diridon Station Area Plan as may be amended](#). The City is currently developing a framework and engaging the community to update the DSAP. During this process, there may be adjustments to how public recreation facilities, placemaking, and public life services will be delivered. Future plan sets should demonstrate how the project meets the objectives of the DSAP.

**Park Impact Ordinance (PIO)/Parkland Dedication Ordinance (PDO) Requirements (Parkland Obligation)** Residential development is subject to the requirements of the City’s Park Impact Ordinance ([PIO- Municipal Code Chapter 14.25](#)) or the Parkland Dedication Ordinance ([PDO - Municipal Code Chapter 19.38](#)) for the dedication of land. The PDO/PIO obligation is the equivalent of providing three acres of parkland for every 1,000 new residents added by the project. The application does not clearly define the housing product type being proposed. As a result, PRNS cannot clearly define the PIO/PDO requirements at this time. To facilitate project planning for the applicant, we estimated



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**PARKS, RECREATION &  
 NEIGHBORHOOD SERVICES**

the parkland obligation for 5,900 units of Multi-Family 5+ housing and for High Rise development of 12 or more stories. Table 1 provides obligation details for the two potential scenarios.

**Table 1 - Estimate of Parkland Obligation for Potential Development Scenarios**

Housing Product Type	Persons Per Unit	Parkland Obligation (acres)	In Lieu Fee (\$)
5+	2.34	41.4	\$133,340,000
High Rise 12+ Stories	1.51	26.7	\$86,140,000

PRNS prefers some combination of dedication of land, turnkey public improvements, development of the Los Gatos Creek Trail system, and a recreational community center as the means to meet the obligation. If not pursuing turnkey public improvements, the development, at a minimum, should not infringe on the City’s future intent to develop the Los Gatos Creek Trail system as a Class I Bikeway (off-street) facility. Negotiation and development of a Parkland Agreement is separate from all other negotiated agreements; the applicant is encouraged to engage PRNS to discuss the means of meeting the obligation for this project.

***Parkland Obligation***

The project’s parkland obligation was calculated using the following formula:

- Minimum acreage dedication = .003 acres × Number of dwelling units × Average number of persons per dwelling unit (SJMC Section: 19.38.310).
- The estimated parkland obligation for this project will be adjusted after the City receives confirmed unit counts and housing types and accounts for any existing residential units.

**Checklist to Complete Plan Review**

The following information must be received to fully review and comment on how the proposed project will comply with the Diridon Station Area Plan as may be amended and meet its parkland obligation.

- Provide clarification on the intended ownership and maintenance plan for the proposed open space network.
- Revised plans should clearly differentiate between lands that might be publicly accessible (either through dedication to the City or public access easement) and public recreational areas (i.e. public parks, trails, community centers, etc.), from privately-owned inaccessible open space and non-recreational open space areas (i.e. riparian setbacks, mitigation areas, stormwater collection and treatment areas, building setback/landscape areas, private residential open space areas, etc.).
- Clarify how lands to be dedicated to the City will meet the following municipal code requirements:
  - Conveyed by grant deed, free and clear of encumbrances including easements, utilities, or privately-owned buildings.
  - Be at least one-half (1/2) acre in size
  - Not be used for off-site stormwater discharge or treatment or retention areas, required riparian setback areas, and/or serve as environmental mitigation areas.
  - Be graded to create a sufficiently flat area (i.e. less than a three (3) percent grade in any direction).
  - Located adjacent to substantial public street frontage to promote public safety and facilitate policing.
  - Remediated and turned over to the City in a “clean” condition, free of encumbrances, including easements, utilities, emergency vehicle access, and storm water infrastructure.



————— SAN JOSE —————

**PARKS, RECREATION &  
NEIGHBORHOOD SERVICES**

- It is unclear how the project will be designed to put “people and public space” first. Clarify how the proposed public recreational open spaces will be designed and be accessible to future residents, to the greater community, and to visitors.
- Provide exhibits that demonstrate that all public recreational amenities are designed with:
  - a) Distinct and comprehensive goals that meet the goals and objectives of the General Plan.
  - b) Clear indication that parks are in the public realm and are accessible to the public.
  - c) Buildings oriented toward the parks and trails.
  - d) Pedestrian and bicycle paths that terminate at public parks.
  - e) Unique design, architecture, and placemaking.
- Provide an exact proposed residential unit count, housing types, and anticipated building heights.
- Provide detailed sections of all proposed public trail improvements that meet City standards and meet conditions for a Class I Bikeway (off-street) trail as defined by the Caltrans Highway Design Manual Chapter 1000 and the City’s Trail Design Toolkit.
  - a) The trail must be developed within park/open space and generally aligned with the creek channel.
  - b) Enhanced signalized intersections (per the Department of Transportation) will support pedestrian/bicycle movements as trail under-crossings are infeasible per the current roadway system.
  - c) All trails must have appropriate under crossings, signalized crossings, and/or defined on-street routes to access the trail.
- A revised Master Stormwater Control Plan and Grading Plans should indicate if any proposed public lands are in a floodplain and be revised to have separate Drainage Management Areas for lands to be dedicated to the City. Private stormwater should not flow, be collected, or treated on public lands.
- The Site Plan, Grading and Drainage, and subdivision plan sheets should show dimensioned details of any potential encumbrances on land proposed to be dedicated to the City such as (but not limited to):
  - a) Emergency Vehicle Access
  - b) Riparian Corridor and other Setbacks
- Outside of the parkland obligation, please clarify how public art will be incorporated throughout the project development.

**Credits Towards the Parkland Obligation**

*Existing Residential Units*

- Any existing residential units that will be demolished or retained as part of the project qualify for a credit toward the parkland obligation. Clearly provide evidence of all existing residential housing types within the project boundaries so the parkland obligation can be adjusted accordingly.

*Affordable Housing Units*

- If the project includes onsite deed restricted affordable/low income housing units that meet the City’s Affordable Housing criteria and the policies of Resolution No. 75540, these units could qualify for a 50% credit towards the park impact in-lieu fees. The Department of Housing must confirm units are deed restricted low income affordable housing units before credits can be applied.

*Private Recreation Credits*

- Private Recreation Credits, which could allow a credit of up to 50% towards a parkland obligation, could be available for privately owned and maintained recreational amenities developed on the site of a proposed residential development, that meet the eligibility requirements listed in Section 3, Schedule of Credits, included in [Resolution No. 73857](#).

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## PARKS, RECREATION & NEIGHBORHOOD SERVICES

- Private Recreation Credits will only be considered after it has been demonstrated how the project will fulfill its parkland obligation. Applicants typically apply for Private Recreation Credits after development permits are approved. However, applicants can contact PRNS staff to begin the process at any time.

### Exploration of Park Impact In-lieu Fees

- Table 2A and 2B – In-lieu Fee Explorations provide estimated fee adjustment with potential credits applied to the gross fee. The following formula is used to generate estimates: **A-B-C-D-E=F**. Please note, estimates that generate a negative in-lieu fee would not provide any additional benefit to the applicant. The following is subject to adjustment as greater detail about the development and parkland/trail sites are better understood and defined.

**Table 2A – In-lieu Fee Exploration of Multi-Family 5+**

<b>A. Gross Parkland Impact In-lieu Fee</b>	<b>\$ 133,340,000</b>
<i>B. Existing Housing Credit</i>	\$ (unknown)
<i>C. On-Site Deed Restricted Low Income Affordable Housing Credit (15% or 885 units)</i>	<b>\$ 10,000,500</b>
<i>D. Land Dedication Credit (assuming a minimum eight-acres of proposed public parkland)</i>	<b>\$ 25,787,520</b>
<i>E. Private Recreation Credit (based on 30% average, approximately 12.43 acres)</i>	<b>\$ 40,054,498</b>
<b>F. Remaining parkland obligation converted to park impact in-lieu fees that will be applied to design and construct of turnkey recreational improvements on dedicated parkland, trails, and community center space</b>	<b>\$ 57,497,482</b>

**Table 2B – In-lieu Fee Exploration of High Rise**

<b>A. Gross Parkland Impact In-lieu Fee</b>	<b>\$ 86,140,000</b>
<i>B. Existing Housing Credit</i>	\$ (unknown)
<i>C. On-Site Deed Restricted Low Income Affordable Housing Credit (15% or 885 units)</i>	<b>\$ 6,460,500</b>
<i>D. Land Dedication Credit (assuming a minimum eight-acres of proposed public parkland)</i>	<b>\$ 25,787,520</b>
<i>E. Private Recreation Credit (based on 30% average, approximately 12.43 acres)</i>	<b>\$ 40,054,498</b>
<b>F. Remaining parkland obligation converted to park impact in-lieu fees that will be applied to design and construct of turnkey recreational improvements on dedicated parkland, trails, and community center space</b>	<b>\$ 13,837,482</b>

### Conclusion

An executed Parkland Agreement that outlines how a project will comply with the PDO/PIO is required prior to the issuance of a Parcel Map or a Final subdivision Map. Full payment of park impact in-lieu fees is required prior to the issuance of a Building Permit. Negotiation and development of a Parkland Agreement is separate from all other negotiated agreements.

The applicant is highly encouraged to schedule a meeting with PRNS Planning staff at their earliest convenience to discuss the potential to meet the parkland obligation and start the Parkland Agreement process. Contact Zacharias Mendez, Acting Planner IV, by phone at (408) 793-4171, or email at [zacharias.mendez@sanjoseca.gov](mailto:zacharias.mendez@sanjoseca.gov) for any clarifying information and to start the process.

# Memorandum

**TO:** James Han  
PBCE

**FROM:** Tina Vo  
Housing Department

**SUBJECT:** Housing Department’s Initial Response to Planning Application PD19-029      **DATE:** October 25, 2019

PLANNING NO.:	PD19-029, PDC19-039 & GP19-009
PROJECT DESCRIPTION:	Planned Development Permit to allow the construction of approximately 6,500,000 square feet of office (with a maximum of 7,300,000 square feet); <b>approximately 3,000 to 5,000 units of housing (with a maximum of 5,900 units)</b> ; approximately 300,000 to 500,000 square feet of active uses, which may include retail, cultural, arts, etc.; approximately 100,000 square feet of event space; up to 300 hotel rooms and up to 800 rooms of limited-term corporate accommodations.
LOCATION(S):	450 West Santa Clara Street

The Housing Department received the subject project recently, and submits the following comments and requirements:

## **Actions Required Prior to Planning Approvals**

### ***1. Permit Issuance and/or Tentative Map or Parcel Map Approval***

If the above referenced proposed development(s) contains 20 or allows the creation of more dwelling units, it is thus subject to the City’s Inclusionary Housing Ordinance. This includes alteration of structures and conversion of use or tenure. If the above referenced proposed development(s) contains 3-19 dwelling units, it may be subject to the Affordable Housing Impact Fee (AHIF). The Applicant shall, as part of the application for First Approval, submit to the Housing Department for approval an Affordable Housing Compliance Plan Application (Compliance Plan), and all relevant attachments. The Compliance Plan is available at: [www.sjhousing.org/IHO](http://www.sjhousing.org/IHO).

The Developer must also submit with the Compliance Plan the required application processing fee to the Housing Department.

The Inclusionary Housing Ordinance and AHIF Resolution provide a process that allows developers to make a claim that a project may be exempt from affordable housing

obligations. However, the Applicant who believes their project is exempt must submit a Compliance Plan, and provide information regarding eligibility for a claimed exemption.

Please contact the Housing Department as soon as possible to initiate Affordable Housing Compliance Plan completion. The Compliance Plan must be submitted and approved by the Housing Department prior to Planning scheduling the project for hearing.

- A. The above listed permit(s) may seek demolition or remodeling of existing structures with residential dwelling units. If the existing structure is multi-family (triplexes or larger), the owner/developer is required to comply with the Tenant Protection Ordinance, and cannot evict tenants without good cause ([as described in the Tenant Protection Ordinance](#)).
- B. If the project involves demolition or repurposing of existing multi-family residential units built before September 7, 1979, or otherwise subject to the Apartment Rent Ordinance (ARO), it is subject to the City's [Ellis Act Ordinance](#).

Requirements imposed upon the owner/developer include, but are not limited to, delivery of 120-days minimum to 1 year notice to tenants of owner's intent to withdraw building from the rental market, provide tenant relocation assistance, record an Ellis Act covenant.

New or remodeled units rented within five years of withdrawal under the Ellis Act are subject to the ARO and impacted tenants are notified of their right to return to the property upon owner's intention to bring back the property onto the rental market. For information, please visit: [www.sjhousing.org/rent](http://www.sjhousing.org/rent) and/or call (408) 975-4480.

## ***2. Actions Required for Housing Department's Clearance for Building Permit(s) or Map Approval***

Prior to the approval of any final or parcel map, or issuance of any building permit for a rental residential development, if the proposed development(s) contains 20 or more dwelling units, the developer must record an Inclusionary Housing Agreement on all parcels needed to implement the project's residential uses and affordable housing obligation including contiguous property under common ownership and control.

If the proposed development(s) contains 3-19 dwelling units, the developer of a Rental residential development shall either pay the outstanding AHIF fee(s) or, if the developer is claiming an exemption, the owner and developer shall execute an Affordable Housing Agreement to memorialize the project's affordable housing obligation, the outstanding requirements, and if needed, obtain a fee deferral. The Affordable Housing Agreement must then be recorded against the entire development.

## ***3. Actions required for Housing Department's Clearance of Final Inspection and Issuance of Certificate of Occupancy.***

Planning Application Initial Response

**Project No: PD19-029, PDC19-039, GP19-009**

Date: 10/25/19

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No Final Inspection Approval, Temporary Certificate of Occupancy, Certificate of Occupancy, or Notice of Completion for any units will be issued until all requirements of the Inclusionary Housing Ordinance and Guidelines, or, if applicable, the AHIF Resolution and implementing regulations are met.

### **Status of Review**

Please be advised that this response does not signify the Housing Department's final review of this project or the Compliance Plan. Staff will continue to work with you and Planning throughout the entitlement process and, if necessary, may provide additional comments at a later time.

Please contact me at [tina.vo@sanjoseca.gov](mailto:tina.vo@sanjoseca.gov) or 408-975-4416 if you have any questions about the information contained in this letter.

Tina Vo  
Development Officer  
Housing Department

**TO: James Han**  
PBCE

**FROM: Zach Struyk**  
CED

**SUBJECT: RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE: October 31, 2019**

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Approved

Date

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**PLANNING NO.:** PD19-029

**DESCRIPTION:** Planned Development Permit to allow the construction of approximately 6,500,000 square feet of office (with a maximum of 7,300,000 square feet); approximately 3,000 to 5,000 units of housing (with a maximum of 5,900 units); approximately 300,000 to 500,000 square feet of active uses, which may include retail, cultural, arts, etc.; approximately 100,000 square feet of event space; up to 300 hotel rooms and up to 800 rooms of limited-term corporate accommodations.

**LOCATION:** 450 W SANTA CLARA ST, SAN JOSE

The Community Energy Department received the subject project and submits the following comments and requirements.

## **Electrical Infrastructure**

### **Planning Comments:**

- 1) Provide “Infrastructure Narrative Section 13.1 – Existing Energy and Communication Systems” referenced on pg. 3.16 and “Infrastructure Narrative Section 13.2.2 – Proposed Electrical System” referenced on pg. 3.17
- 2) Provide details on proposed electrical infrastructure (pg. 3.17) including proposed transition stations, utility switching station, and customer substation. Information on how the electrical infrastructure will connect to the existing distribution and/or transmission grid should also be provided. Details on the expected distributed generation resources, including their location should also be provided.
- 3) Provide detail of electrical load required for the project, including during construction.
- 4) Community Energy Department staff is supportive of the large microgrid concept with substantial renewable energy generation resources that applicant has described verbally to staff. Staff may meet with applicant to discuss development of electrical microgrid plan and ensure that electrical infrastructure (both existing and planned) is sufficient to support project.

Community Energy Department  
October 31, 2019  
**Subject: PD19-029**  
Page 2 of 2

For questions, contact Zach Struyk, Community Energy Department, at (408) 535-4868.

**Route Revisions to CED.**

Memo Compiled by:  
Zach Struyk  
Deputy Director  
Community Energy Department

**Airport Department Comments on PDC19-039/PD19-029**  
**Downtown West Mixed-Use Plan Project**

1. The generalized height information presented on Sheet 3.06 of the project plan set dated 10/10/19 appears consistent with the maximum elevations that the Federal Aviation Administration (FAA) might consider acceptable and which the City would allow, subject to structure-specific compliance with the regulations and policies addressed in Comment 2 below.
2. Federal Aviation Regulations, Part 77, requires any proposed high-rise and most mid-rise structures within the project boundary to be submitted to the FAA for airspace safety review via applicant filings of a “Notice of Proposed Construction or Alteration” (FAA Form 7460-1) for each corner of a specific proposed building and any additional higher structure point. The minimum proposed height that triggers the requirement for FAA airspace safety review is defined by an imaginary slope that radiates out from the end of the Airport’s runways, so varies within the project boundary, ranging from roughly 35 feet above grade at the northeast corner (closest point to the Airport) to roughly 70 feet above grade at the southwest corner (furthest point from the Airport). The Airport is not aware of any structure-specific filings being made to date by the applicant.

For each proposed structure subject to FAA review, the Airport recommends that the applicant file multiple Form 7460-1 notices with the FAA, one for each roof-top corner of the building and one for each highest structure point not coincident with a building corner (such as mechanical overrun roof or screen). The location and elevation data on the FAA forms should be prepared by a licensed civil engineer or surveyor using NAD83 latitude/longitude coordinates out to hundredths of seconds and NAVD88 elevations rounded off to next highest foot.

In conformance with General Plan policies CD-5.8 and TR-14.2, FAA “determinations of no hazard” will need to be issued prior to City development permit approval for each individual structure, with any conditions set forth in the FAA determinations (such as roof-top obstruction lighting or construction-related notifications) incorporated into the individual development permit as conditions of approval.

3. Pursuant to General Plan Policy TR-14.4, property owner dedication of an Aviation Easement to the City should be required as a condition of PD19-029 approval for all development within the ALUC-defined Airport Influence Area (AIA), plus any development outside the AIA but which the FAA would designate as an obstruction in a “determination of no hazard”. This permit condition shall be fulfilled prior to issuance of a building permit for construction.
4. Please continue to coordinate this project review with the Airport, including referral of:
  - any revised or new project drawings depicting building heights, footprints, or roof-top features.
  - a draft of the PD19-029 aviation-related conditions of approval prior to posting for public hearing (to ensure appropriate inclusion and wording).

For any staff or applicant questions regarding the above comments, contact either Cary Greene, Airport Planner, at [cgreene@sjc.org](mailto:cgreene@sjc.org) (408-392-3623), or Ryan Sheelen, Airport Planner, at [rsheelen@sjc.org](mailto:rsheelen@sjc.org) (408-392-1193).

# Memorandum

**TO: James Han**  
PBCE

**FROM: Peggy Horning**  
ESD

**SUBJECT: RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE: October 28, 2019**

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Approved

Date

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**PLANNING NO.:** PD19-029

**DESCRIPTION:** Planned Development Permit to allow the construction of approximately 6,500,000 square feet of office (with a maximum of 7,300,000 square feet); approximately 3,000 to 5,000 units of housing (with a maximum of 5,900 units); approximately 300,000 to 500,000 square feet of active uses, which may include retail, cultural, arts, etc.; approximately 100,000 square feet of event space; up to 300 hotel rooms and up to 800 rooms of limited-term corporate accommodations.

**LOCATION:** 450 W SANTA CLARA ST, SAN JOSE

The Environmental Services Department received the subject project on 10/28/2019 and submits the following comments and requirements.

## **Integrated Waste Management**

### **Planning Comments:**

- 1) The current submittal does not address details for solid waste collection and management.
- 2) ESD IWM staff can meet with applicant to discuss adequate collection of solid waste and recycling and the development of a waste management plan. The solid waste management plan should include, but is not limited to, types of containers (i.e. roll-offs, compactors, front load bins) and types of service trucks, truck circulation patterns, estimated waste capacity, area(s) planned for storage and collection, proper height, widths of service areas to accommodate service trucks, & proper turning radius for trucks.
- 3) How will site handle bulky items and yardwaste?
- 4) Site must comply with City's Construction and Demolition Diversion Program.

Environmental Services Department

October 28, 2019

**Subject: PD19-029**

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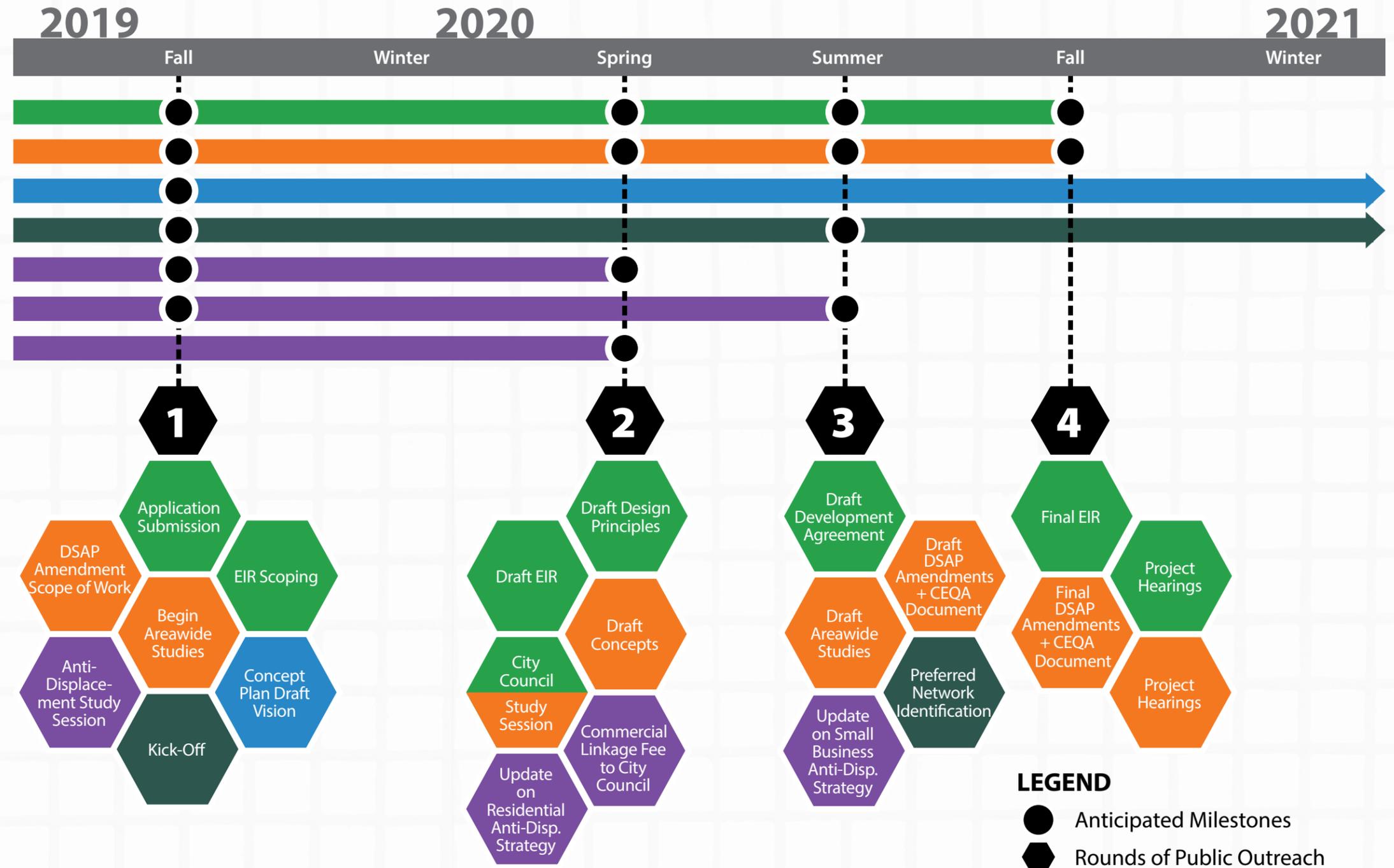
For questions, contact Peggy Horning from the Integrated Waste Management at (408) 975-2527.

**Route Revisions to ESD.**

Memo Compiled by:

Peggy Horning  
Environmental Services Specialist  
Integrated Waste Management Division

# Diridon Station Area Community Engagement Process



The City is planning to conduct **four rounds of public outreach and engagement** corresponding to key milestones in the planning process.

The City will share information and gather feedback from the Station Area Advisory Group (SAAG) and general public for consideration.

Please visit [www.diridonsj.org](http://www.diridonsj.org) to:

- see the complete Community Engagement Strategy
- sign up for email updates
- get info on upcoming events
- submit questions and comments
- explore background information

## LEGEND

- Anticipated Milestones
- ⬡ Rounds of Public Outreach

Note: Timelines are subject to change.

