

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE APPROVING A CONSTRUCTION IMPACT
MITIGATION PLAN PURSUANT TO CHAPTER 13.36 OF
THE SAN JOSE MUNICIPAL CODE FOR DEVELOPMENT
OF THE DOWNTOWN WEST MIXED-USE PLAN WITHIN
THE DOWNTOWN WEST PLANNED DEVELOPMENT
ZONING DISTRICT**

FILE NO. PD19-029

WHEREAS, Google LLC (“Project Sponsor” or “Google”) has submitted a framework for the Construction Impact Mitigation Plan required pursuant to Chapter 13.36 of Title 13 of the San José Municipal Code (“CIMP”), dated April 2021 for the Downtown West Mixed-Use Plan (the “Project” or “Downtown West”) and attached hereto as Exhibit A and incorporated herein; and

WHEREAS, this Resolution 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. [REDACTED]); amendments to General Plan (Resolution No. [REDACTED]); amendments to the Diridon Station Area Plan (Resolution No. [REDACTED]); the Development Agreement for the Downtown West Mixed-Use Plan (Ordinance No. [REDACTED]); Planned Development Rezoning, including a General Development Plan (Ordinance No. [REDACTED]); a Planned Development Permit (Resolution No. [REDACTED]); amendments to Title 20 of the San José Municipal Code (Ordinance No. [REDACTED]); approval of a Vesting Tentative Map (Resolution No. [REDACTED]); amendments to the landmark boundaries of the San José Water Company at 374 West Santa Clara Street and the Southern Pacific Depot Historic District (Resolutions No. [REDACTED] and [REDACTED]); an amendment to Historic Preservation Permit (HP16-002) (Resolution No. [REDACTED]); approval

authorizing Major Encroachment Permits (Resolution No. [REDACTED]); and approval of partial vacation of certain streets within Downtown West (Resolution Nos. [REDACTED]); and

WHEREAS, the Project is located within the Downtown West Planned Development Zoning District, approved by Ordinance No. [REDACTED], 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; Auzerais Avenue to the south; and Diridon Station and the Caltrain rail tracks to the west; and

WHEREAS, the public improvements required to be constructed in conjunction with the Project constitute a “major construction project” under Section 13.36.240 of Title 13 of the San José Municipal Code, and therefore, a Construction Impact Mitigation Plan that complies with Chapter 13.36 of the Municipal Code must be approved by the City prior to the issuance of any encroachment permits for each phase or individual horizontal, vertical or open space project within the Downtown West project area (“Subsequent CIMP”); and

WHEREAS, pursuant to Sections 13.36.220-230 of Title 13 of the San José Municipal Code, Construction Impact Mitigation Plans must contain a detailed project description including construction phasing, a detailed analysis of construction-related impacts as a result of the Project, a detailed description of mitigation measures that reasonably mitigate each of the identified impacts to the extent practicable, and a detailed Communications Plan; and

WHEREAS, the Project is intended to be developed in phases and the detailed information required to be submitted in Construction Impact Mitigation Plans pursuant to Chapter 13.36 will be provided by Subsequent CIMPs; and

WHEREAS, the Downtown West Planned Development Zoning District (approved by Ordinance No. [REDACTED]) establishes the Downtown West Planned Development 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 Planned Development Zoning District which is further described in the Conformance Review Implementation Guide (“Implementation Guide”), dated April 2021 and approved by Resolution No. [REDACTED] approving the Downtown West Planned Development Permit;

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

SECTION 1.

- A. The recitals above are incorporated herein.
- B. This Resolution is consistent with the Goals and Policies of the General Plan as set forth in Exhibit B to Resolution No. [REDACTED] (amendments to the General Plan).
- C. The CIMP attached hereto as Exhibit A has been found to be complete and the Project’s submittal of Subsequent CIMPs for subsequent review and approval pursuant to this Resolution and the CIMP is in accordance with Chapter 13.36, and if approved would not jeopardize or create harm to public health and safety. Therefore, the City Council finds that none of the criteria for denial of a CIMP in Section 13.36.300 are present.

SECTION 2.

- A. The CIMP attached as Exhibit A is hereby approved.

- B. The Director of Public Works or their designee is delegated the authority to review Subsequent CIMPs for horizontal improvements submitted during the Project's Conformance Review process pursuant to the Implementation Guide, and to approve Subsequent CIMPs that comply with the requirements in Chapter 13.36 of Title 13 of the San José Municipal Code and are consistent with the CIMP.
- C. The Director of Public Works or their designee is delegated the authority to review Subsequent CIMPs for vertical improvements and open space during the building permit process, and to approve Subsequent CIMPs that comply with the requirements in Chapter 13.36 of Title 13 of the San José Municipal Code and are consistent with the CIMP.
- D. The Director of Public Works is authorized to make minor changes and amendments to the CIMP, including but not limited to attaching exhibits and making corrections, as necessary or appropriate, to effectuate the intent of Chapter 13.36 of Title 13 of the San José Municipal Code.

SECTION 3. The City Council hereby makes the following environmental findings.

- A. The City is the lead agency for the Project and has prepared the Final Environmental Impact Report for the Project pursuant to and in accordance with the California Environmental Quality Act ("CEQA"), which Final Environmental Impact Report is comprised of the Draft Environmental Impact Report for the Project and the appendices thereto ("Draft EIR"), the comments and responses to comments, and the revisions to the Draft EIR (collectively, all of said documents are referred to herein as the "FEIR").
- B. On April 28, 2021, the Planning Commission of the City of San José reviewed the FEIR and recommended to the City Council that it found the environmental

clearance for the Project, including the actions contemplated in this Resolution, was completed in compliance with CEQA.

C. On May 25, 2021, the City Council independently reviewed and analyzed the FEIR and other information in the record, and adopted Resolution No. [REDACTED], certifying the FEIR and adopting findings under CEQA, the Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations in connection with the Project, which resolution is on file with the Director of Planning, Building and Code Enforcement at the Director's office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113.

SECTION 4. This Resolution shall take effect upon the effective date of the Downtown West Planned Development Zoning District (Ordinance No. [REDACTED]).

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

**Downtown West
Construction Impact Mitigation Plan**

May 2021

Prepared for:

City of San Jose
200 E Santa Clara St
San Jose, CA 95112
USA

Prepared by:

Google LLC
1600 Amphitheatre Parkway
Mountain View, CA, 94043

Project Team Contact:

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Preface:

A CIMP will be submitted for each phase or individual horizontal, vertical or open space project within the Downtown West project area (“Subsequent CIMP”).

The Subsequent CIMPs for each project or phase of a project will be submitted to the City in accordance with the following timing:

- For horizontal infrastructure projects or phases the Subsequent CIMP will be submitted to the City in draft at the 65% horizontal infrastructure design submission and finalized for the Encroachment Permit issuance.
- For vertical projects within a parcel or phase that has an existing Subsequent CIMP covering any impact to the surrounding right of way, the Subsequent CIMP specifically covering the impacts of the vertical construction will be submitted in draft at the Building Permit application and finalized for the Building Permit issuance.
- For Open Space projects, if not submitted as part of a vertical or infrastructure submission, the Subsequent CIMP will be submitted in draft at Building Permit Application, and finalized for the Building Permit issuance.

This framework document is intended to provide guidance for the content of each Subsequent CIMP. The project information contained within this CIMP is derived from the EIR. As the specific timing and construction methodologies for each project are not yet known, this document cannot provide a description of the project impacts and mitigations at this stage.

A Recommended Temporary Traffic Control Plan (RTTCP), developed in accordance with San Jose’s standards, is to be included as an Appendix to each Subsequent CIMP. Traffic impacts identified in a RTTCP will be addressed in the Subsequent CIMP.

Each Subsequent CIMP may supersede an earlier plan, as each phase or sub-project is commenced. If so, this is to be noted within each Subsequent CIMP.

A. Project Description

City’s CIMP Policy: A detailed project description, including site maps and a phasing schedule depicting the proposed location and timing of construction activity on a month-by-month basis for the duration of the project.

Executive Summary

[This section will provide a broad description of the whole Downtown West project. Particularly for the earlier Subsequent CIMP submissions, it will not be possible to provide a full and detailed description of work on every subsequent site and within every geographical area of the Downtown West project, as each individual building may not have completed the design phase. The Project will provide all details known of the respective project to inform the City of the overall approach to construction on the respective sites.]

Google LLC, the project applicant, is proposing the Downtown West Mixed-Use Plan (proposed project) as part of the company's expansion of its workforce and business operations in the Bay Area. To address workforce growth and create more efficient transportation linkages between the Google workplace and employees' homes, the proposed project is located in the Envision San José 2040 General Plan (General Plan) Downtown Growth Area and largely within the boundaries of the City of San José's (City's) Diridon Station Area Plan (DSAP), 1 which envisions a new high-density job center anchored by public transportation. The proposed project would include a mix of uses generally consistent with the General Plan and DSAP, providing for a mixed-use Downtown neighborhood.

The proposed project consists of the demolition of most existing buildings on the project site and phased development of new buildings on approximately 81 acres on the west side of Downtown San José.

The proposed project would include development of the following uses:

- A maximum of 7.3 million gross square feet (gsf) of commercial office space
- A maximum of 5,900 residential units
- A maximum of 500,000 gsf of active uses (commercial retail/restaurant, arts, cultural, live entertainment, community center, institutional, childcare and education, maker spaces, non-profit, and small-format office space)
- A maximum of 300 hotel rooms
- A maximum of 800 limited-term corporate accommodations (lodging of company workforce for not more than 60 consecutive days and not open to the public; considered a non-residential use)
- A maximum of 100,000 gsf of event and conference space
- On- and off-street public/commercial and residential parking
- A district systems approach to delivery of on-site utilities including designated infrastructure zones with 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 Various 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.

Scope of work described by this CIMP

[In this section, we will describe the extent of work that is the subject of a particular Subsequent CIMP. This is necessary because the project will be divided into a number of phases and sub-projects by geographical area. Therefore, there will be multiple Subsequent CIMP submissions covering the different phases of the project.]

Each Subsequent CIMP will be submitted for approval to the City in accordance with the timing stated in this CIMP. The applicant would therefore be able to demonstrate that it has an approved Subsequent CIMP when submitting an encroachment permit application for each phase of work.]

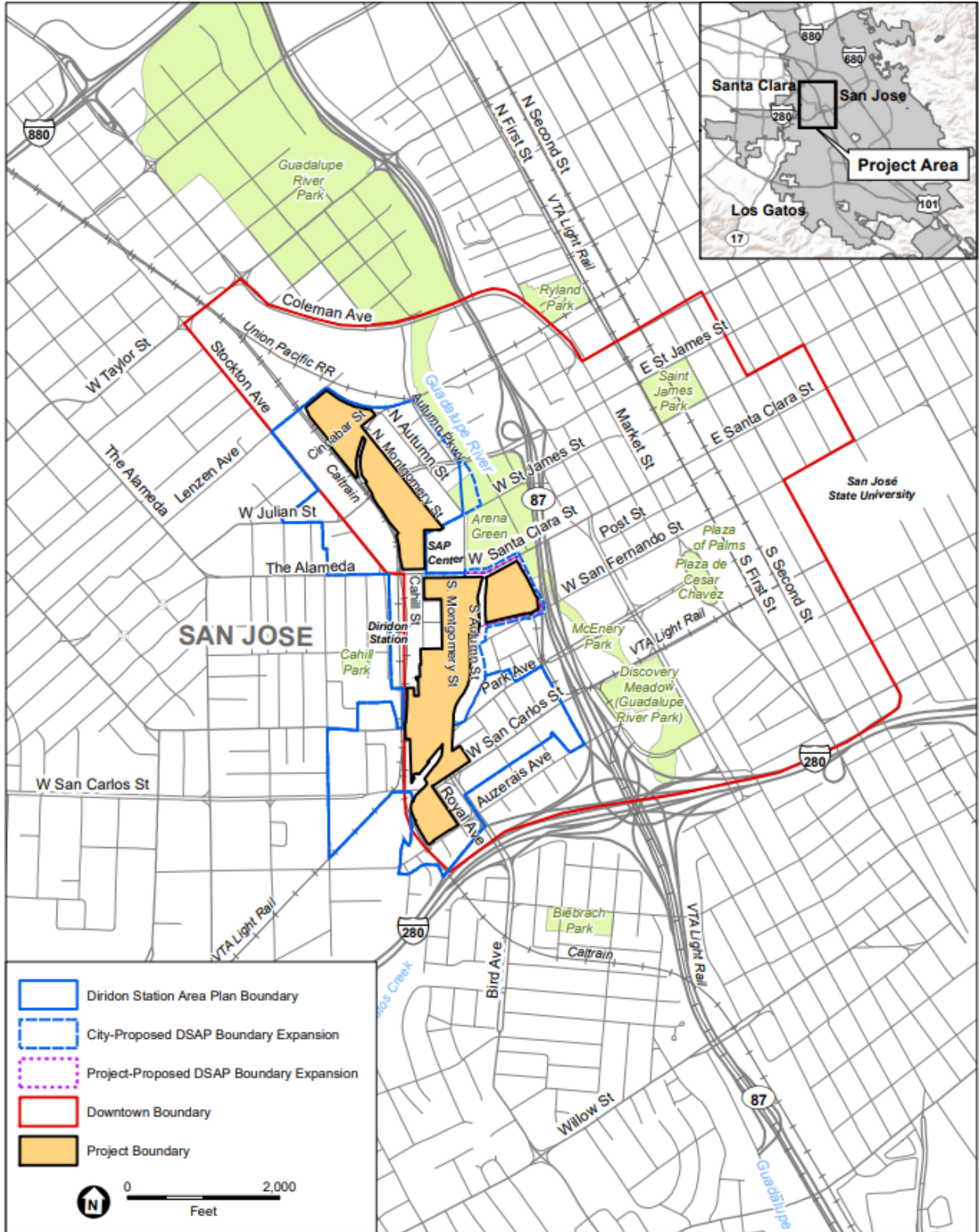
Site Map

[This will show the overall Downtown West project area, and then highlight the specific geographical area that is the subject of this particular CIMP. It will also show any previously submitted/approved CIMP areas.]

The project area is located in the western portion of Downtown San José, mostly within the DSAP. (The DSAP boundary would be amended to include the previously entitled project area west of Barack Obama Boulevard (formerly South Autumn Street) between West Santa Clara Street and West San Fernando Street.)

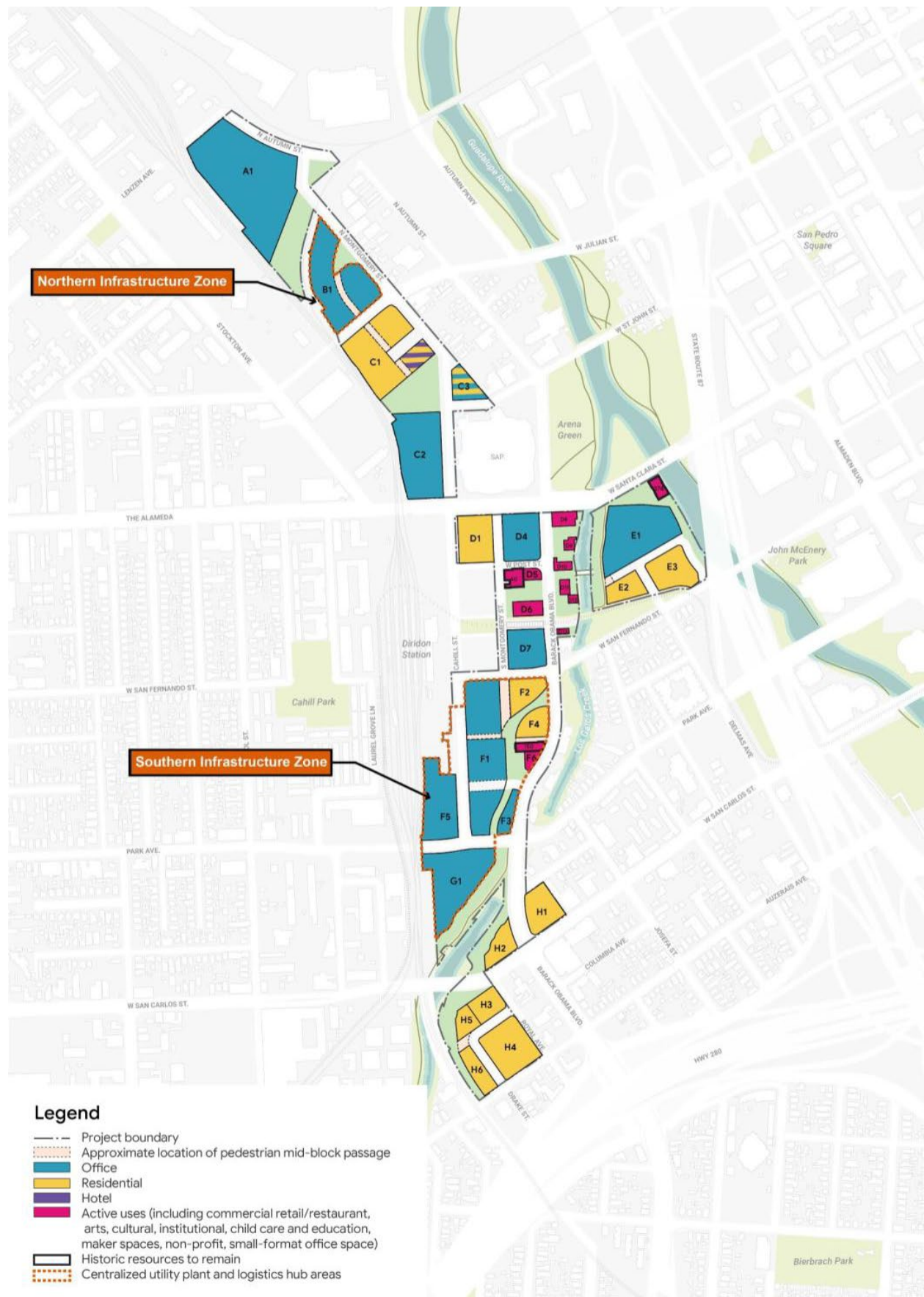
The figure below shows the project site generally bounded by Lenzen Avenue and the Union Pacific Railroad (UPRR) tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, Barack Obama Boulevard (formerly South Autumn Street), and Royal Avenue to the east; Auzerais Avenue to the south; and Diridon Station and the Caltrain rail tracks to the west. Cahill Street fronts Diridon Station and runs generally parallel to the rail tracks in the project's central area.

The site is approximately 1 mile long from north to south and generally less than 800 feet wide from east to west, although the site reaches nearly 1,500 feet from east to west at its widest, just south of West Santa Clara Street.



SOURCES: ESRI, 2019; City of San José, 2020; ESA, 2020

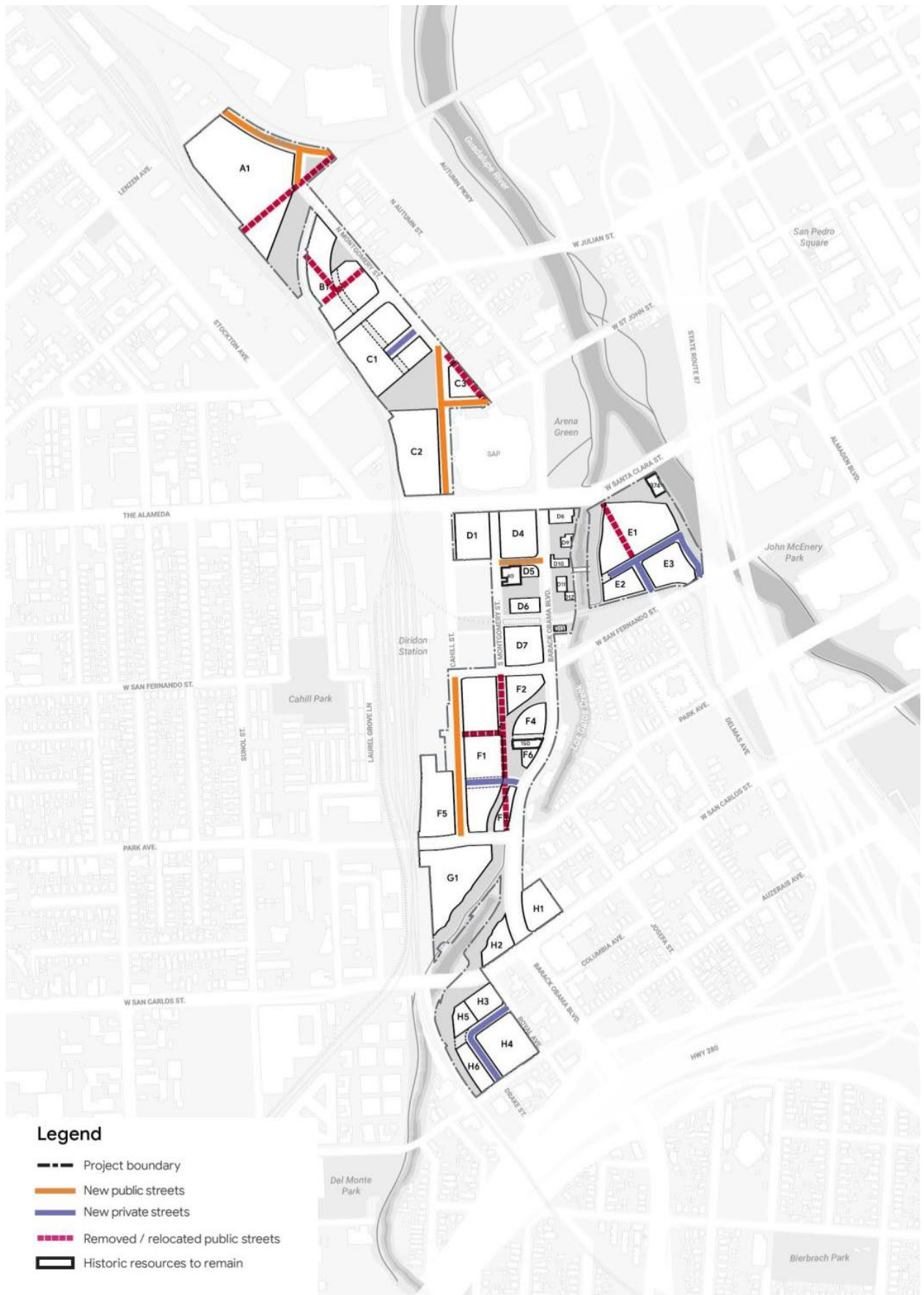
Downtown West Mixed-Use Plan



The project applicant proposes to extend portions of certain streets across the project site and remove sections of other streets (refer to the figure below). Notably, the proposed project would extend Cahill Street from its current terminus at West Santa Clara Street to North Montgomery Street in the north and from West San Fernando Street to Park Avenue in the south to enhance north-south connectivity throughout the length of the project site. North of the SAP Center, West St. John Street would be extended to connect with the extended Cahill Street. North of the UPRR tracks, circulation would be reconfigured with a perimeter street framing new development. The project would also create a new block-long east-west extension of Post Street between South Montgomery and Barack Obama Boulevard. Privately owned but generally publicly accessible streets would be added in the form of a Ring Road extending west from the intersection of North Montgomery and Cinnabar Street around the rear (west) of Block A1, connecting to the former Lenzen Avenue right-of-way north of Block A1 and to a new public street along the east side of Block A1; west from North Montgomery Street within Block C1; north from West San Fernando Street along the alignment of Delmas Street between Blocks E2 and E3 and turning east to the Guadalupe River; and an L-shaped street linking Royal Avenue and Auzerais Street (between Blocks H3 and H4).

Limited-access private streets providing primarily service and loading access would include a street that would run north of West San Fernando Street and parallel to Delmas Avenue at the eastern border of the project site and a connection between Cahill Street and Barack Obama Boulevard north of Park Avenue (through Block F1).

The proposed project would remove a number of street segments within the project site: Cinnabar Street west of North Montgomery Street, North Montgomery Street between West St. John and Cahill Streets, Delmas Avenue between West Santa Clara and West San Fernando Streets, South Montgomery Street between West San Fernando Street and Park Avenue, and Otterson Street west of South Montgomery Street. The southern portion of the segment of Delmas Avenue to be removed as a through street would be reconfigured as a private street north of West San Fernando Street, between Blocks E2 and E3, as noted above; this private street would provide parking access and egress to and from the proposed development on the E blocks. In addition, as a flood control improvement, the project applicant proposes to replace the existing Los Gatos Creek bridge along San Fernando Street with a new bridge in approximately the same location. This off-site improvement would not affect the circulation system, except temporarily during construction.



Phasing Schedule

[In this section, we will provide a phasing schedule for the particular area that is the subject of this CIMP. We do not intend to provide a phasing schedule for the entire Downtown West project with any of these individual CIMP submissions, as the overall project schedule and phasing sequence of particular buildings and geographical areas is subject to change. It is important to maintain this flexibility and to provide relevant information to the City with appropriate durations for review and comment.]

The phasing schedule to be included with each Subsequent CIMP shall depict the location and timing of construction activity within the geographical area described by a particular Subsequent CIMP, on a month-by-month basis for the duration of the works within that area.]

The construction of the project's proposed buildings, street network changes, and infrastructure would occur in multiple phases and sub-projects. The duration of each phase of construction would vary, with the end of one phase and the start of the subsequent phase sometimes overlapping one another.

The timing of construction of buildings and other project components within each phase may shift due to market conditions or other external factors. The specific type of construction work would also vary by phase, but would generally consist of the following sequence for each of the three phases:

1. Demolition and site clearance
2. Excavation and soils removal (and remediation, as needed)
3. Foundation and/or basement level/garage work; utilities and subsurface infrastructure
4. Vertical construction
5. Surface street/right-of-way work
6. Streetscape and open space improvements

Construction Methodology

[This section will describe the general nature of the construction work within the area covered by each project of phase CIMP, and the methodology to be employed. It is not possible to describe at this stage, as the vertical and horizontal works are not yet designed. Details of the construction methodology will be provided with each Subsequent CIMP submission as outlined in the Preamble.]

B. Potential Physical, Environmental and other Impacts

City's CIMP Policy: A detailed analysis of the potential physical, environmental and other impacts of the construction activities on residents and businesses within a thousand (1000) foot radius of the project. The Subsequent CIMP may incorporate by reference the analysis of physical and environmental impacts identified in any document prepared for the project pursuant to the California Environmental Quality Act.

Physical Impacts

[In this section, we will describe the physical impacts of the work that is the subject of this CIMP.]

Environmental Impacts

[In this section, we will describe the environmental impacts of the work that is the subject of this CIMP.]

Other Impacts

[In this section, we will describe any other impacts of the work that is the subject of this CIMP.]

C. Mitigation Measures

City's CIMP Policy: A detailed description of the mitigation measures proposed to be undertaken by the contractor or the project owner to mitigate each of the impacts identified to the extent practicable. The Subsequent CIMP may incorporate by reference the mitigations of physical and environmental impacts proposed in any document prepared for the project pursuant to the California Environmental Quality Act.

Mitigation of Physical Impacts

[In this section, we will describe the mitigation measures to be employed to minimize the physical impacts of the work that is the subject of this CIMP.]

Mitigation of Environmental Impacts

[In this section, we will describe the mitigation measures to be employed to minimize the environmental impacts of the work that is the subject of this CIMP.]

Mitigation of Other Impacts

[In this section, we will describe the mitigation measures to be employed to minimize any other impacts of the work that is the subject of this CIMP.]

Note: *For ease of reference, the mitigation section may be combined with the impact section, such that each impact can be described with its mitigation measure clearly outlined alongside. This may be communicated by means of a table if this provides increased clarity.*

Reference shall be made to the Downtown Construction Guidelines, and how the project will comply with this document. Where a particular impact can be mitigated appropriately by compliance with a section of the Guideline, reference to that section shall be stated herein, and compliance with that Guideline will be required.]

D. Communications Plan

City's CIMP Policy: A detailed Communications Plan outlining the steps that will be taken by the contractor and the project owner during the course of construction of the project to alleviate the identified impacts, which shall include, but not be limited to the following:

- 1. A schedule of regular meetings with the surrounding businesses throughout the course of construction;*
- 2. A display of maps and construction schedule information posted in and around the*

- construction area;
3. A schedule of meetings with the surrounding community, emphasizing the market area of the impacted businesses;
 4. A schedule of regular meetings to coordinate with any other construction project within 500 feet of the project; and
 5. Nominate a Community Outreach Coordinator for the project.

[The project proponent commits to providing a Communication Plan in accordance with the requirements outlined above. This will be updated and provided with each Subsequent CIMP submitted.]

In this section, we will provide a general overview of the Communication Plan for the overall Downtown West project, and then a more descriptive plan that addresses the geographical area and any stakeholders specifically affected by the area of work described in a particular Subsequent CIMP. The sections shall include:

Downtown West Communication Plan - General Overview

[We will provide a general overview of the Communication and Stakeholder Management plan for the whole Downtown West project, so that the City understands how this particular Subsequent CIMP strategy fits within the overall plan.]

Specific Communication Plan for this CIMP

[Describe the geographical area of each Subsequent CIMP and any key differences or focus areas from the overall Downtown West plan. This section will address:

1. Schedule of Meetings with Surrounding Businesses & SAP Center

[Provide a schedule of regular meetings with surrounding businesses that extends throughout the course of construction of the works subject of each Subsequent CIMP, addressing all key business stakeholders, and provide a proposed agenda for these meetings. A schedule of regular meetings will be established with the management and ownership of the SAP Center, the Downtown Business Association and other identified key stakeholders.]

2. Schedule of Community Meetings

3. Location of Information Boards

[Show by means of a site plan the locations for display of project information on approved posters, displaying construction schedule information and the contact details of a project information line.]

4. Schedule of Public Meetings

[Provide a schedule of regular meetings with the general public that extends throughout the course of construction of the works subject to this CIMP, and provide a proposed agenda for these meetings.]

5. Coordination with Other Construction Projects

[In this section, we will show a map of any other construction projects underway or likely to commence during the construction duration that are within 500 feet of the work area the subject of this CIMP. We will provide a brief overview of our understanding of those projects, and outline a schedule of meetings for coordination with those projects.]

E. Potential Impacts to Businesses

City's CIMP Policy: The potential impacts to businesses within a 1,000 foot radius of the Project that shall be addressed in the CIMP, if applicable, shall include:

- 1. Impacts on patronage due to impediments to pedestrian and vehicular access, visual impediments to signage loss of on street parking, or perceived safety issues;*
- 2. Forced temporary business closure due to loss of utilities, loss of access for patrons and employees, loss of access for services such as deliveries or garbage service, or perceived safety issues;*
- 3. Forced permanent business closure due to permanent loss of pedestrian or vehicular access.*

[In this section of the CIMP, we will describe all known impacts to businesses within a 1,000 foot radius of the area that is the subject of this CIMP. Sub-sections will include:

Impacts on Patronage

[In this section we will describe the investigations undertaken into the surrounding businesses, and what the Developer expects may be the impact to patronage as a result of the work in the subject area. We will also specifically outline any measures that we intend to take to mitigate impact to the affected businesses.]

Temporary Closures

[We will describe any temporary closures required to businesses that result from work in the subject area, and explain why. We will explain why the temporary closure is necessary and unavoidable.]

Permanent Closures

[In this section, we will describe any permanent closures required to businesses that result from work in the subject area, and explain why. We will explain why the permanent closure is necessary and unavoidable.]

Relocation of Businesses

[In this section, we will describe any initiatives that the Developer is taking to relocate businesses either within the Downtown West project area, or to another receiver site.]

Schedule of meetings with Downtown Business Association

[In this section, we will provide a schedule of meetings with the Downtown Business Association, and a commitment to meet with the Association at an agreed frequency.]

Parking Space Assessment

[In this section, we will identify the number of parking spaces needed during construction of the applicable phase. We will also describe other construction-related impacts to parking during construction of the applicable phase.]