

County of Santa Clara
Airport Land Use Commission



DATE: December 16, 2020, Regular Meeting

TIME: 6:00 PM

PLACE: ****By Virtual Teleconference Only****

AGENDA

Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, this meeting will be held by teleconference only. No physical location will be available for this meeting; however, members of the public will be able to participate in the meeting as noted below.

To address the Commission in public comment, please review the Public Comment Instructions below, then access the teleconference at <https://sccgov-org.zoom.us/j/97403199865> (recommended) or (669) 900-6833, meeting ID 97403199865# (participant ID not required).

Further instructions for accessing the teleconference will be posted online at: www.sccgov.org/bosmeeting

Notice to the Public - Meeting Procedures

In compliance with the Americans with Disabilities Act and the Brown Act, those requiring accommodations in this meeting should notify the Clerk of the Airport Land Use Commission no less than 24 hours prior to the meeting at (408) 299-5001, or TDD (408) 993-8272.

Please note: To contact the Commission and/or to inspect any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to all or a majority of the Board of Supervisors (or any other commission, or board or committee) less than 72 hours prior to that meeting, visit our website at <http://www.sccgov.org> or contact the Clerk at (408) 299-5001 or 70 W. Hedding Street, San Jose, CA 95110, during normal business hours.

Persons wishing to address the Commission are requested to limit their comments to two minutes. Groups of speakers on a specific item are asked to limit their total presentation to a maximum of twenty minutes for each side of the issue.

Public Comment Instructions

Members of the Public may provide public comments at this meeting as follows:

- Written public comments may be submitted by email to bnc@cob.sccgov.org. Written comments will be distributed to the Commission as quickly as possible, however, please note that documents may take up to 24 hours to be posted to the agenda outline.
- Spoken public comments will be accepted through the teleconference meeting. To address the Commission, click on the link above for the appropriate meeting to access the Zoom-based meeting. Please read the following instructions carefully.
 1. You may download the Zoom client or connect to the meeting in-browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
 2. You will be asked to enter an email address and name. The Clerk requests that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
 3. When the Chairperson calls for the item on which you wish to speak, click on "raise hand." The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak. (Call in attendees press *9 to request to speak, and *6 to unmute when prompted.)
 4. When called to speak, please limit your remarks to the time limit allotted.

Opening

1. Call to Order/Roll Call.
2. Public Comment.

This item is reserved for persons desiring to address the Commission on any matter within the subject matter jurisdiction of the Commission that is not on this agenda. Members of the public who wish to address the Commission on any item not listed on the agenda should request to speak at this time. The Chairperson will call individuals to speak in turn.

Speakers are limited to the following: three minutes if the Chairperson or designee determines that five or fewer persons wish to address the Commission; two minutes if the Chairperson or designee determines that between six and fourteen persons wish to address the Commission; and one minute if the Chairperson or designee determines that fifteen or more persons wish to address the Commission.

The law does not permit Commission action or extended discussion of any item not on the agenda except under special circumstances. If Commission action or response is requested, the Commission may place the matter on a future agenda.

Regular Agenda - Items for Discussion

3. Approve minutes of the November 18, 2020 Regular Meeting.
4. Held from November 18, 2020 (Item No. 5): Consider recommendations relating to the General Plan Amendment regarding the Midtown Specific Plan, affecting lands within the San Jose International Airport (SJC) Airport Influence Area. (City of San Jose File Nos. GPT20-003, GP20-006) (ID# 104021)

Possible action:

- a. Find the General Plan Amendment consistent with the policies contained within the SJC Comprehensive Land Use Plan (CLUP).

OR

- b. Find the General Plan Amendment inconsistent with the policies contained within the SJC CLUP.

5. Consider recommendations relating to the Diridon Station Area Plan Amendment, affecting lands within the San Jose International Airport (SJC) Airport Influence Area. (City of San Jose File No. GP20-007) (ID# 103913)

Possible action:

- a. Find the Specific Plan Amendment consistent with the policies contained within the SJC Comprehensive Land Use Plan (CLUP).

OR

- b. Find the Specific Plan Amendment inconsistent with the policies contained within the SJC CLUP.
6. Consider recommendations relating to a request from the City of San Jose for a General Plan Amendment and Rezoning for the Downtown West Project, within the Airport Influence Area of San Jose International Airport (SJC). (City of San Jose Planning File Nos. GP19-009, PDC19-039-multiple parcels) (ID# 103914)

Possible action:

- a. Find the General Plan Amendment and Rezoning consistent with the policies contained within the SJC Comprehensive Land Use Plans (CLUP).

OR

- b. Find the General Plan Amendment and Rezoning inconsistent with the policies contained within the SJC CLUP.
7. Receive report relating to plans for the future of Reid-Hillview Airport pursuant to actions taken by the Board of Supervisors. (Ken Betts)
8. Receive report from Assistant Director of County Airports. (Ken Betts)
9. Receive report from Chairperson relating to Commission activities. (Paul Donahue)
10. Receive report from the Department of Planning and Development. (Mark Connolly)
11. Receive report from Airport Planner, San Jose International Airport. (Ryan Sheelan)
12. Receive report from Moffett Federal Airfield representative. (David Satterfield)
13. Receive report relating to Palo Alto Airport. (Mark Connolly)
14. Propose future agenda items.

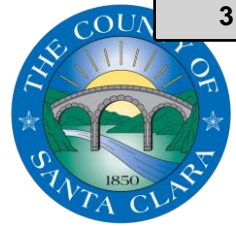
Announcements

15. Announcements and correspondence:
 - a. Commissioners' announcements.
 - b. There are currently no vacancies on the Commission. For internet access to the vacancies list and applications, please visit <http://www.sccgov.org/sites/cob/bnc>.
 - c. The County of Santa Clara provides reimbursement to appointed Commissioners for family care expenses incurred during the time spent performing their official County duties. For additional information please contact the Office of the Clerk of the Board at (408) 299-5001.

Adjourn

16. Adjourn to the next regular meeting on Wednesday, January 27, 2021 at 6:00 p.m. in Room 157, County Government Center, 70 W. Hedding Street, San Jose, or by virtual teleconference.

County of Santa Clara Airport Land Use Commission



DATE: November 18, 2020, Regular Meeting
TIME: 6:00 PM
PLACE: By Virtual Teleconference Only

MINUTES

Opening

1. Call to Order/Roll Call.

Chairperson Donahue called the meeting to order at 6:00 p.m. A quorum was present via teleconference, pursuant to the provisions of Executive Order N-29-20 issued on March 17, 2020 by the Governor of the State of California.

Attendee Name	Title	Status	Arrived
Walter Windus	Commissioner - Seat 1	Remote	
Diego Barragan	Vice Chairperson - Seat 2	Remote	
E. Ronald Blake	Commissioner - Seat 3	Remote	
Paul Donahue	Chairperson - Seat 4	Remote	
Keith Graham	Commissioner - Seat 5	Remote	
Lisa Matichak	Commissioner - Seat 6	Remote	
Robert Holbrook	Proxy Commissioner - Seat 6	Remote	
Glenn Hendricks	Commissioner - Seat 7	Remote	

2. Public Comment.

No public comments were received.

Regular Agenda - Items for Discussion

3. Approve minutes of the October 28, 2020 Regular Meeting.

3 RESULT: APPROVED [UNANIMOUS]
MOVER: Glenn Hendricks, Commissioner - Seat 7
SECONDER: Walter Windus, Commissioner - Seat 1
AYES: Windus, Barragan, Blake, Donahue, Graham, Matichak, Hendricks

4. Consider recommendations relating to the General Plan Amendment regarding Woz Way affecting lands within the San Jose International Airport (SJC) Airport Influence Area. (City of San Jose File No. GP19-008) (ID# 98900)

Possible action:

- a. Find the General Plan Amendment consistent with the policies contained within the SJC Comprehensive Land Use Plan (CLUP).

OR

- b. Find the General Plan Amendment inconsistent with the policies contained within the SJC CLUP.

Mark Connolly, Senior Planner, Department of Planning and Development, reported that the General Plan Amendment (GPA) would change the land use designation to Downtown which would allow office, retail, service, residential, and entertainment uses.

Regarding safety, Mr. Connolly reported that the site is located outside of all the safety zones and therefore none of the safety policies apply.

Regarding noise, Mr. Connolly reported that the site is located within the 65-decibel Community Noise Equivalent Level (CNEL) noise contour for SJC. He further noted that the GPA could allow mixed-use residential development including outdoor patios which would be in conflict with the noise policies within the SJC CLUP. Regarding height, Mr. Connolly reported that the site lies beneath 312 feet Above Mean Sea Level (AMSL) surface limit, and that the elevation is approximately 100 feet AMSL. He further noted that the Downtown land use designation could allow development up to 30 stories, which could penetrate the Part 77 surface limit. Mr. Connolly further noted that future development will require a No Hazard Determination from the Federal Aviation Administration (FAA) for proposed development that triggers an aeronautical study notification. Finally, he advised that staff recommends as a condition of consistency that the City of San Jose include specific Safe Airport and Environmental Leadership policies in the GPA to ensure compatibility with noise policies regarding outdoor patios and height boundaries.

In response to an inquiry from Commissioner Hendricks, Lizanne Reynolds, Deputy County Counsel, confirmed that if the Airport Land Use Commission (ALUC) finds the GPA consistent on the condition that the City incorporate the recommended policies, the ALUC is relying on faith that the City will adhere to those policies for future development projects. Discussion ensued relating to potential outcomes based on the ALUC's decision, the ability for the City to override an inconsistency decision, the ability for ALUC to make conditional approvals, and lack of attendance of City staff.

Commissioners Hendricks and Donahue expressed concern relating to ALUC's limited options for consideration of the referral. Commissioner Hendricks stated that he reluctantly supports the motion.

In response to an inquiry from Chairperson Donahue, Mr. Connolly stated that it would be very difficult for a structure to be built that the FAA determined as a hazard.

Approved as amended to find the GPA consistent with the policies contained within the SJC CLUP with the condition that the City of San Jose include the Safe Airport policies applicable general plan policies into the subject site-specific GPA to ensure compatibility with outdoor patios associated with residential development.

4 RESULT: APPROVED AS AMENDED [6 TO 1]
MOVER: Walter Windus, Commissioner - Seat 1
SECONDER: Diego Barragan, Vice Chairperson - Seat 2
AYES: Windus, Barragan, Blake, Graham, Matichak, Hendricks
NAYS: Donahue

5. Consider recommendations relating to the General Plan Amendment regarding the Midtown Specific Plan, affecting lands within the San Jose International Airport (SJC) Airport Influence Area. (City of San Jose File Nos. GPT20-003, GP20-006). (ID# 103679)

Possible action:

- a. Find the General Plan Amendment consistent with the policies contained within the SJC Comprehensive Land Use Plan (CLUP).

OR

- b. Find the General Plan Amendment inconsistent with the policies contained within the SJC CLUP.

Mr. Connolly reported that the proposed general plan text amendment includes modifications to the Envision San Jose 2040 General Plan and Midtown Specific Plan.

Regarding safety and height, Mr. Connolly reported that with the exception of two proposed modifications that could potentially conflict with the SJC CLUP safety and height policies, all proposed modifications have no aviation impacts.

Regarding noise, Mr. Connolly reported that there is a possibility for residential development in the 65-decibel noise contour and reminded the Commission that development is speculative.

Mr. Connolly further noted that to ensure that future development not exceed height and safety restrictions, staff recommends a consistency determination include the condition that the City of San Jose reference the Safe Airport Policies within the General Plan.

Commissioner Hendricks suggested deferring this item to December 2020 to allow City of San Jose staff to be present at the meeting. Mr. Connolly confirmed that if the item is deferred to December 2020, the response to the City will be timely.

The item was held to December 16, 2020 with direction for staff to contact the City of San Jose to request meeting attendance.

5 RESULT: HELD [UNANIMOUS] Next: 12/16/2020 6:00 PM
MOVER: Walter Windus, Commissioner - Seat 1
SECONDER: Glenn Hendricks, Commissioner - Seat 7
AYES: Windus, Barragan, Blake, Donahue, Graham, Matichak, Hendricks

6. Consider General Plan Amendment and Rezoning referral from the City of Mountain View for multiple locations within the Airport Influence Area of Moffett Federal Airfield (NUQ), in response to Senate Bill 1333. (ID# 103648)

Possible action:

- a. Find the General Plan Amendment for 173 Santa Clara Avenue consistent with the NUQ Comprehensive Land Use Plan (CLUP), OR find the General Plan Amendment for 173 Santa Clara Avenue inconsistent with the NUQ CLUP.
- b. Find the General Plan Amendment for 841 San Veron Avenue consistent with the NUQ CLUP, OR find the General Plan Amendment for 841 San Veron Avenue inconsistent with the NUQ CLUP.
- c. Find the Rezoning for 250 East Dana Street consistent with the NUQ CLUP, OR find the Rezoning for 250 East Dana Street inconsistent with the NUQ CLUP.
- d. Find the Rezoning for 300 Moorpark Way consistent with the NUQ CLUP, OR find the Rezoning for 300 Moorpark Way inconsistent with the NUQ CLUP.
- e. Find the Rezoning for 709 Vaquero Drive consistent with the NUQ CLUP, OR find the Rezoning for 709 Vaquero Drive inconsistent with the NUQ CLUP.

Commissioner Matichak recused herself due to her participation in decisions relating to the proposed development as a Member of the Mountain View City Council, and left the meeting at 6:57 p.m. Proxy Commissioner Holbrook took her place as a voting member for this item.

Mr. Connolly reported that the referral includes two GPAs and three Rezoning with the purpose of bringing the properties into compliance with Senate Bill 1333 regulations.

Regarding 173 Santa Clara Avenue, Mr. Connolly reported that the GPA would allow medium-low density residential development consistent with duplex zoning. He further reported that the parcel is outside of all safety zones and noise contours. Mr. Connolly reported that the site lies beneath the 182 foot Above Mean Sea Level (AMSL) Part 77 surface limit and that the elevation is approximately 70 feet AMSL, and therefore a duplex would not exceed the height limit.

Regarding 841 San Veron Avenue, Mr. Connolly reported that the GPA would allow medium-low density residential development consistent with multi-family zoning. He further reported that the parcel is outside of all safety zones and noise contours. Mr. Connolly reported that the site lies beneath the 182 foot AMSL Part 77 surface limit and that the elevation is approximately 50 feet AMSL, and therefore potential residential development would not exceed the height limit.

Regarding 250 East Dana Street, Mr. Connolly reported that the Rezoning would change the zoning to medium-low density residential development. He further reported that the parcel is outside of all safety zones and noise contours. Mr. Connolly reported that the site lies beneath the 182 foot AMSL Part 77 surface limit and that the elevation is

approximately 60 feet AMSL, and therefore potential residential development would not exceed the height limit. Finally, he reported that staff recommends the condition of an avigation easement dedicated to the United States Government on behalf of Moffett Federal Airfield.

Regarding 300 Moorpark Way, Mr. Connolly reported that the Rezoning would change the zoning to medium-low density residential development. He further reported that the parcel is outside of all safety zones and noise contours. Mr. Connolly reported that the site lies beneath the 182 foot AMSL Part 77 surface limit and that the elevation is approximately 60 feet AMSL, and therefore potential residential development would not exceed the height limit. Finally, he reported that staff recommends the condition of an avigation easement dedicated to the United States Government on behalf of Moffett Federal Airfield.

Regarding 709 Vaquero Drive, Mr. Connolly reported that the Rezoning would change the zoning to medium-low density residential development. He further reported that the parcel is outside of all safety zones and noise contours. Mr. Connolly reported that the site lies beneath the 182 foot AMSL Part 77 surface limit and that the elevation is approximately 50 feet AMSL, and therefore potential residential development would not exceed the height limit. Finally, he reported that staff recommends the condition of an avigation easement dedicated to the United States Government on behalf of Moffett Federal Airfield.

Ms. Reynolds provided information relating to the application of avigation easements and the need to include "where legally allowed" in a potential avigation easement requirement. Discussion ensued relating to the types of building permit applications that would trigger an avigation easement.

Eric Anderson, Principal Planner, City of Mountain View, confirmed that the City is expected to apply the CLUP policies regardless of whether the ALUC takes action on any rezoning request.

Discussion ensued relating to enforcement of avigation easements, the CLUP including a blanket policy for avigation easements, policies currently written into the general plan, and possible ways to reference the CLUP in the City's official documentation such as the general plan or zoning ordinance.

Proxy Commissioner Holbrook expressed concern relating to Moffett Federal Airfield CLUP policies G5 and O2 which he believes are inconsistent with each other, and suggested that future project consistency determinations include specific language referencing the CLUP once the CLUP policies are clarified.

Discussion ensued relating to reviewing the CLUP policies to ensure consistency.

Approved finding the two General Plan Amendments and three Rezoning requests consistent with the Moffett Federal Airfield CLUP.

6 RESULT: APPROVED [UNANIMOUS]**MOVER:** Walter Windus, Commissioner - Seat 1**SECONDER:** E. Ronald Blake, Commissioner - Seat 3**AYES:** Windus, Barragan, Blake, Donahue, Graham, Holbrook, Hendricks**7. Consider amendments to the Santa Clara County Land Use Plan for Areas Surrounding Santa Clara County Airports. (ID# 103575)**

Possible action:

- a. Approve California Environmental Quality Act (CEQA) document (Categorical Exemption).
- b. Adopt amendments to the Santa Clara County Land Use Plan for Areas Surrounding Santa Clara County Airports.

Commissioner Matichak rejoined the meeting at 7:50 p.m.

Mr. Connolly provided an overview of the purpose of the CLUP amendments and noted that the proposed CLUP amendments include amending safety zones for SJC in response to the elimination of Runway 11-29 and minor proposed text amendments for various CLUPs.

Commissioner Windus suggested that the reference to the Select Committee of Mayors in Section 1.3, first paragraph not be deleted because that section references a time at which the Select Committee of Mayors existed.

Mr. Connolly provided an overview of the proposal for the Commission to approve the California Environmental Quality Act (CEQA) Categorical Exemption.

Mr. Connolly advised that although the Commission previously discussed the possibility of modifying the noise contours for the SJC CLUP, the noise contours will remain unchanged.

Mr. Connolly provided details relating to the proposed amendments to the SJC CLUP safety zones.

Discussion ensued relating to the need to update the amended dates for all CLUPs and background maps; reasons why some pages are blank in the attached report; ways to clarify that the Select Committee of Mayors was replaced by another committee; the importance of using stronger language such as "must" instead of "should;" and, the importance of clarifying that any development within the AIA be considered for consistency.

Ken Betts, Assistant Director of County Airports, Roads and Airports Department, expressed concern relating to the feasibility for an airport such as San Martin Airport to comply with the proposed text amendment that CNEL noise contour data be provided including a 20-year forecast considering the cost involved and stated that he prefers the language maintain the word "should" instead of "must." Commissioner Graham

suggested modifying the bullet point regarding the requirement to provide data to indicate "commercial" airports so that it will only apply to SJC. Discussion ensued relating to continuing the existing language to avoid placing an unreasonable burden on airports within the County other than SJC.

Discussion ensued relating to a possible revision regarding the preferred software for analyzing aircraft noise exposure, and language relating to environmental impacts of potential airport growth.

Chairperson Donahue summarized the discussion and feedback relating to the specific amendments. Commissioner Hendricks suggested that the Commission discuss SJC noise contours and the size of the SJC AIA next year to strategize efforts for possible future CLUP amendments.

Approved the CEQA document categorical exemption; adopted amendments to the Santa Clara County CLUPs for areas surrounding Santa Clara County airports including amending the safety zones for SJC; and, adopted text amendments to clarify various sections of the CLUPs including changing "South County Airport" to "San Martin Airport" in Section 1.2, second paragraph and Section 3.3.7.1, fourth bullet point, adding "later replaced with the Cities Association City Selection Committee" in parentheses after "Select Committee of Mayors" in Section 1.3, first paragraph, deleting "(NPIAS) (2007-2011)" in Section 2.1, third paragraph, and changing "should" to "must, when amending the Airport Master Plan" in Section 4.2.3, first paragraph.

7 RESULT: APPROVED AS AMENDED [UNANIMOUS]

MOVER: Paul Donahue, Chairperson - Seat 4

SECONDER: Glenn Hendricks, Commissioner - Seat 7

AYES: Windus, Barragan, Blake, Donahue, Graham, Matichak, Hendricks

8. Receive verbal report from the Department of Planning and Development relating to proposed Diridon Station and Downtown Core development in San Jose. (Mark Connolly)

Commissioner Windus left the meeting at 9:02 p.m.

Mr. Connolly advised of recent meetings with Google and City of San Jose staff in preparation for a referral expected to be considered at the December 16, 2020 ALUC meeting.

Commissioner Graham left the meeting at 9:04 p.m.

8 RESULT: RECEIVED

9. Receive report from Chairperson relating to Commission activities. (Paul Donahue)

No report was received.

10. Receive report from the Department of Planning and Development. (Mark Connolly)

Mr. Connolly reported that County staff will likely continue to work remotely until at least June 2021.

10 RESULT: RECEIVED

11. Receive report from Airport Planner, San Jose International Airport. (Cary Greene)

Mr. Greene reported that passenger activity continues to be much lower than the previous year but is slowly trending upward and noted that flights to Hawaii have resumed, which may improve overall passenger activity. He further reported that construction of a new fire station and a new parking structure is ongoing. Finally, Mr. Greene announced that he will be retiring in December 2020 and noted that Ryan Sheelan, Airport Planner, SJC, will be the new liaison for SJC for future ALUC meetings.

Chairperson Donahue and Mr. Connolly expressed appreciation to Mr. Greene's contributions to the ALUC for the past 33 years.

11 RESULT: RECEIVED

12. Receive report from Assistant Director of County Airports. (Ken Betts)

Mr. Betts provided information relating to various items regarding County Airports presented at recent Board of Supervisors meetings. He further advised of a lead study that was delayed and noted Supervisor Chavez proposed moving forward with continued studies to explore the possibility of repurposing Reid-Hillview Airport (RHV). Finally, Mr. Betts noted that efforts are underway to prepare for RHV Fixed Base Operators' lease agreements set to expire in December 2021 and how to deal with fuel storage at currently at RHV.

12 RESULT: RECEIVED

13. Receive report from Moffett Federal Airfield representative. (David Satterfield)

Taken out of order after Item No. 15.

Mr. Connolly advised of efforts to resolve ongoing issues relating to Accessory Dwelling Units and deed notices which affects Sunnyvale and Mountain View.

13 RESULT: RECEIVED

14. Receive report relating to Palo Alto Airport. (Mark Connolly)

Mr. Connolly advised of a vacancy on the Palo Alto Airports Commission and advised of ongoing airport construction projects.

14 RESULT: RECEIVED

15. Propose future agenda items.

Taken out of order after Item No. 12.

Vice Chairperson Barragan suggested future agendas include an item to receive reports relating to the status of actions of the Board of Supervisors regarding RHV.

Announcements**16. Announcements and correspondence:**

- a. Commissioners' announcements.

Taken out of order after Item No. 14.

No announcements were made.

- b. There are currently no vacancies on the Commission. For internet access to the vacancies list and applications, please visit <http://www.sccgov.org/sites/cob/bnc>.

- c. The County of Santa Clara provides reimbursement to appointed Commissioners for family care expenses incurred during the time spent performing their official County duties. For additional information please contact the Office of the Clerk of the Board at (408) 299-5001.

Adjourn**17. Adjourn to the next regular meeting on Wednesday, December 16, 2020 at 6:00 p.m. in Room 157, County Government Center, 70 W. Hedding Street, San Jose, or by virtual teleconference.**

Chairperson Donahue adjourned the meeting at 9:28 p.m.

Respectfully submitted,

Jean Anton

Deputy Clerk

County of Santa Clara
Department of Planning and Development



104021

DATE: December 16, 2020
TO: Airport Land Use Commission
FROM: Mark Connolly, Senior Planner / Deputy Zoning Administrator
SUBJECT: Referral from the City of San Jose for a General Plan Amendment for the Midtown Specific Plan

RECOMMENDED ACTION

Held from November 18, 2020 (Item No. 5): Consider recommendations relating to the General Plan Amendment regarding the Midtown Specific Plan, affecting lands within the San Jose International Airport (SJC) Airport Influence Area. (City of San Jose File Nos. GPT20-003, GP20-006)

Possible action:

- a. Find the General Plan Amendment consistent with the policies contained within the SJC Comprehensive Land Use Plan (CLUP).

OR

- b. Find the General Plan Amendment inconsistent with the policies contained within the SJC CLUP.

In accordance with California Public Utilities Code Section 21676(b) the City of San José is referring proposed changes to the Envision San Jose 2040 General Plan text for a determination of consistency with the Santa Clara County's adopted Comprehensive Land Use Plans (CLUPs) for Norman Y. Mineta San José International Airport (Mineta Airport) NOTE: Reid-Hillview Airport is not affected by the Midtown Specific Plan. The above-referenced project is a City-initiated General Plan Text Amendment to the Envision San Jose 2040 General Plan and Midtown Specific Plan.

The proposed Text Amendment is to make minor modifications and clarifying revisions to the Envision San José 2040 General Plan and Midtown Specific Plan. Please see attached a summary of the proposed revisions, and the modifications in strikethrough/underline format. The project site is within the San Jose International Airport Influence Area (AIA).

The referral outlines all of the text and mapping amendments. In summary, the proposed GPA clearly separates the Midtown Specific Plan policies and boundaries from the neighboring Diridon Station Area Plan (DSAP), which is a specific currently being amended and will be heard at the December ALUC hearing. Thus, it is not associated with the subject referral.

REASONS FOR RECOMMENDATION

Pursuant to State Law, anytime a General Plan Amendment is proposed within the Airport Influence Area (AIA) of an adopted CLUP, a referral must be made to the County ALUC for a consistency determination. The City must refer the application to the ALUC to provide a consistency determination with the appropriate CLUP policies prior to final approval.

The following is a consistency analysis of General Plan Amendment (GPA) with the San Jose International Airport Comprehensive Land Use Plan (CLUP):

Safety and Height:

Safety of people on the ground and in the air and the protection of property from airport-related hazards are among the responsibilities of the Airport Land Use Commission. The 2002 Caltrans Handbook presents guidelines for the establishment of airport safety areas in addition to those established by the FAA.

Airport safety zones are established to minimize the number of people exposed to potential aircraft accidents in the vicinity of the Airport by imposing density and use limitations within these zones. The safety zones are related to runway length and expected use.

Airport vicinity height limitations are required to protect the public safety, health, and welfare by ensuring that aircraft can safely fly in the airspace around an airport. This protects both those in the aircraft and those on the ground who could be injured in the event of an accident. In addition, height limitations are required to protect the operational capability of airports, thus preserving an important part of national and state aviation transportation systems.

Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, establishes imaginary surfaces for airports and runways as a means to identify objects that are obstructions to air navigation. Each surface is defined as a slope ratio or at a certain altitude above the Airport elevation. The ALUC uses the surfaces as height restriction boundaries.

Most of the amendments are clarification and have no impact on aviation land use. However, there are only two safety and height proposed amendments potentially in conflict with the safety and height policies of the SJC CLUP(proposed amendments shown in red).

Chapter 5, page 13

Transit Residential

Density: 50-250 DU/AC; FAR 2.0 to 12.0 (5 to 25 stories)

This is the primary designation for new high-density, mixed-use residential development sites that are located in close proximity to transit, jobs, amenities, and services. This

designation may also be appropriate for some sites within Urban Village areas as identified through an Urban Village Planning process. This designation also supports intensive commercial employment uses, such as office, retail, hotels, hospitals and private community gathering facilities. To help contribute to “complete communities,” commercial uses should be included with new residential development in an amount consistent with achievement of the planned job growth and Urban Village Plan for the relevant Urban Village area. The allowable density/intensity for **commercial projects is a FAR of 2.0 to 12.0.**

Residential/commercial mixed-use development shall require a minimum of 50 DU/AC will be determined using an with a maximum FAR 2.0 to of 12.0 to better address the urban form and potentially allow fewer units per acre if in combination with other uses such as commercial or office.

The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document.

Chapter 4.

Urban Residential

Density: 30-95 DU/AC; FAR 1.0 to 4.0 (3 to 12 stories)

This designation allows for medium density residential development and a broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. Any new residential development at this density should be in Growth Areas or, on a very limited basis, as infill development within areas with characteristics similar to the Urban Village areas (generally developed at high-density and in proximity to transit, jobs, amenities and other services). The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document. This designation is also used to identify portions of Urban Village areas where the density of new development should be limited to a medium intensity in order to provide for a gradual transition between surrounding low-density neighborhoods and other areas within the Urban Village suitable for greater intensification. The allowable density/intensity for **commercial projects is a FAR of 1.0 to 4.0. Residential/commercial mixed-use development shall require a minimum of 30 DU/AC will be determined using an with a maximum FAR (1.0 to of 4.0) to better address the urban form and potentially allow**

fewer units per acre if in combination with other uses such as commercial or office.

Some of the Midtown area is located within the Outer Safety Zone (OSZ) for SJC and beneath the horizontal 212 MSL Part 77 surfaces. Therefore, there is a potential that there could be an exceedance of density of height for project specific development within the Mid-Town if a project was proposed at the maximum density and height. However, the height and densities in the existing plan already have the potential.

However, when considering the subject GPA referral, the ALUC the Safe Airport General Plan polices are drafted into the Envision San Jose 2040 GP to protect against future proposals exceeding this prescribed density and height. Therefore, staff recommends that in an effort to ensure consistency in future development, that the City include the safe airport policies by reference into the Midtown Specific Plan.

If the City is not amenable to incorporating the Safe Airport policies, staff recommends that the ALUC could find the amendment inconsistent. Although all or a portion of the allowance of height and density could be inconsistent, this would be the opportunity to bring the Midtown specific plan into consistency with the SJC CLUP.

Goal TR-14 – Safe Airport

- Ensure that airport facilities in San José are safe by removing potential conflicts between land use and airport operations.

Policies – Safe Airport

- TR-14.1 Foster compatible land uses within the identified Airport Influence Area overlays for Mineta San José International and Reid-Hillview airports.
- TR-14.2 Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
- TR-14.3 For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq. CHAPTER 6 • Land Use and Transportation 57
- TR-14.4 Require avigation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

Noise:

The SJC noise contours use CNEL for depicting noise disruption from aviation activity, due to the penalty added during nighttime activities where aviation noise disruption could affect people the most. The SJC CLUP uses 65, 70 and 75 decibel CNEL noise contours and includes different noise mitigation based on the type of use exposed to aviation noise.

There is a small area of 65 dBA CNEL covering the Midtown Specific Plan Area. The outdoor patios associated with residential development within that contour could be the only potential SJC CLUP conflict. Furthering the need to include the Safe Airport policies. The City also has the following environmental leadership policies related to noise, which should help ensure consistent development.

Environmental Leadership

Policy EC-1.9 Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.

Policy EC-1.11 Require safe and compatible land uses within the Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.

Therefore, similar to the safety and height issues, staff recommends ensuring consistency in future development, that the City include the Environmental Leadership GP policies by reference into the Midtown Specific Plan.

If the City is not amenable to incorporating the Safe Airport policies, staff recommends that the ALUC could find the General Plan Amendment inconsistent. Although all or a portion of the allowance of height and density could be inconsistent, this would be the opportunity to being the Midtown specific plan into consistency with the SJC CLUP.

Avigation Easement:

Avigation Easements provide notice to future owners and occupants of buildings that there will be aviation activity around them. Avigation Easements are important disclosures both for the public and Airfield operators to ensure aviation activity is taken into consideration.

Avigation easements will be dedicated to the City of San Jose on behalf of San Jose International Airport for specific development. Since General Plan Amendments cannot be conditioned, obtaining them from project specific development is appropriate.

BACKGROUND

The item was heard at the November 18th ALUC meeting, where the item was held until the December 16th meeting. The item was referred on October 30th, which allows the ALUC until December 30th to take action within the 60-day State-mandated time for the Commission to make a consistency determination.

STEPS FOLLOWING ACTION:

Following the determination of consistency with the ALUC CLUP, the ALUC recommendations will be forwarded to the City of San Jose Planning Staff to be included in Planning Commission and City Council actions.

ATTACHMENTS:

- GPT20-003 GP20-006_ALUC-Referral Annual Minor Amendments (PDF)

October 30, 2020

Mark J. Connolly
Senior Planner / Staff to the ALUC
70 W. Hedding Street, 7th Floor East Wing
San Jose, CA 95110

RE: General Plan Text Amendment, City File Nos. GPT20-003/GP20-006

Dear Mr. Connolly:

In accordance with California Public Utilities Code Section 21676(b) the City of San José is referring proposed changes to the Envision San Jose 2040 General Plan text for a determination of consistency with the Santa Clara County's adopted Comprehensive Land Use Plans (CLUPs) for Norman Y. Mineta San José International Airport (Mineta Airport) and Reid-Hillview Airport. The above referenced project is a City-initiated General Plan Text Amendment to the Envision San Jose 2040 General Plan and Midtown Specific Plan. The proposed Text Amendment is to make minor modifications and clarifying revisions to the Envision San José 2040 General Plan and Midtown Specific Plan. Please see attached a summary of the proposed revisions, and the modifications in strikethrough/underline format.

This General Plan Text Amendment is scheduled to be heard by the City of San Jose Planning Commission on December 2, 2020 and the City Council on December 23, 2020. If you have any questions please send me an e-mail at Kieulan.Pham@sanjsoeca.gov.

Sincerely,

Kieulan Pham
Supervising Planner

GPT18-003/GP20-006

General Plan Minor Amendment Changes

Envision San José 2040 General Plan

1. Transportation Network

- a) Strikeout and underline text changes for minor clarifications on the transportation network definitions.

Chapter 5, page 31:

City Connector Street

Automobiles, bicycles, pedestrians, transit, and trucks are prioritized equally in this roadway type. ~~Transit use, if any, is incidental.~~ These streets typically ~~have four or six traffic lanes and would~~ accommodate moderate to high volumes of through traffic within and beyond the City. Pedestrians are accommodated with sidewalks.

Local Connector Street

Automobiles, bicycles, pedestrians, transit, and trucks are prioritized equally in the roadway. ~~Transit use, if any, is incidental.~~ These streets ~~have 2 traffic lanes and would~~ accommodate low to moderate volumes of through traffic within the City.

- b) Modify the Land Use and Transportation Diagram

Chapter 5, page 37:

Modify the Land Use and Transportation Diagram to reflect the following transportation network updates:

- Include On-street Primary Bike Facilities on the following roadways:
 - St John Street (west of Coyote Creek)
 - San Fernando Street (13th Street to 17th Street)
 - 17th Street (south of E Santa Clara Street)
 - Eden Avenue (Moorpark Avenue to Rosemary Lane)
 - Monroe Street (Ori Avenue to Williams Road)
 - Westfield Avenue (west of Daniel Way)
 - Genevieve Lane (Ori Avenue to Westfield Avenue)
- Change Forest Avenue from a City Connector Street to a Local Connector Street
- Identify Winchester Boulevard as a Grand Boulevard

2. **Chapter 5 Interconnected City**

Strikeout and underline text changes for minor clarifications to “Chapter 5, Interconnected City.”

a) Chapter 5, page 3

Generalized Land Use Designations

To translate the strength of the General Plan Vision, goals, and policies into the Land Use /Transportation Diagram, and to promote successful implementation of the Envision General Plan, the Diagram includes a limited number of discrete designations applied to locations that clearly reinforce the Envision goals. The Diagram designations are particularly important to support the Growth Areas Strategy; to better support the development of mixed-use, high-density Urban Villages; and to restrict residential growth outside of identified Growth Areas.

The Envision San José 2040 General Plan has 29 land use designations, including ~~five~~ six-overlay designations. These land use designations provide significant flexibility and opportunity for the development of employment uses in both mixed-use and standard configurations. They also preserve or potentially reduce lower residential densities outside of the Growth Areas. The relationship between the 91 land use designations included in the San José 2020 General Plan and the 29 land use designations included in the Envision San José 2040 General Plan is provided in Appendix 4.

b) Chapter 5, page 6

Land Use Designations

To implement the goals and policies of the Envision General Plan, the following designations are included on the Land Use / Transportation Diagram. Identified residential densities and Floor Area Ratios (FARs) are prescriptive, except when explicit exceptions are noted or when lower intensities are required in order to avoid significant aesthetic and other possible impacts under the California Environmental Quality Act (e.g., lower intensity development is needed to be compatible with a National Register or City Landmark Historic District).

FARs are calculated by the ratio of a building’s gross floor area to the net acreage of the lot upon which the building stands. Above ground structured parking is included in the calculation of the total structure/building square footage. For a residential parcel with a single-family house, the square footage of accessory structures, garages, attics, and basements are not included in the calculation. FAR calculations are further defined in the Zoning Ordinance.

Stated residential densities are often referenced as “up to” a certain number of dwelling units per acre. Policies in the Envision General Plan may dictate that a density lower than the maximum is appropriate for a site. Similarly, General Plan policies may dictate that a density close to the maximum allowable density is appropriate for a site. Identified ranges for number of stories are not prescriptive and are intended only as a general reference for understanding typical building scales expected within a given designation.

c) Chapter 5, page 9

Mixed Use Commercial

Density: Up to 50 DU/AC; Residential/Commercial Mixed-Use FAR 0.5 to 4.5 (1 to 6 stories); Commercial FAR 0.25 to 4.5 (1 to 6 stories)

This designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity ~~as the primary use and residential activity allowed in a secondary role~~. New development of a property with this designation should accordingly include commercial space equivalent to at least a 0.5 FAR for residential/commercial mixed-use projects and 0.25 FAR for commercial projects with a typically appropriate overall FAR of up to 4.5, allowing for a medium intensity of development. This designation therefore is more commercially focused than the Mixed Use Neighborhood designation and also allows for a greater intensity of use. Appropriate commercial uses include neighborhood retail, mid-rise office, medium scale hospitals or other health care facilities, and medium scale private community gathering facilities. Low impact industrial uses are appropriate if they are compatible and do not pose a hazard to other nearby uses.

d) Chapter 5, page 12

Public/Quasi-Public

Density: FAR N/A

This category is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, permanent supportive housing ~~for the homeless~~, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices and airports. Joint development projects which include public and private participation - such as a jointly administered public/private research institute or an integrated convention center/hotel/restaurant complex - are allowed. This category is also used to designate lands used by some private entities, including private schools, daycare centers, hospitals, public utilities, and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses. Private community gathering facilities, including those used for religious assembly or other comparable assembly activity, are also appropriate on lands with this designation. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular Public/Quasi-Public use developed on the site.

One of the larger areas within the City designated as Public/Quasi-Public is the City-owned buffer lands surrounding the Regional Wastewater Facility. Due to planned changes to the Facility's operations, it is anticipated that the current extensive buffer land area will not be needed in the future. ~~In 2013, The~~ the City ~~is currently in the process of preparing a adopted the Plant~~ Master Plan for reuse of a portion these buffer lands for a variety of new uses, including additional employment capacity. Accordingly the Envision General Plan includes job growth capacity for the buffer land area to support future expansion of employment uses. ~~Upon completion of the Facility Master Plan, the City may amend the Envision General~~

~~Plan Land Use/Transportation Diagram and Plan policies to incorporate the outcome of the Facility Master Plan process.~~

- e) Chapter 5, page 13

Transit Residential

Density: 50-250 DU/AC; FAR 2.0 to 12.0 (5 to 25 stories)

This is the primary designation for new high-density, mixed-use residential development sites that are located in close proximity to transit, jobs, amenities, and services. This designation may also be appropriate for some sites within Urban Village areas as identified through an Urban Village Planning process. This designation also supports intensive commercial employment uses, such as office, retail, hotels, hospitals and private community gathering facilities. To help contribute to “complete communities,” commercial uses should be included with new residential development in an amount consistent with achievement of the planned job growth and Urban Village Plan for the relevant Urban Village area. The allowable density/intensity for commercial projects is a FAR of 2.0 to 12.0. Residential/commercial mixed-use development shall require a minimum of 50 DU/AC ~~will be determined using an with a maximum FAR 2.0 to of 12.0 to better address the urban form and potentially allow fewer units per acre if in combination with other uses such as commercial or office.~~ The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document.

- f) Chapter 4, page

Urban Residential

Density: 30-95 DU/AC; FAR 1.0 to 4.0 (3 to 12 stories)

This designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. Any new residential development at this density should be in Growth Areas or, on a very limited basis, as infill development within areas with characteristics similar to the Urban Village areas (generally developed at high-density and in proximity to transit, jobs, amenities and other services). The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document. This designation is also used to identify portions of Urban Village areas where the density of new development should be limited to a medium intensity in order to provide for a gradual transition between surrounding low-density neighborhoods and other areas within the Urban Village suitable for greater intensification. The allowable density/intensity for commercial projects is a FAR of 1.0 to 4.0. Residential/commercial mixed-use development shall require a minimum of 30 DU/AC ~~will be determined using an with a maximum FAR (1.0 to of 4.0) to better address the urban form and potentially allow fewer units per acre if in combination with other uses such as commercial or office.~~

Developments in this designation would typically be three to four stories of residential or commercial uses over parking.

3. **Implementation Policies**

Additional policy to assist with the development of City services and facilities.

- a) Chapter 7, “Implementation” section, page 5, *Land Use/Transportation Diagram*

IP-1.11: City services and facilities (e.g., public parks, fire stations, and libraries) necessary to serve the community are allowed on all properties, regardless of General Plan land use designation or Zoning District.

Midtown Specific Plan

1. Clarifications to the properties subject to the Midtown Specific Plan.

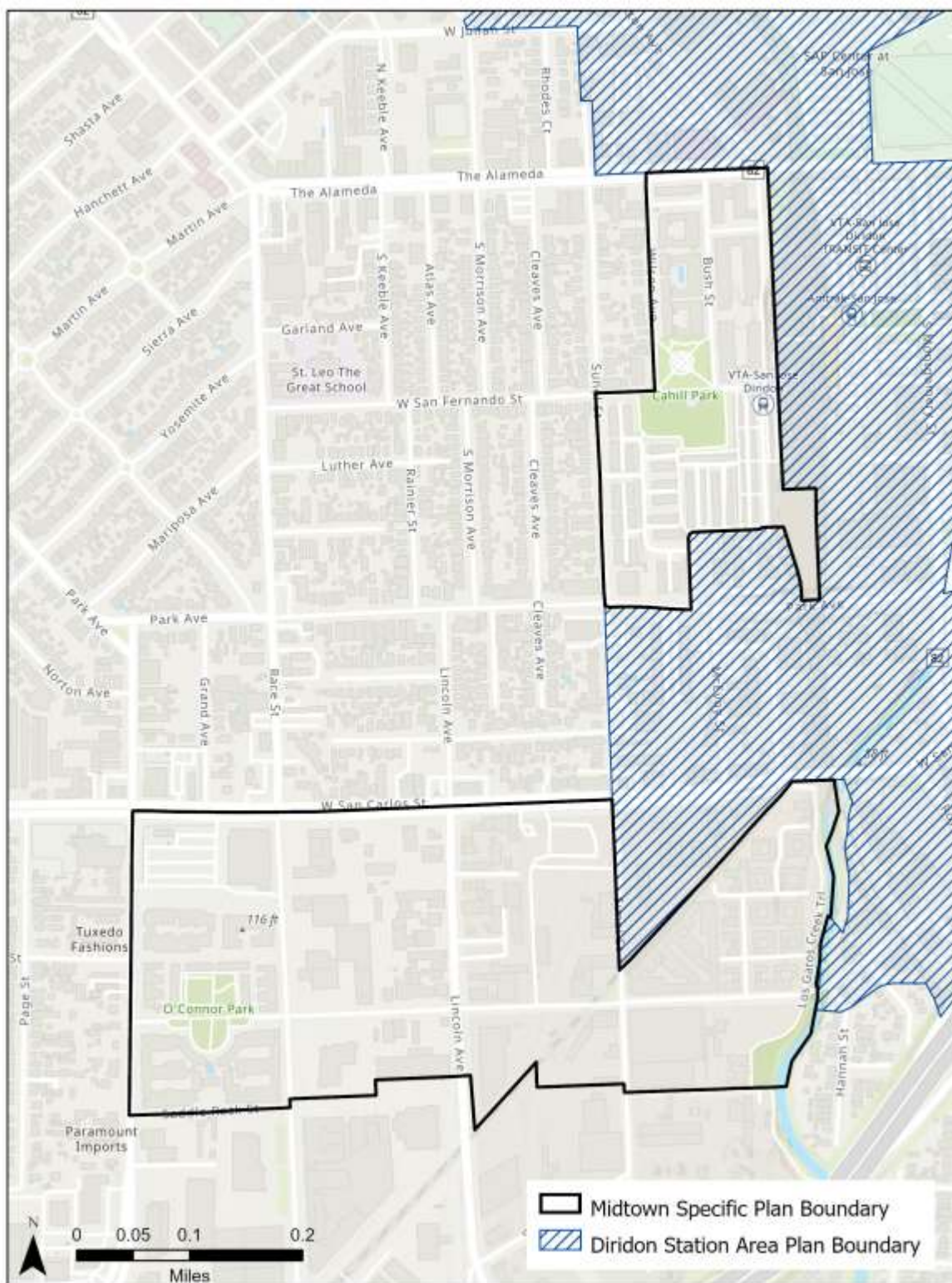
- a) Clarification text and maps will be placed after the cover page of the Midtown Specific Plan.

In 2014, the City of San Jose adopted the Diridon Station Area Plan (DSAP). A number of properties in the DSAP were originally in the Midtown Specific Plan area. The new figures and text below will be added to the Midtown Specific Plan to clarify which properties that are subject to the Midtown Specific Plan.

Figure i – Midtown Specific Plan - Context Map



Figure ii – Midtown Specific Plan Boundary



County of Santa Clara
Department of Planning and Development



103913

DATE: December 16, 2020

TO: Airport Land Use Commission

FROM: Mark Connolly, Senior Planner / Deputy Zoning Administrator

SUBJECT: City of San Jose referral for an amendment to the Diridon Station Area Specific Plan

RECOMMENDED ACTION

Consider recommendations relating to the Diridon Station Area Plan Amendment, affecting lands within the San Jose International Airport (SJC) Airport Influence Area. (City of San Jose File No. GP20-007)

Possible action:

- a. Find the Specific Plan Amendment consistent with the policies contained within the SJC Comprehensive Land Use Plan (CLUP).

OR

- b. Find the Specific Plan Amendment inconsistent with the policies contained within the SJC CLUP.

REASONS FOR RECOMMENDATION

The subject referral is a Specific Plan amendment for the Diridon Station Area Plan (DSAP), which is an amendment to the existing 2014 Diridon Station Area Plan. The location is south of SJC and west of the downtown San Jose core area, with the Diridon Transit Station as a focal center point of the Specific Plan area. The plan area includes development of land uses within an approximate 300-acre project boundary.

The project site is located within the San Jose International Airport (SJC) Airport Influence Area (AIA), between SJC and the Downtown area. As can be seen on Figure 1 of the referral, approximately half of the Diridon Station Area Plan area is located within the AIA of SJC. These areas are currently identified as Area A (Julian North) and Area B (Arena North) and allow Transit Employment Center, Urban Village and Downtown General Plan Land Use designations. The proposed amendment would remove these General Plan Land Use designations and replace them with Downtown and Downtown Commercial General Plan designations. The Plan omits the Downtown West project boundary, which is a separately proposed project that will be referred to the ALUC following the DSAP referral.

Therefore, the analysis in this report will be limited to these two areas of the Plan (Julain North and Arena North) located within the AIA.

The DSAP amendment is technically an amendment to a Specific Plan within the City's General Plan, which includes both map and text amendments. Pursuant to State Law, anytime modifications to a Specific Plan are proposed within the Airport Influence Area (AIA) of an adopted CLUP, a referral must be made to the County ALUC for a consistency determination. The City must refer the application to the ALUC to provide a consistency determination with the appropriate CLUP policies prior to final approval.

The following is a consistency analysis of the Diridon Station Area Specific Plan amendment with the San Jose International Airport Comprehensive Land Use Plan (CLUP):

Noise:

The SJC noise contours use CNEL for depicting noise disruption from aviation activity, due to the penalty added during nighttime activities where aviation noise disruption could affect people the most. The SJC CLUP uses 65, 70 and 75 decibel CNEL noise contours and includes different noise mitigation based on the type of use exposed to aviation noise.

As seen on Figure 3 of the referral "Land Use/ Noise Contours", the Specific Plan area is located between the 60 and 70 dBA CNEL noise contours and would allow Employment Commercial, residential and retail uses within these CNEL noise contours.

According to Table 4-1 of the SJC CLUP, Office Buildings, business commercial, professional and retail uses are "Generally Acceptable" between the 60-70 dBA CNEL Noise Contours.

However, residential uses are "Generally Unacceptable" between the 65-70 dBA CNEL Noise Contours. Table 4-1 of the SJC CLUP states:

New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. Outdoor activities are likely to be adversely affected.

Also, policy N-4 of the SJC CLUP states:

No residential or transient lodging construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed use residential project or a multi unit residential project. (Sound wall noise mitigation measures are not effective in reducing noise generated by aircraft flying overhead.)

Interior noise insulation and insulated fenestration would be required by the City, but the outdoor areas associated with residential development would be exposed.

City of San Jose included language from its General Plan and Zoning Code into the current 2014 Diridon Station Area Plan, which includes the following "Safe Airport" policies:

Goal TR-14 – Safe Airport

- Ensure that airport facilities in San José are safe by removing potential conflicts between land use and airport operations.

Policies – Safe Airport

- TR-14.1 Foster compatible land uses within the identified Airport Influence Area overlays for Mineta San José International and Reid-Hillview airports.
- TR-14.2 Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
- TR-14.3 For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
- TR-14.4 Require aviation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

The current DSAP amendment omits reference to these policies. However, they are still in the Envision San Jose 2040 General Plan and should still be used by the City of San Jose staff to ensure a projects consistency with the General Plan.

However, as there are no specific policies within the Specific Plan amendment or existing Safe Airport policies that would prohibit residential outdoor space within the 65 dBA CNEL contour, the DSAP amendment would be inconsistent with the SJC CLUP noise policies.

A solution that is not proposed in the DSAP amendment, could be if the City agreed to add language into the DSAP amendment that precluded residential outdoor space within the 65 dBA CNEL. If such language is not included, the DSAP amendment would be inconsistent with the SJC CLUP noise policies.

Safety:

Safety of people on the ground and in the air and the protection of property from airport-related hazards are among the responsibilities of the Airport Land Use Commission. The 2002 Caltrans Handbook presents guidelines for the establishment of airport safety areas in addition to those established by the FAA.

Airport safety zones are established to minimize the number of people exposed to potential aircraft accidents in the vicinity of the Airport by imposing density and use limitations within these zones. The safety zones are related to runway length and expected use.

As can be seen on Figure 4 of the referral “Land Use / Safety”, four plan areas lie within the Outer Safety Zone (OSZ) for SJC. Both Downtown and Downtown Commercial Land Uses, which include residential and retail development. The Downtown land use designation would

allow a very broad range of uses including potential hospitals, residential and commercial development up to 800 dwelling units per acre and an FAR of 30. The DSAP amendment states “While this land use designation allows for up to 800 dwelling units to the acre, achievable densities may be much lower in a few identified areas to ensure consistency with the Santa Clara County Comprehensive Land Use Plan (CLUP)”. However, there is nothing specific in the plan amendment that would limit density specifically within the outer safety zone. The Downtown Commercial land use designations would allow a floor area ratio FAR of 15.0.

According to Table 4-2 of the SJC CLUP, the OSZ allows non-residential uses to a maximum density of 300 people per acre with 20% of the gross area required as Open Space. This portion of the plan area is approximately eight (8) acres, where the Specific Plan amendments would allow an approximate population density of 2,400 people in this area.

Table 4-2 also provides that, if non-residential uses are not feasible in the OSZ, residential infill is allowed up to the existing density. No regional shopping centers, theaters, meeting halls, stadiums, schools, large day care centers, hospitals, nursing homes or similar activities are allowed.

The CLUP density policies do not focus on type of use, such as residential or commercial, but rely on people per acre as the prescription for acceptable density. As will be discussed in the height section below, the height allowed in these areas is between 180 and 205 feet tall above grade. Parcel sizes vary and would dictate the specific floor area ratio allowed. However, it is highly likely development under the Specific Plan amendments would allow an exceedance of 300 people per acre given the FAR and height allowed and any of the sites within the Outer Safety Zone.

As supported by the “Safe Airport” policies in the City’s General Plan, staff recommends the following language be added into the DSAP amendment:

- The maximum density of development within the Outer Safety Zone of the SJC CLUP shall be limited to 300 people per acre with 20% of the gross area required as Open Space.

As a note, the required Open Space could be achieved on the adjacent park land, Guadalupe Garden and Creek area, as well as Highway 87.

Overall, if the recommended language were added into the Diridon Station Area Plan amendment, the amendment would not conflict with any of the safety policies contained within the SJC CLUP. If the City were not amenable to the addition of the above language, the DSAP amendment would be inconsistent with the SJC CLUP safety policies.

Height:

Airport vicinity height limitations are required to protect the public safety, health, and welfare by ensuring that aircraft can safely fly in the airspace around an airport. This protects both those in the aircraft and those on the ground who could be injured in the event of an accident. In addition, height limitations are required to protect the operational capability of airports, thus preserving an important part of National and State aviation transportation systems.

Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, establishes imaginary surfaces for airports and runways as a means to identify objects that are obstructions to air navigation. Each surface is defined as a slope ratio or at a certain altitude above the Airport elevation. The ALUC uses the surfaces as height restriction boundaries.

Figure 5 of the referral is titled “existing heights / OEI”, but is actually the FAA FAR Part 77 surfaces. Figure 6 shows the Terminal Instrument Procedures (TERPS) surfaces. And Figure 7 shows the ground elevations. In June of 2020, the San Jose City Council adopted TERPS as the height limitation surfaces for the area south of SJC. Because there was no associated projects, there was no required referral to the ALUC for consideration. However, City staff did attend an ALUC meeting in March of 2020 as a courtesy to inform them of the changes.

Figure 9 shows the proposed heights in the DSAP Specific Plan amendment. For comparison, Figure 8 shows the existing heights allowed in the 2014 DSAP.

The adoption of TERPS surfaces as a height standard allow heights that exceed the Part 77 surfaces by varying heights of 80-120 feet

Figure 9 of the referral shows building heights up to 295 feet tall allowed within the Station Area Plan amendment. All proposed heights proposed in the DSAP amendment would exceed the allowed heights (FAR Part 77 Surfaces) in the SJC CLUP

According to Section 20.70.200, the City of San Jose Zoning Ordinance, the height of structures within the Airport Influence Area (AIA) of SJC is as follows:

- Except as otherwise specified in this chapter, properties located in the downtown zoning districts shall only be subject to the height limitations necessary for the safe operation of San José International Airport.
- No building or structure, together with any equipment or objects attached to such building or structure, shall be permitted of a height that exceeds the elevation restrictions prescribed under Federal Aviation Regulations Part 77 (14 C.F.R. Part 77), as amended, unless the proposed height is specifically reviewed in an aeronautical study prepared by the Federal Aviation Administration in accordance with such federal regulations and the study concludes that the proposed building or structure does not constitute an obstruction or hazard to air operations.

Notwithstanding the Safe Airport policies and the above ordinance language, The DSAP amendment, that uses TERPS surfaces as a height standard, would allow heights in conflict with the CLUP height policies. Therefore, the DSAP amendment is inconsistent with the SJC CLUP height policies.

Because the City has already adopted the TERP surfaces as a policy, there is no way that the DSAP using TERP surfaces can be consistent with the SJC CLUP height policies, because the CLUP uses FAA FAR Part 77 surfaces as a height restriction boundary.

Avigation Easement:

Avigation Easements provide notice to future owners and occupants of buildings that there will be aviation activity around them. Avigation Easements are important disclosures both for the public and airport operators to ensure aviation activity is taken into consideration.

SJC CLUP policy G-5 states: “Where legally allowed, dedication of an avigation easement to the City of San Jose shall be required to be offered as a condition of approval on all projects located within an Airport Influence Area, other than reconstruction projects as defined in paragraph 4.3.7 [of the CLUP]. All such easements shall be similar to that shown as Exhibit 1 in Appendix A [of the CLUP].”

Neither the Diridon Station Area Plan, nor the amendment, propose any specific development. Therefore, at the time of any future specific development proposals, the City of San Jose, Planning Staff will require Avigation Easements as a condition of all such development.

STEPS FOLLOWING ACTION:

Following the consistency determination by the ALUC, staff will forward the recommendations to the City of San Jose to include in the final action of the City of San Jose Planning Commission and City Council. If the ALUC determines the Plan amendments are inconsistent with the SJC CLUP, the City may initiate the overrule process, which requires a two-thirds vote of the local agency’s governing body, supported by specific findings which demonstrate that the plan(s) satisfy the purposes of the State Aeronautics Act {PUC 21670 et seq} and guidance of the state’s Airport Land Use Planning Handbook.

Section 4.2.2.1 of the SJC CLUP (Overrule Notification Process) states that in the event of intent to overrule, the affected local agencies shall:

- Notify the ALUC at least 45 days in advance, of their intent to overrule any ALUC non-consistency determination including a copy of their proposed decision and specific findings.
- Notify the ALUC if and when the local agency overrules any ALUC non-consistency determinations.

ATTACHMENTS:

- Diridon Station Area Plan Amendment_ALUC_Referral (PDF)

October 27, 2020

Airport Land Use Commission
PLANNER
70 W HEDDING ST
SAN JOSE CA 95110

RE: City File No. GP20-007

APN:

The above referenced project is a Diridon Station Area Plan amendment to add development capacity and update sections on land use, design, transportation, and public spaces. This project is currently being reviewed by the Department of City Planning, Building and Code Enforcement Staff.

Please submit your comments on this project in writing by **11/26/2020**.

When submitting comments, please refer to the project using the file number above. If you are unable to forward comments by this date, or if you need additional information please contact me at 408-535-3803 or email me at jose.ruano@sanjoseca.gov.

Thank you,

Jose Ruano
Project Manager

Attachment: Diridon Station Area Plan Amendment_ALUC_Referral (103913 : City of San Jose referral for an amendment to the Diridon Station

Figure 1. Existing General Plan Designations

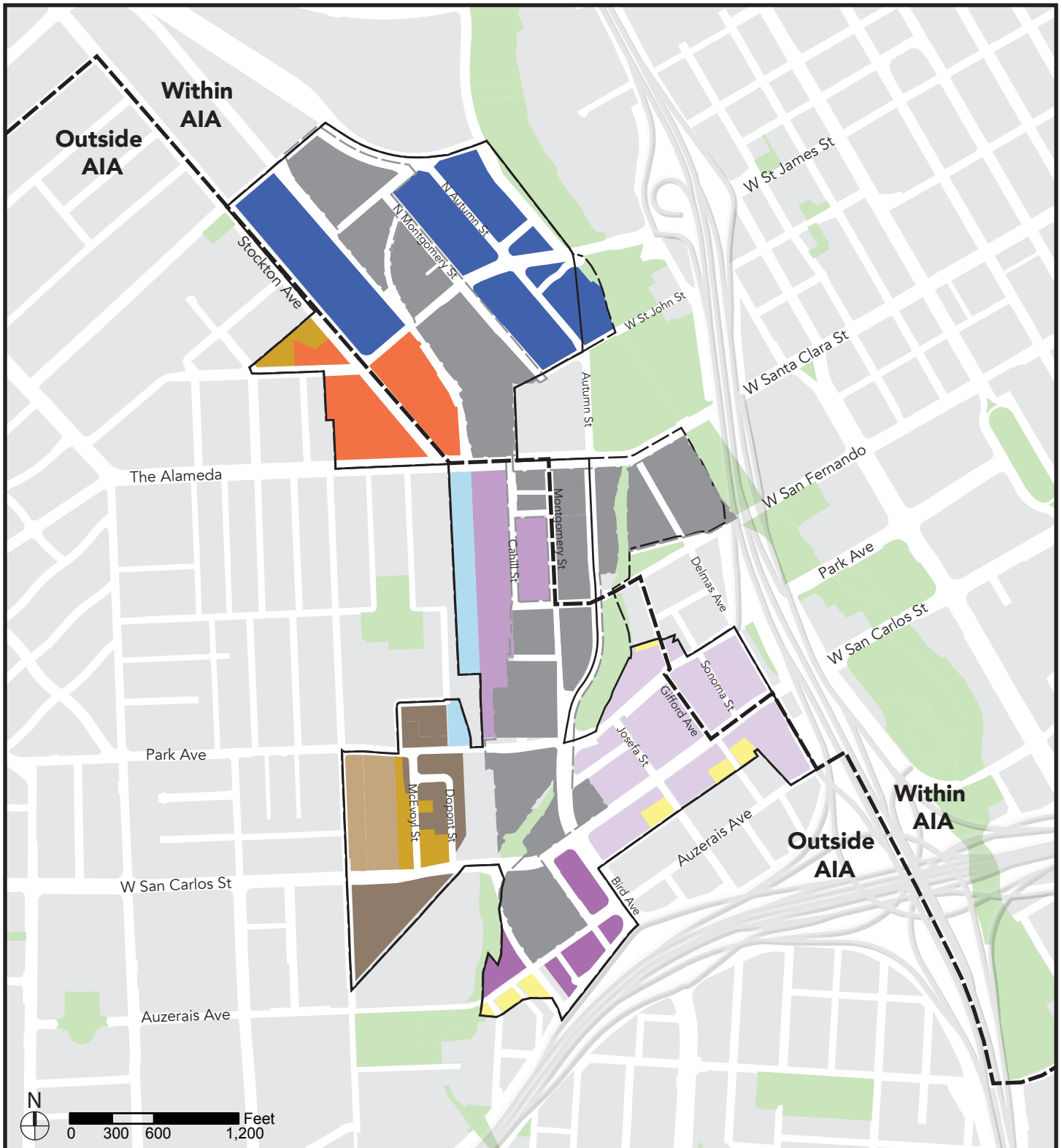
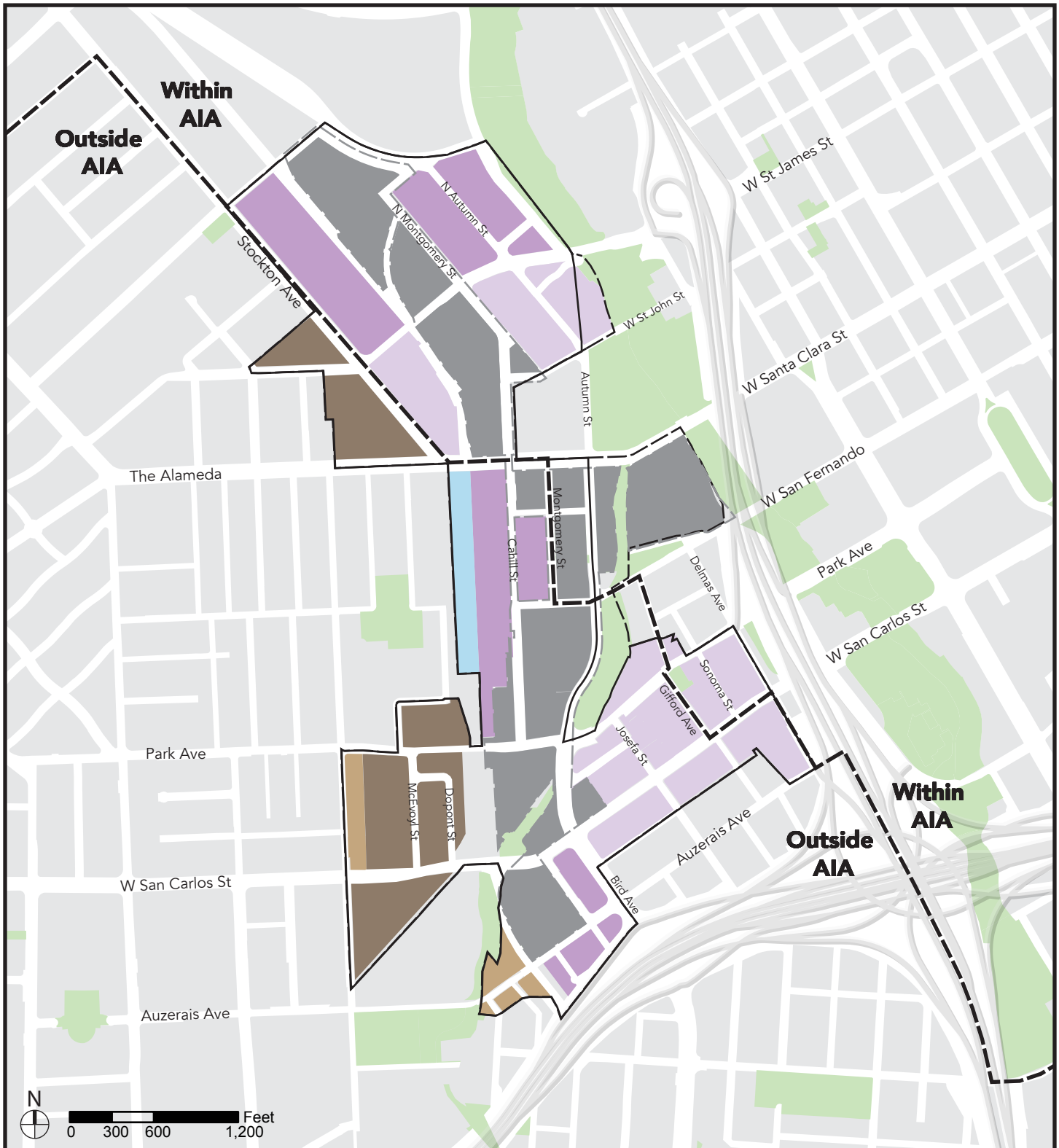


Figure 2. Proposed General Plan Designations



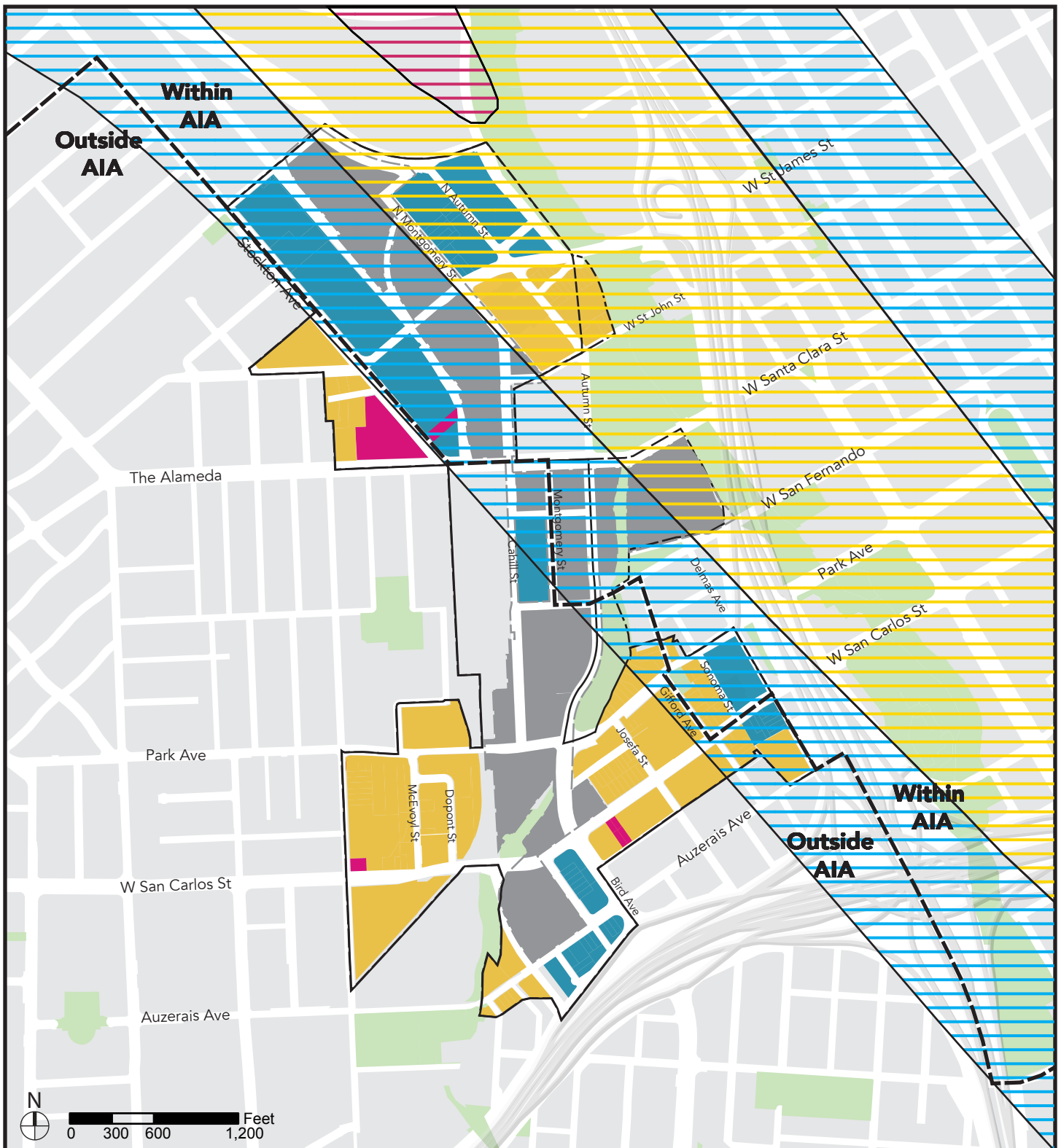
Boundaries

- 2014 DSAP Boundary
- DSAP Boundary Expansion
- Downtown West Project Boundary
- Airport Influence Area (AIA)

General Plan Designations

- Downtown
- Commercial Downtown
- Transit Residential
- Urban Residential
- Public/Quasi Public
- Open Space, Parklands, and Habitats

Figure 3. Land Use/Noise Contours



Boundaries

- 2014 DSAP Boundary
- DSAP Boundary Expansion
- Downtown West Project Boundary
- Airport Influence Area (AIA)

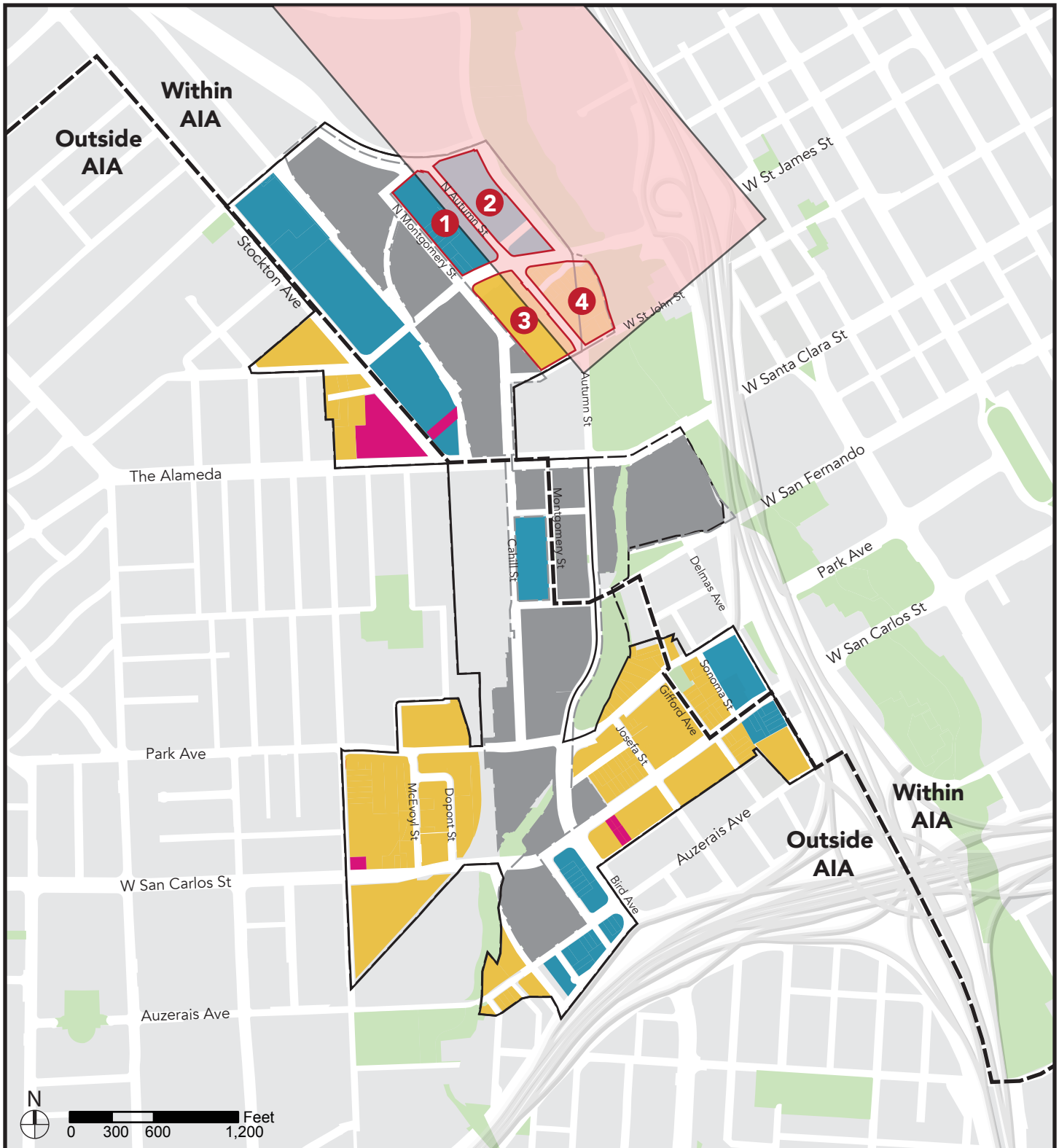
Predominant Preferred Land Use

- Employment/Commercial
- Residential
- Retail
- Open Space

Noise Contours

- 60 dBs
- 65 dBs
- 70 dBs

Figure 4. Land Use/Safety Zone



Boundaries

- 2014 DSAP Boundary
- DSAP Boundary Expansion
- Downtown West Project Boundary
- Safety Zone
- Airport Influence Area (AIA)

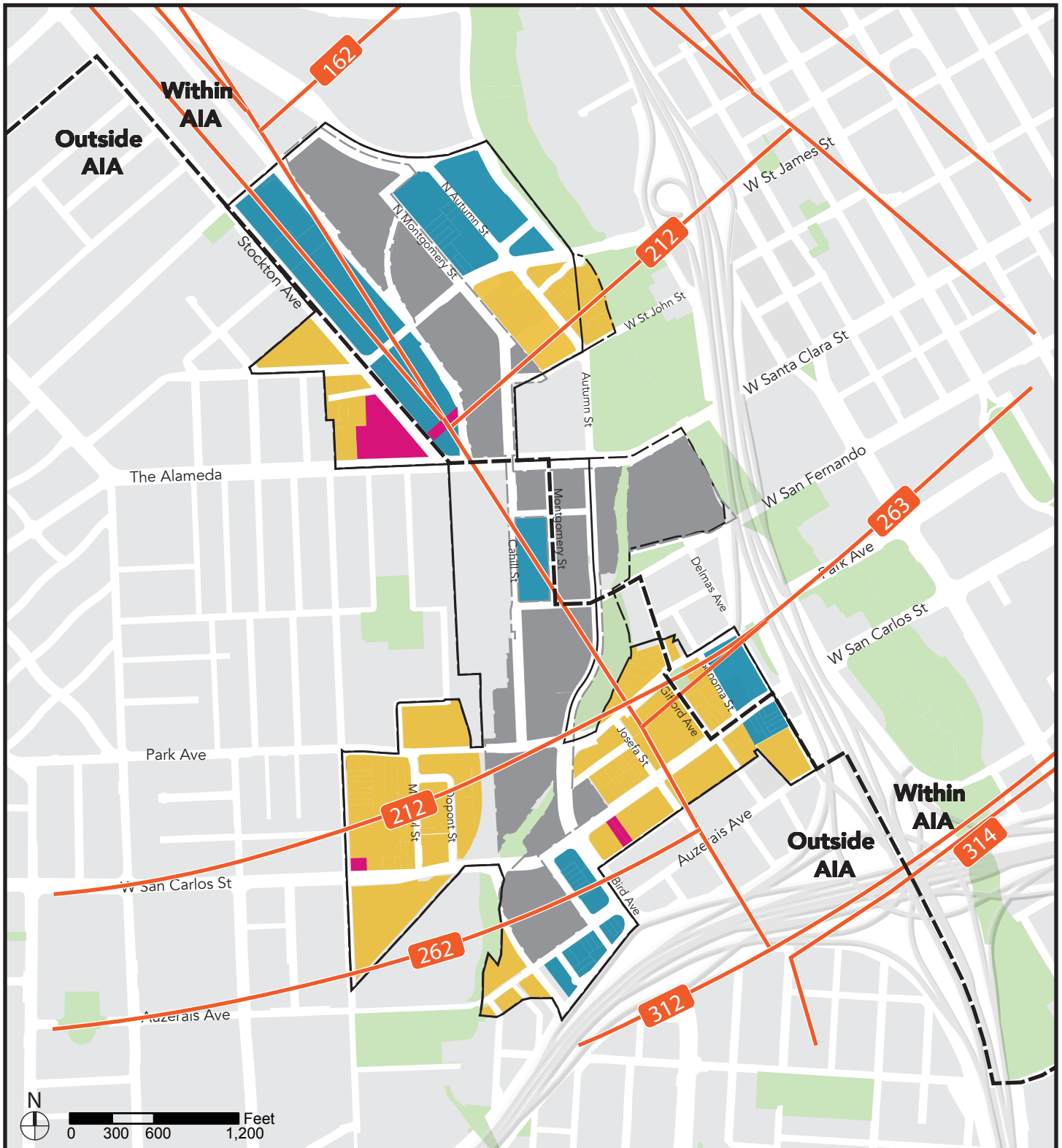
Predominant Preferred Land Use

- Employment/Commercial
- Residential
- Retail
- Open Space

Approx. Density

- 1 ≈ 1 M Commercial Sqft
- 2 ≈ 1.1 M Commercial Sqft
Approved Project
- 3 ≈ 875 Dwelling Units
- 4 ≈ 603 Dwelling Units

Figure 5. Existing Heights (OEI)



Boundaries

- 2014 DSAP Boundary
- DSAP Boundary Expansion
- Downtown West Project Boundary
- Airport Influence Area (AIA)

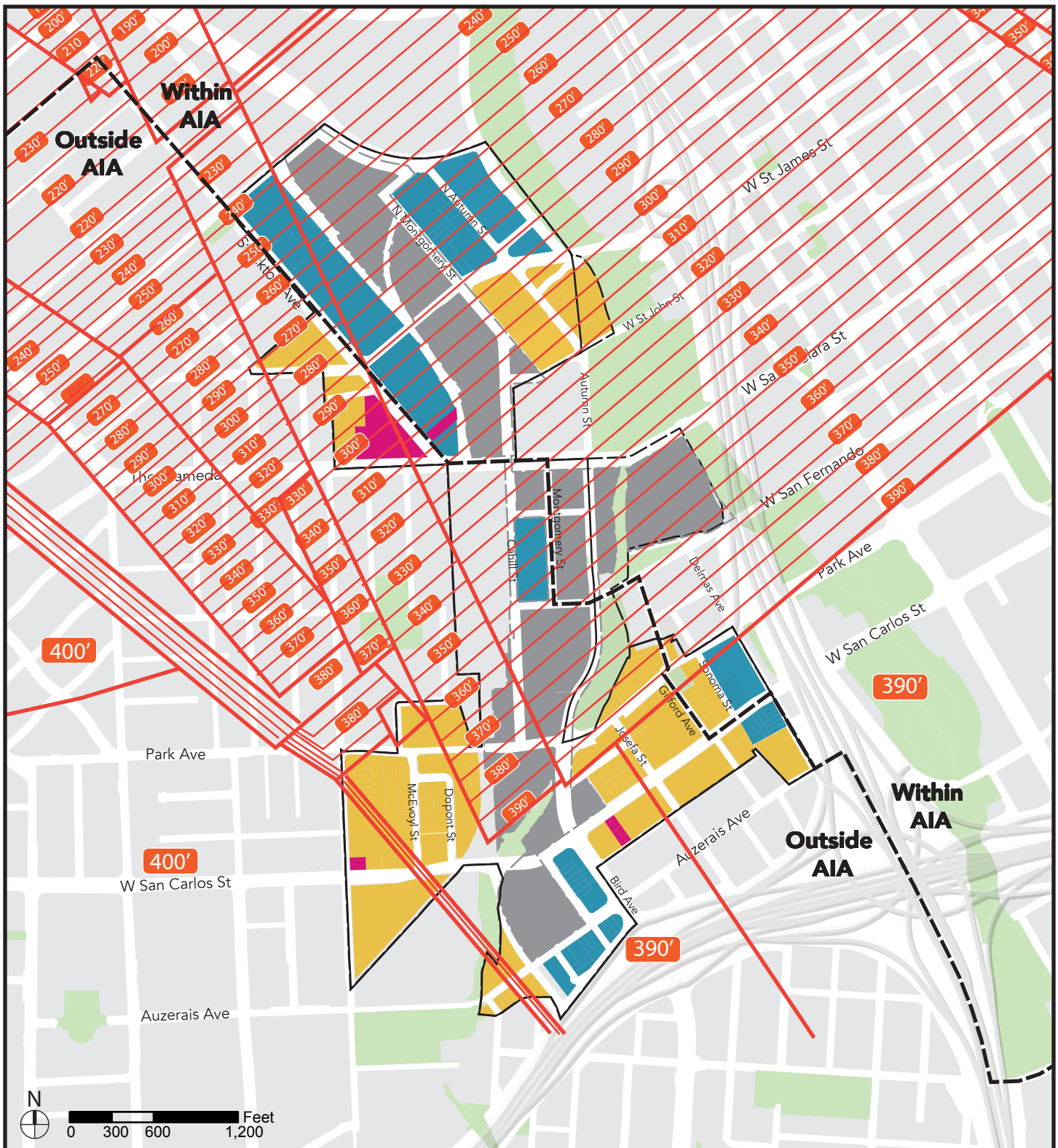
Predominant Preferred Land Use

- Employment/Commercial
- Residential
- Retail
- Open Space

Existing Heights (OEI)

- Height Contours

Figure 6. TERPs Departure Surface (NAVD 88)



Boundaries

- 2014 DSAP Boundary
- DSAP Boundary Expansion
- Downtown West Project Boundary
- Airport Influence Area (AIA)

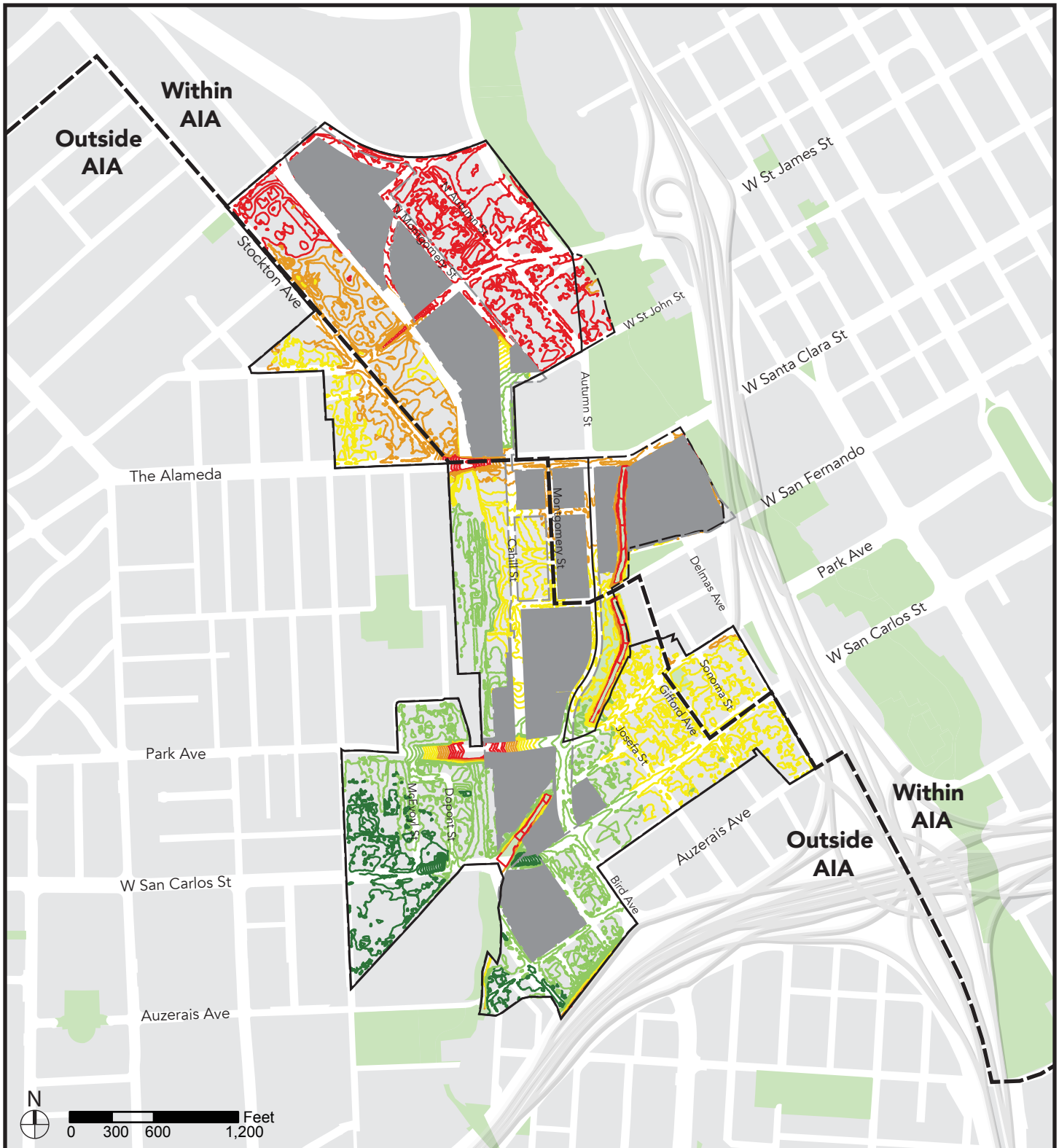
Predominant Preferred Land Use

- Employment/Commercial
- Residential
- Retail
- Open Space

TERPs (NAVD 88)

- Height Contours

Figure 7. Ground Elevations



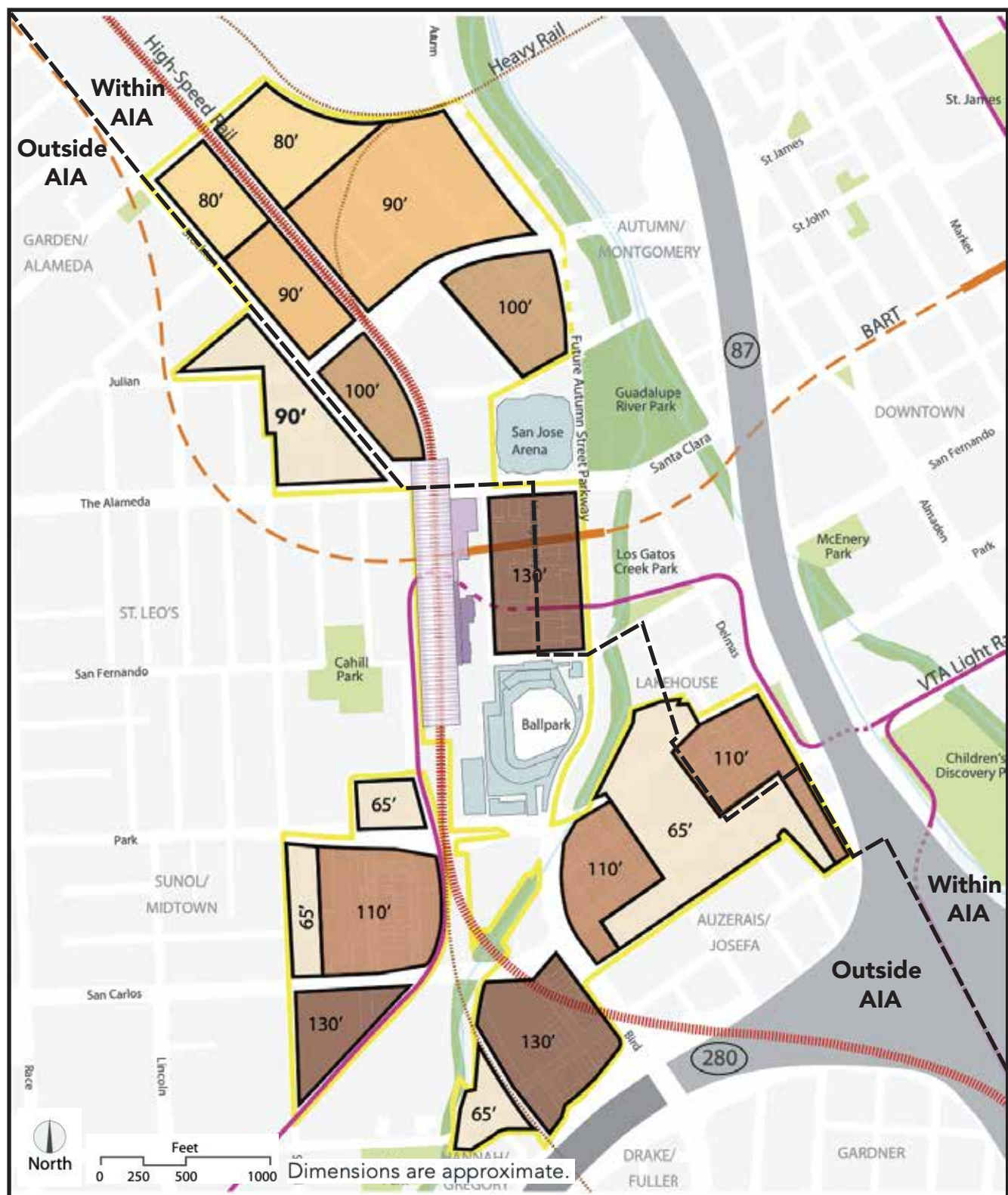
Boundaries

- 2014 DSAP Boundary
- DSAP Boundary Expansion
- Downtown West Project Boundary
- Airport Influence Area (AIA)

Ground Elevations (approx.)

- 72 - 84 feet
- 85 - 89 feet
- 90 - 95 feet
- 96 - 102 feet
- 103 - 114 feet

Figure 8. Existing Maximum Building Heights



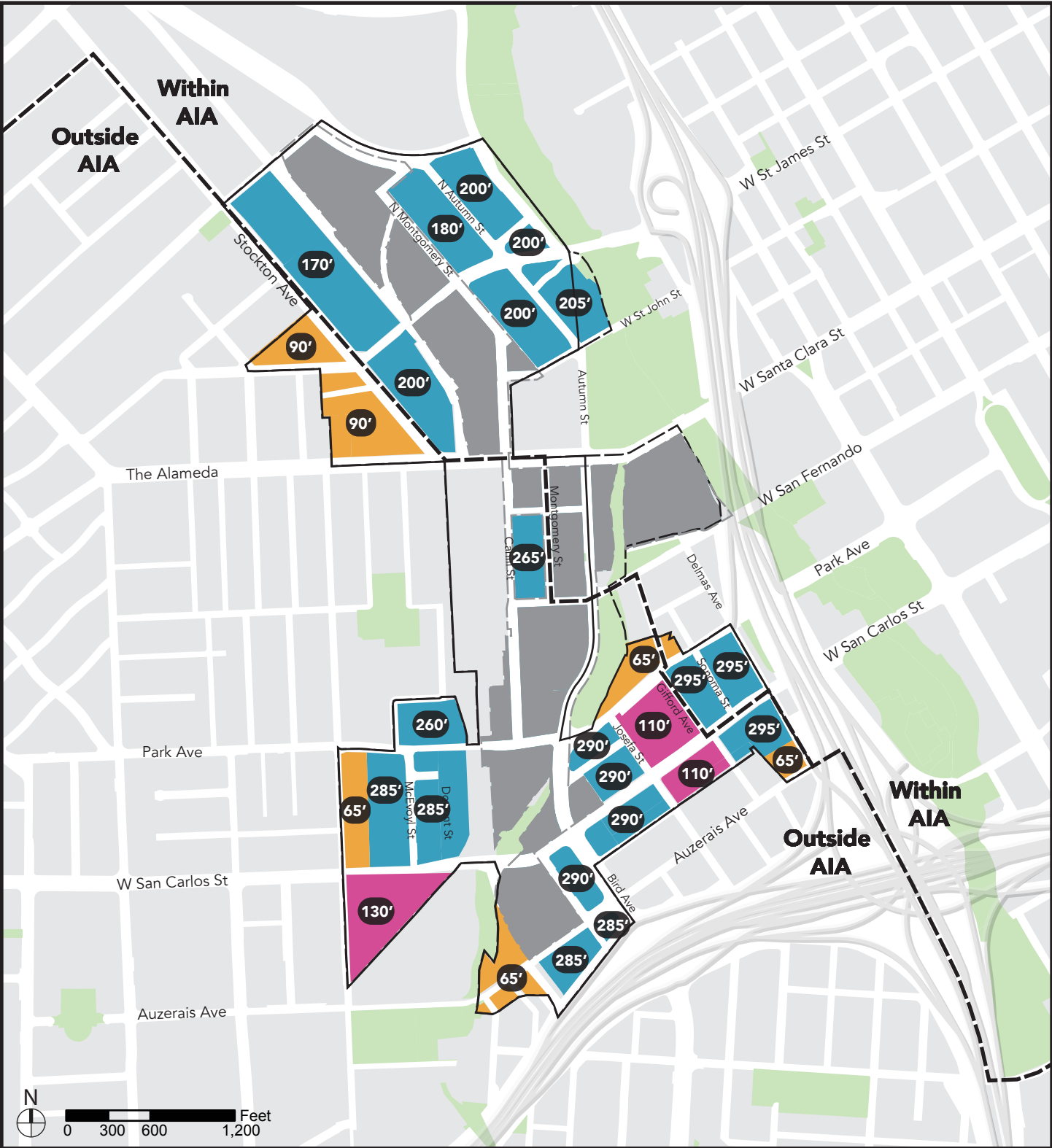
Boundaries

- 2014 DSAP Boundary
- Airport Influence Area (AIA)





Existing Building Heights

- | | |
|------|-----|
| 130' | 90' |
| 110' | 80' |
| 100' | 65' |




Figure 9. Proposed Maximum Building Heights



- # Boundaries

-  2014 DSAP Boundary
 DSAP Boundary Expansion
 Downtown West Project Boundary
 Airport Influence Area (AIA)

- # Proposed Building Heights

-  High-Rise Heights (160'-295')
-  Mid-Rise Heights (110'-130')
-  Transitional Heights (65'-90')

Extracts from the Draft Amended Diridon Station Area Plan (DSAP).

1.5 ENGAGEMENT PROCESS AND TIMELINE

2014 DIRIDON STATION AREA PLAN

The Diridon Station Area planning process that culminated in the 2014 Plan was initiated in June 2009. Throughout the study, extensive efforts were made to engage members of the business and development community, as well as residents within the immediate area and surrounding long-established neighborhoods. The surrounding areas have neighborhood associations with a history of active participation in both City and private development proposals and activities. Many of these associations have been supportive of improving transit and pedestrian access and circulation but remain focused on ensuring that new future development within their neighborhoods will enhance the area's amenities and will not detract from current residents' quality of life.

In 2009, the City Council and Redevelopment Agency Board established the Diridon Station Area Good Neighbor Committee (GNC) to provide a forum for neighbors to work collaboratively in solving problems in the neighborhood arising from development in the Diridon Station Area. The GNC discussed potential impacts of existing and planned development and collaborated to recommend reasonable implementation priorities. The 31-member committee met 22 times over a 14-month period and achieved its purpose through the creation and unanimous adoption of the Diridon Station Framework for Implementation (Framework) in 2011. The Framework focused on six interest areas: land use, neighborhood quality of life, parking and traffic, parks and trails, pedestrian and bicycle connections and connectivity, and public transportation systems. For each of the GNC's interest areas, the Framework identified the top three objectives to guide future implementation. In addition, three public community workshops and a considerable number of community events by related groups contributed to the creation of the 2014 Plan.

In April 2011, the City Council accepted the plan that defined the maximum development potential for the area and the project description and directed the consultant team to begin the environmental analysis. In June 2014, City Council approved the Final Plan and certified the Environmental Impact Report.

2021 AMENDED PLAN (THIS PLAN)

In 2018, the City launched a community engagement process to ask people about their vision for the Diridon Station Area given the changes in circumstances since the plan's adoption. These changes included the following:

- The City is no longer planning for a ballpark;
- City Council adopted comprehensive Downtown Design Guidelines and Standards in 2019;
- City Council approved a policy to allow for greater height limits;
- City Council directed City staff to implement a 25 percent affordable housing goal for the Diridon Station Area and the City initiated an Affordable Housing Implementation Study;
- City staff initiated updates to park and trail planning in the area;
- The City initiated a Diridon Parking Study to identify parking supply and management strategies;
- The Diridon Integrated Station Concept Plan (DISC) was initiated by the City and partner agencies;
- A Downtown Transportation Study was initiated;
- Google submitted a Downtown West Mixed Use Plan development proposal at the core of the Diridon Station Area.

As part of this process, the City Council appointed 38 organizations to a new Diridon Station Area Advisory Group (SAAG). The City also set up a new website (www.diridonsj.org) and held a variety of events and activities to engage the general public. The 2018 process generated a list of desired outcomes related to Housing and Anti-Displacement; Jobs and Education; Land Use and Design; Transportation and Parking; Parks and Public Space; and Environmental Sustainability. Key findings from the process were that the community's overall vision for the area had not changed and that social equity should be a top consideration (see *Appendix B.2* for a complete summary).

1 | INTRODUCTION

In 2019, the focus of the City's community engagement was on the Diridon Integrated Station Concept Plan (DISC), a collaboration between the City and transit agency partners. It generated feedback on the future station's design, layout, access, and effects on and integration with surrounding neighborhoods. The community input informed a Concept Layout for the Diridon Station and informed the development of this Plan.

In fall 2019, the City officially launched the process of amending the 2014 DSAP – along with reviewing Google's Downtown Mixed Use Plan development proposal and completing areawide studies to comprehensively plan for the area. The process includes three rounds of public outreach and engagement in fall 2019, spring 2020, and fall 2020. As part of the fall 2019 round, staff shared initial thinking about the scope of changes under consideration and the intended process for analyzing and proposing the amendments to the 2014 Plan. In spring 2020, staff shared draft concepts related to land use, heights, design, mobility, parks, open space, and trails. In fall 2020, staff released the Draft Amended Plan and Draft Affordable Housing Implementation Plan for the Diridon Station Area for public review.

The 2019-20 engagement process evolved from the original plan due to the COVID-19 crisis. The City had to extend the process and switch to digital tools. Throughout the process, the goal was to hear from all segments of the San José community, such as residents living in the area, Downtown businesses, developers, transit riders, and affordable housing, labor, and environmental advocates. To help reach populations that are typically under-represented in planning processes, the City established a small grant program and partnered with seven community-based organizations to assist with 2020 outreach and engagement. The City also offered many of the meetings and materials in Spanish and Vietnamese. For in-person community meetings, the City typically offered refreshments and supervised activities for children.

From early 2018 through fall 2020, City-led community engagement related to the Diridon Station Area has included:

- 18 Station Area Advisory Group (SAAG) meetings
- 14 SAAG small group discussions
- 15 Community Meetings
- 3 online surveys with 2,263 responses
- Approximately 67,500 page views and 33,000+ unique visitors on diridonsj.org
- 9 pop-ups at community events
- 4 Diridon Joint Policy Advisory Board meetings
- 5 virtual office hours
- Many meetings with community groups

In addition to these efforts, Google and the City's transit partners conducted their own outreach to guide their projects.

Community input has been central to the development of this amended Plan. The amendments adapt the Plan to current circumstances; emphasize equity as a primary objective; align the Plan to complement other adopted and ongoing plans, and support and facilitate Plan implementation for private development and public investments.

Major changes include expanding the Diridon Station Area Plan boundary, adding development capacity, increasing building height limits, and updating sections on land use, urban design, open space, and mobility.

2.1 FRAMEWORK

INTRODUCTION

The **2014 Diridon Station Area Plan (2014 Plan)** was adopted after extensive community outreach and built upon the various Strong Neighborhood Initiative Improvement Plans (SNI) and/or Business Improvements Plans prepared in the past. The 2014 Plan envisioned transit-oriented development, established physical parameters to accommodate a forecasted maximum build-out, and presented urban design proposals based on the following three distinct zones:

- **Northern Zone:** a high-intensity business district with a higher concentration of businesses and commercial uses.
- **Central Zone:** a commercial-focused area which included the Diridon Station, a planned baseball stadium, and a mix of employment, retail, hotel, and entertainment uses.
- **Southern Zone:** a residential-focused area including mixed-use, residential, parks, business, and hotel uses.

This Plan builds on the 2014 Plan and the community's recommendations to reflect changed conditions and City Council direction since the SNI Plans were adopted and to transform the Diridon Station Area into a more dynamic, sustainable, and equitable mixed-use urban neighborhood.

Table 2-1-1: Diridon Station Area Theoretical Maximum Build-out used in Environmental Analysis

	Google's Downtown West Mixed Use Plan (DTW)		Diridon Station Area Out-side DTW		Complete Diridon Station Area	
Land Use	Total	Unit	Total	Units	Total	Units
Residential	Up to 5,900	Units	Up to 7,619	Units	Up to 13,519	Units
Office	Up to 7,300,000	SF	7,144,154	SF	Up to 14,444,154	SF
Active Use/Retail	Up to 500,000	SF	Up to 536,000	SF	Up to 1,036,000	SF
Hotel	Up to 300	Rooms	–	–	Up to 300	Rooms

* Google's Downtown West Mixed Use Plan also contemplated other uses, such as Limited-term Corporate Accommodations, event center(s), Central Utilities, Plant(s), and logistics/warehouse use

MAXIMUM BUILD-OUT

To inform the planning effort, this Plan developed a maximum build-out estimate based on identified potential development sites in the area outside of Google's Downtown West Mixed Use Plan, which is covered by separate assumptions and its own environmental review (*Table 2-1-1*). The figures in the table for land uses within the Downtown West Mixed Use Plan are included for reference only. This maximum build-out estimate does not preclude the development of projects under planning review prior to establishing the capacity framework or of other permitted uses for which capacity is available. The Diridon Station Area is within the Downtown Strategy 2040 boundary, which includes capacity beyond what is shown in *Table 2-1-1*.

The Plan's land use framework allows for flexibility in allowable land uses in many areas, to encourage a range of future development proposals that are consistent with the objectives of this Plan. Therefore, the build-out program analyzed reflects the maximum amount each use that could be built under the Plan. Please see Appendix A for further details on the maximum build-out.

2 | STATION AREA DEVELOPMENT

2.2 KEY PRINCIPLES

STRATEGY

The Station Area Development strategy is founded on an Equitable Transit-oriented Development approach as discussed in Section 1.2 of this Plan. The strategy includes removing the 2014 Plan's three distinct zones to establish a more mixed-use land use approach, increased building height limits to help support equitable development, and updated urban design direction to build on the San José Downtown Design Guidelines and Standards to ensure design excellence and sensitivity to surrounding established lower-density residential neighborhoods.

The mix of uses throughout the Diridon Station Area puts residential, commercial, and recreational uses closer together, promoting an increase in walking, biking, and other low-impact ways of travel. It provides for a more diverse and sizable population and increased commercial activity to support public transit use. This can also enhance the vitality and safety of neighborhoods by increasing the number of people and amount of activity on the street. The dynamic experience can attract pedestrians and help increase economic activity and enhance public life, making streets, public spaces, and active uses into places where people meet.

Residential uses are strategically located throughout the Diridon Station Area to enhance vitality, to achieve a jobs/housing balance, and maximize the competitiveness for state funding affordable housing sources. For stand-alone affordable housing projects, it is assumed that units will be provided in a mix of mid-rise and high-rise buildings. Incorporating a range of height limits not only provides transitions in building heights adjacent to lower

density residential areas, but also provides opportunities for a variety of affordable housing types to be developed close to public transit (see Section 2.5 for further details on affordable housing strategies).

Increased building height limits create a supportive environment for equitable development and makes more efficient use of scarce transit-adjacent land and preserves natural resources by accommodating urban growth in the city's core instead of undeveloped areas at the city's edge. It also provides for opportunities for an increase in quality housing for people of all income levels through the City's Inclusionary Housing Ordinance. Reaching the Plan's goal for 25 percent affordable housing in the Diridon Station Area, along with strategies for tenant protection and the preservation of existing affordable units, will also ensure low-income residents benefit from new development.

2.3 LAND USES

LAND USE DIAGRAM

This Plan establishes a mix of vibrant uses that build off the synergy and activity of the SAP Center, an expanded Diridon Station, and future development of the Downtown West Mixed Use Plan. The land use concept strategically locates residential, commercial and recreational uses throughout the area in order to achieve the objectives of this Plan. While there is flexibility in the land use designations to allow for office or housing, *Figure 2-3-1* illustrates a preferred predominant land use structure for the Diridon Station Area. Land uses shown within the Downtown West Mixed Use Plan boundary in this Plan represent predominant land uses are for illustrative purposes only. The estimated build-out program for the preferred predominant land use structure illustrated in *Figure 2-3-1* is shown in *Table 2-3-2*.

Table 2-3-2: Diridon Station Area Illustrative Build-Out Scenario Program

	Google's Downtown West Mixed Use Plan (DTW)		Diridon Station Area Outside DTW		Complete Diridon Station Area	
Land Use	Total	Unit	Total	Units	Total	Units
Residential	Up to 5,900	Units	Up to 7,000	Units	Up to 12,900	Units
Office	Up to 7,300,000	SF	Up to 6,400,000	SF	Up to 13,700,000	SF
Active Use/Retail	Up to 500,000	SF	Up to 536,000	SF	Up to 1,036,000	SF
Hotel	Up to 300	Rooms	–	–	Up to 300	Rooms

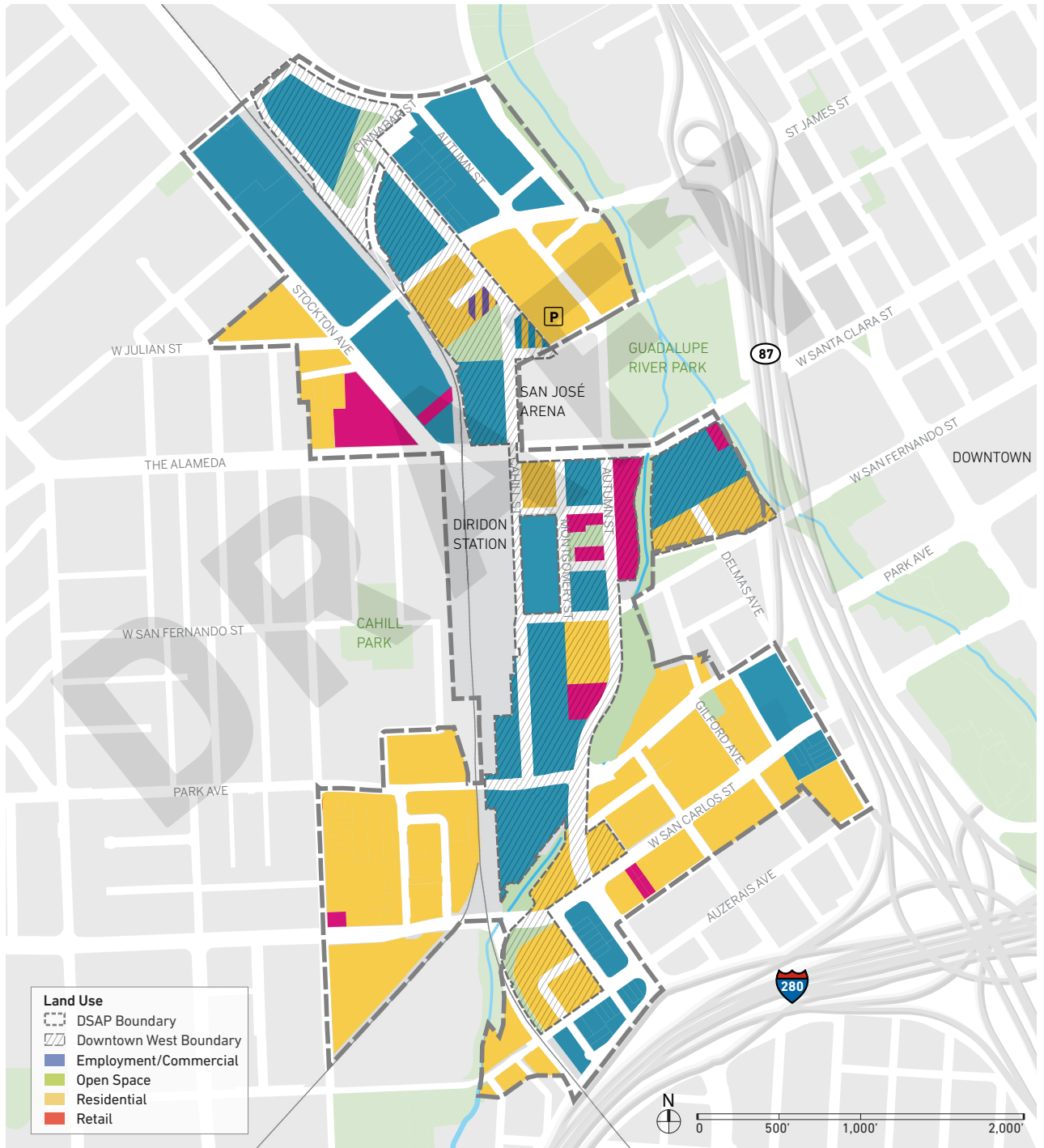


Figure 2-3-1: Land Use

2 | STATION AREA DEVELOPMENT

LAND USE DESIGNATIONS

The land use designations below define the uses and urban form of future development in the Diridon Station Area. *Figure 2-3-2* illustrates the General Plan Designations in the area. These land use designations are not specific to this Plan but are existing designations within the Envision San José 2040 General Plan and are applied elsewhere in the City. However, some of the designations are modified to facilitate development consistent with the goals and objectives of this Plan. In addition to being consistent with the given land use designation below, new development should also be consistent with the San José Downtown Design Guidelines and Standards (Downtown Design Guidelines) and the urban design standards and other policies set forth in this Plan. Urban Design direction for the Diridon Station Area are provided in Section 2.3 of this Plan. Properties within Google's Downtown West Mixed Use Plan are governed by the Downtown West Design Standards and Guidelines (DWDSG), which supplement the Downtown Design Guidelines with project-specific standards and guidelines and supersedes certain Downtown Design Guideline standards and guidelines as identified in the DWDSG.

Downtown

Density: Up to 800 DU/AC; FAR Up to 30.0

This designation includes office, retail, service, residential, and entertainment uses in Downtown. Redevelopment should be at very high intensities, unless incompatible with other major policies within the Envision San José 2040 General Plan (such as Historic Preservation Policies), must be consistent with this Plan's height limits (*Figure 2-2-4*), and compatible with the surrounding residential neighborhoods. Where single-family detached homes are adjacent to the perimeter of the area designated as Downtown, new development should serve as a transition to the lower-intensity use while still achieving urban densities appropriate for the perimeter of downtown in a major metropolitan city. All development within this designation should enhance the "complete

community" in Downtown, support pedestrian and bicycle circulation, and increase transit ridership.

Residential projects within the Downtown designation should generally incorporate ground floor commercial uses. This designation does not have a minimum residential density range (DU/AC) in order to facilitate mixed-use projects that may include small amounts of residential in combination with significant amounts of non-residential use. Such mixed-use projects should be developed within the identified Floor Area Ratio (FAR) range of up to 30.0. While this land use designation allows for up to 800 dwelling units to the acre, achievable densities may be much lower in a few identified areas to ensure consistency with the Santa Clara County Comprehensive Land Use Plan (CLUP).

The CLUP was adopted by the Santa Clara County Airport Land Use Commission (ALUC) for the Norman Y. Mineta San José International Airport to be used to safeguard the general welfare of the inhabitants within the vicinity of the airport. Further details on consistency with the CLUP are provided in the building height section. The broad range of uses allowed in Downtown could also facilitate medical office uses or full-service hospitals.

The Downtown Design Guidelines and urban design direction in this Plan speaks to the urban, pedestrian-oriented nature of this area. Land uses that serve the automobile should be carefully controlled in accordance with the Downtown Design Guidelines and the goals and objectives of this Plan.

This designation is located throughout the Diridon Station Area to create a mixed-use urban neighborhood. To help activate the corridor, new development along Primary and Secondary Addressing Streets in this designation must incorporate active uses as illustrated in *Figure 2-4-4* in Section 2.4 of this Plan and further discussed in the Downtown Design Guidelines. Active use locations within Google's Downtown West Mixed Use Plan are governed by the DWDSG.

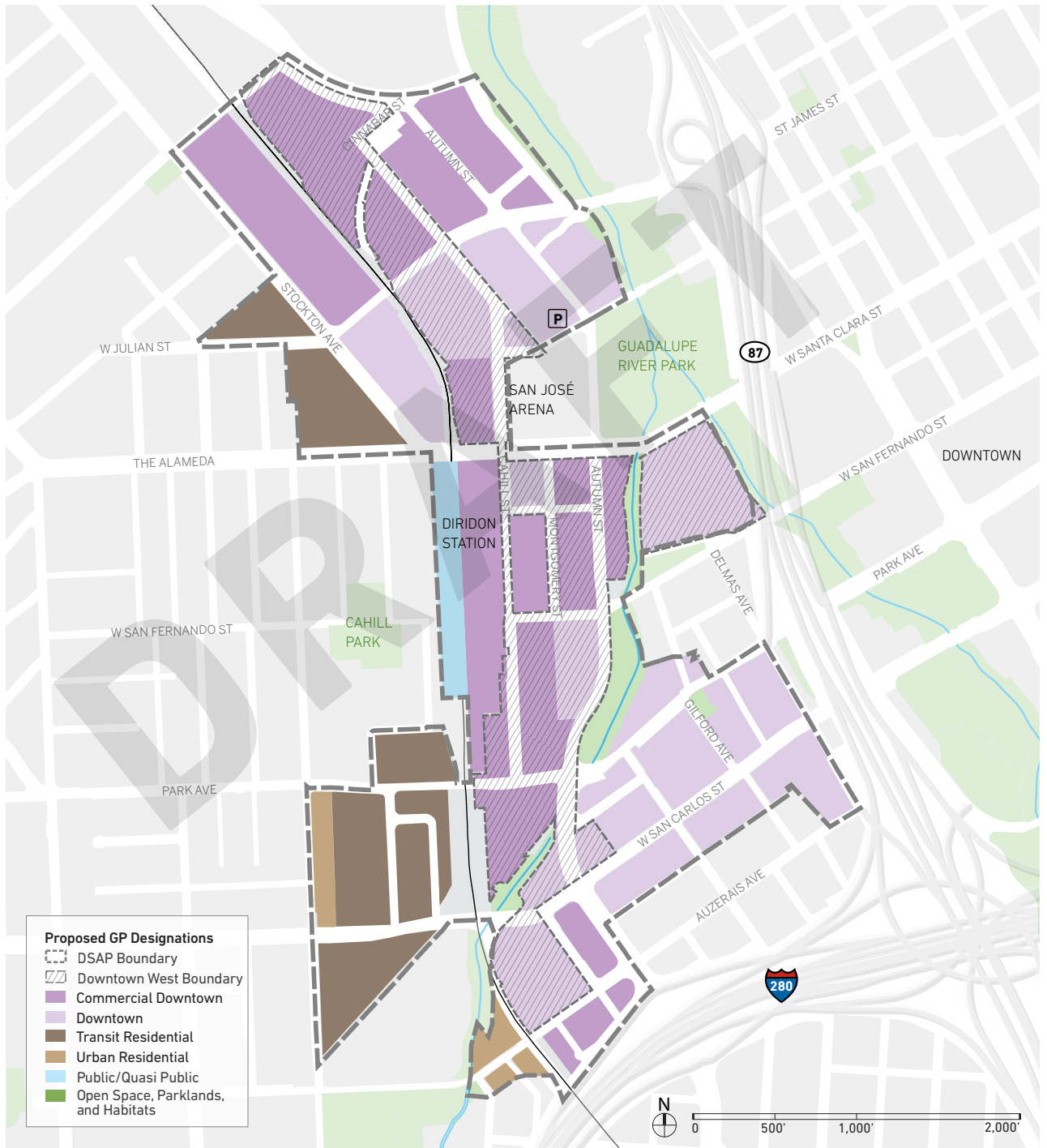


Figure 2-3-2: DSAP Preliminary GP Designations

2 | STATION AREA DEVELOPMENT

Commercial Downtown

Density: FAR Up to 15.0

This designation includes office, hotel, retail, service, and entertainment uses in the City's Downtown, consistent with those supported by the Downtown Designation, but denotes areas in which residential uses are not appropriate and are therefore excluded. Development should be at very high intensities, unless incompatible with other major policies within the Envision San José 2040 General Plan (such as Historic Preservation Policies), must be consistent with this Plan's height limits (*Figure 2-3-4*), and compatible with the surrounding residential neighborhoods. Where single-family detached homes are adjacent to the perimeter of the area designated as Commercial Downtown, new development should serve as a transition to the lower-intensity use while still achieving urban densities appropriate for the perimeter of Downtown in a major metropolitan city. All development within this designation should enhance the "complete community" in Downtown, support pedestrian and bicycle circulation, and increase transit ridership. The broad range of uses allowed in Downtown could also facilitate medical office or full-service hospitals.

The Downtown Design Guidelines and urban design direction in this Plan speak to the urban, pedestrian-oriented nature of this area. Land uses that serve the automobile should be carefully controlled in accordance with the Downtown Design Guidelines and the goals and objectives of this Plan.

This designation is located throughout the Diridon Station Area to create a mixed-use urban neighborhood. To help activate the corridor, new development along Primary and Secondary Addressing Streets in this designation must incorporate active uses as illustrated in *Figure 2-4-4* in Section 2.4 of this Plan and further discussed in the Downtown Design Guidelines. Active use locations within Google's Downtown West Mixed Use Plan are governed by the DWDSG.

Transit Residential

Density: 65-450 DU/AC; FAR 2.0 to 12.0

This designation is the primary designation for high-density, mixed-use residential development sites that are located in close proximity to transit, jobs, amenities, and services. This designation also supports intensive commercial employment uses, such as office, retail, hotels, hospitals, and private community gathering facilities. To help contribute to "complete communities," commercial uses should be included in new residential development in an amount consistent with achievement of the planned job growth and the goals and objectives of this Plan.

While this land use designation allows between 50 to 250 dwelling units to the acre in the Envision San José 2040 General Plan, the sites designated Transit Residential in this Plan have a minimum residential density of 65 dwelling units to the acre and a maximum of 450 dwelling units to the acre to facilitate the development of residential densities that are supportive of the goals and objectives of this Plan. Given the potential noise, vibration, and aesthetic impacts, residential uses should not be located directly adjacent to train lines unless a residential project can be designed to mitigate these impacts and create a high quality living environment.

This designation is located within walking distance to transit, jobs, amenities, and services, and along key transportation corridors like Stockton Avenue, and West San Carlos Street. All development within the Transit Residential designation is required to be pedestrian oriented with an emphasis on activating the ground level. To help activate the corridor, new development along Secondary Addressing Streets in this designation must incorporate active uses as illustrated in *Figure 2-4-4* in Section 2.4 of this Plan and further discussed in the Downtown Design Guidelines.

Urban Residential (30-95 du/ac)***Density: 30-95 DU/AC; FAR 1.0 to 4.0***

This designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities. This designation is also used to identify areas where the density of new development should be limited to a medium intensity in order to provide for a gradual transition between surrounding low-density neighborhoods and other areas suitable for greater intensification. The allowable density/intensity for mixed-use development will be determined using an allowable FAR (1.0 to 4.0) to better address the urban form and potentially allow for fewer units per acre if in combination with other uses such as commercial or office.

This designation is found in the southern portion of the Diridon Station Area along Auzerais Avenue, and along Sunol Street, between Park Avenue and West San Carlos Street, providing a transition to lower density residential uses. To help activate the corridor, development along West San Carlos Street (a Secondary Addressing Street) must incorporate active uses.

Open Space, Parklands, and Habitat***Density: N/A***

This designation includes lands that can be publicly or privately owned areas that are intended for low intensity uses. Lands in this designation are typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves and other permanent open space areas. This designation also includes privately owned publicly accessible parks within the Diridon Station Area. This designation is applied within the Urban Growth Boundary to lands that intend their permanent use as open space, including lands adjacent to various creeks throughout the City.

New development on lands within this designation should be limited to minimize potential environmental and visual impacts. Developments of public facilities such as restrooms, playgrounds, educational/visitors' centers, or parking areas can be an inherent part of City or County park properties and are appropriate for this designation. Community centers and other amenities open to the public would also be allowed within publicly-owned properties in this designation. Privately-owned lands in this designation are to be used for low intensity, open space activities.

Park and recreation areas are essential for new and existing neighborhoods within the Diridon Station Area, and are therefore proposed throughout the entire area to serve each neighborhood and demographic group with equity. *Figure 3-4-1* in Section 3.4 of this Plan illustrates the various open space types for the Diridon Station Area, which consists of parks, plazas, and community facilities that, taken together and in conjunction with adjacent open spaces, weave an urban fabric that will enhance public life for residents and visitors alike.

Private properties along the west side of Los Gatos Creek between Santa Clara Street and Park Avenue are identified as Open Space, Parklands, and Habitat. These properties are identified for additional park land. Until the City can purchase these properties for parkland, they could be redeveloped, consistent with the Envision San José 2040 General Plan, which designated them as Commercial Downtown. Further details on the open space related projects and park assets are provided in Section 3.3 of this Plan.

Public/Quasi Public***Density: N/A***

Diridon Station is the only site designated Public/Quasi Public within the Diridon Station Area, so the only uses allowed are government, civic, cultural, educational, and public service uses.

2 | STATION AREA DEVELOPMENT

BUILDING HEIGHT

Flight Path Restrictions

The Diridon Station area is subject to height and land use restrictions related to the Norman Y. Mineta International Airport. Restrictions are defined by the Federal Aviation Administration (FAA) and Santa Clara Airport Land Use Commission (ALUC). The City also establishes aviation policies in the Envision San José 2040 General Plan.

The Federal Aviation Administration (FAA) administers regulations to protect the airspace for safe aircraft operations. In particular, Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace (commonly referred to as "FAR Part 77"), sets forth standards and review requirements for airspace protection, primarily through restricting the height of proposed structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the FAA be notified of proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from the airport's runways, or which otherwise stand at least 200 feet in height above ground. The entire Diridon Station Area falls under the imaginary airspace notification surface for San José International Airport, ranging in elevation from approximately 120 feet above mean sea level at the north end of the Diridon Station Area to approximately 170 feet above mean sea level at the south end (note: ground elevation within the Diridon Station Area varies roughly from about 75-95 feet above mean sea level in a north/

south direction). Therefore, any proposed structure or object which would penetrate the imaginary notification surface, whether permanent or temporary, must be filed with the FAA for an aeronautical study to determine whether the specific structure would constitute a hazard to aircraft. Please refer to the FAR Part 77 for further details. Pursuant to the City's Envision San José 2040 General Plan, all such projects must obtain "determinations of no hazard" from the FAA and comply with any conditions set forth in those determinations.

The ALUC, under State regulations, maintains a Comprehensive Land Use Plan (CLUP) for Areas Surrounding Santa Clara County Airports, including the Norman Y. Mineta International Airport. The CLUP establishes land use policies for the regulation of height, air safety, and noise compatibility within the defined Airport Influence Area (AIA). As a large portion of the Diridon Station Area (primarily the eastern half) falls within the CLUP's AIA, certain proposed land use projects within the AIA, including General Plan, specific plan, zoning, or building regulation changes must be submitted to the ALUC for a CLUP consistency determination. The City's Envision San José 2040 General Plan also requires projects to be consistent with the adopted airport CLUPs. See the Santa Clara County ALUC CLUP for San José International Airport for further details. The AIA for the Norman Y. Mineta International Airport is illustrated in *Figure 2-3-3*.

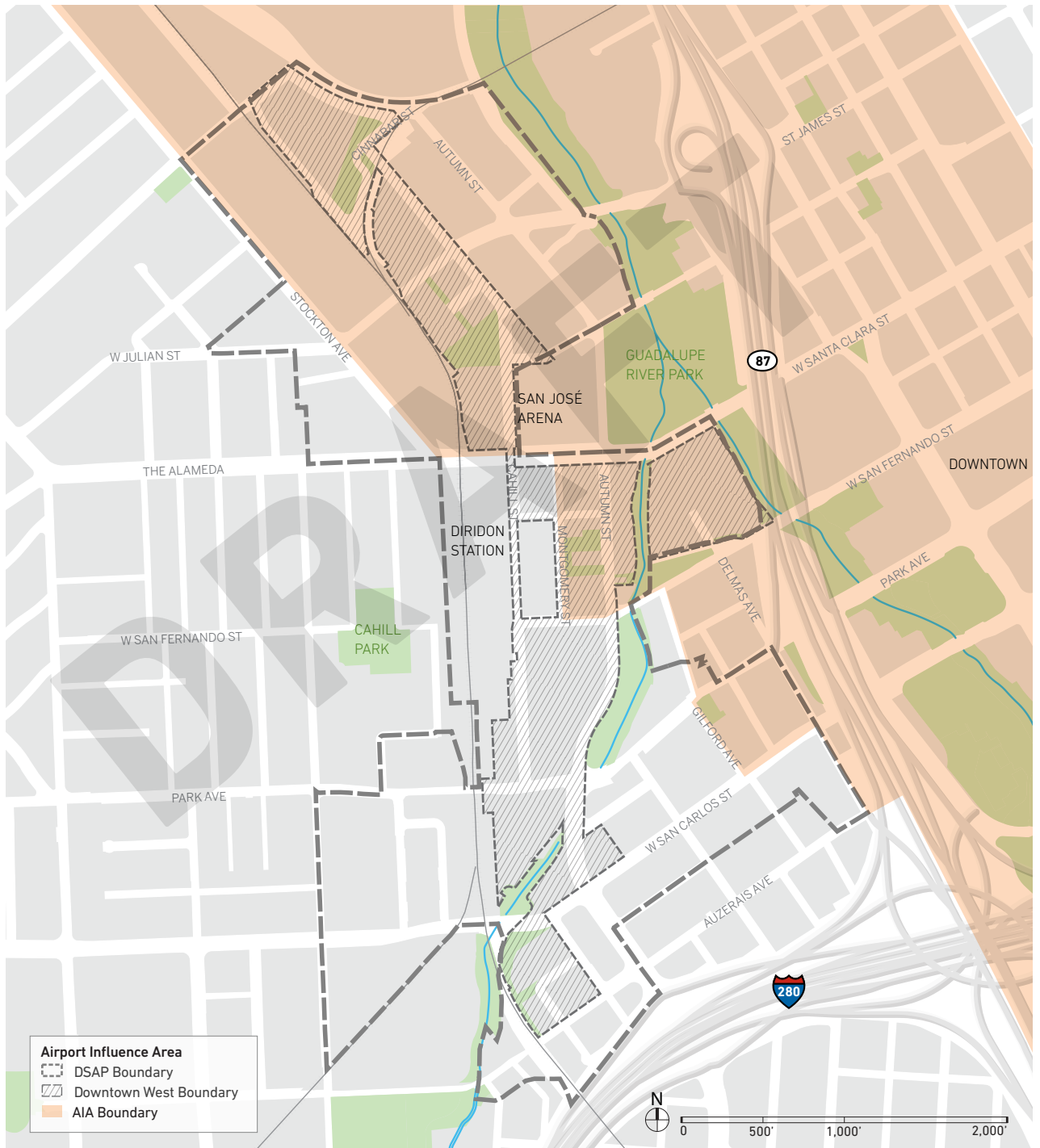


Figure 2-3-3: Airport Influence Area (AIA)

2 | STATION AREA DEVELOPMENT

BUILDING HEIGHT LIMITS

The establishment of maximum building heights is essential to ensuring that new development is integrated and compatible with the surrounding neighborhoods and with key City assets, including historic resources and the Guadalupe River Park.

The Plan establishes new allowable building heights outside the Downtown West Mixed Use Plan. Building height limits within the Downtown West Mixed Use Plan are governed by the Downtown West Design Guidelines and Standards (DWDSG). Heights shown within the Downtown West Mixed Use Plan boundary in this Plan are approximate and are shown for illustrative purposes only.

The Plan's allowable heights for areas outside the Downtown West Mixed Use Plan take into account community input, the City's published elevation limits which are based on FAA flight procedures for the Norman Y. Mineta San José International Airport, height transition concepts, the Downtown Design Guidelines massing transition standards, and typical heights for mid-rise and high-rise construction.

This Plan establishes three types of height limits:

High-Rise height limits, ranging from 160 to approximately 295 feet, are intended to allow development up to the maximum height permitted by the City, contingent upon required FAA airspace safety determinations. High-Rise height limits increase from north to south across the Plan area and are primarily located on sites near Diridon Station, the rail line, freeways, and the Guadalupe River Park. For both office and residential projects, maximizing allowable height is crucial for making high-rise building construction economically feasible given the City/ FAA height restrictions for the area. The High-Rise heights in this Plan are approximate and are provided for reference; applicants will need to coordinate with San José Airport Department staff and FAA airspace safety review process for site-specific allowable height determinations. In some areas adjacent to lower height contexts, additional height and massing transition standards apply; see *figure 2-4-7* for stepback plane locations.

Mid-Rise height limits, ranging from 110 to 130 feet, are intended to create urban districts and neighborhoods that are lower in scale than High-Rise areas, in order to transition from High-Rise areas to existing low-rise residential neighborhoods. Mid-Rise height limits are located in the Sunol Street and West San Carlos Street area, and Central Delmas Park areas. Building codes typically require buildings over 75 feet in height to be constructed to high-rise standards, which can make it economically challenging to take full advantage of these allowable heights; however, lower-rise development is still permitted in these areas. In some areas adjacent to lower height contexts, additional height and massing transition standards apply; see *Figure 2-4-7* for stepback plane locations.

Transitional height limits, ranging from 65 to 90 feet, are generally located near relatively low density single-family residential areas and are accompanied by height transition standards for specific locations. These lower height limits can apply to standalone development or to portions of sites where additional height is permitted, such as the podium portion of a high-rise building.

In all height areas, subject to FAA determination of no hazard, limited extrusions exceeding the maximum building height limits in this Plan by up to 15 feet may be allowed for elevator shafts, rooftop amenities and equipment, and architectural treatments, as long as such extrusions do not exceed the City's elevation limits and receive required airspace safety determinations.

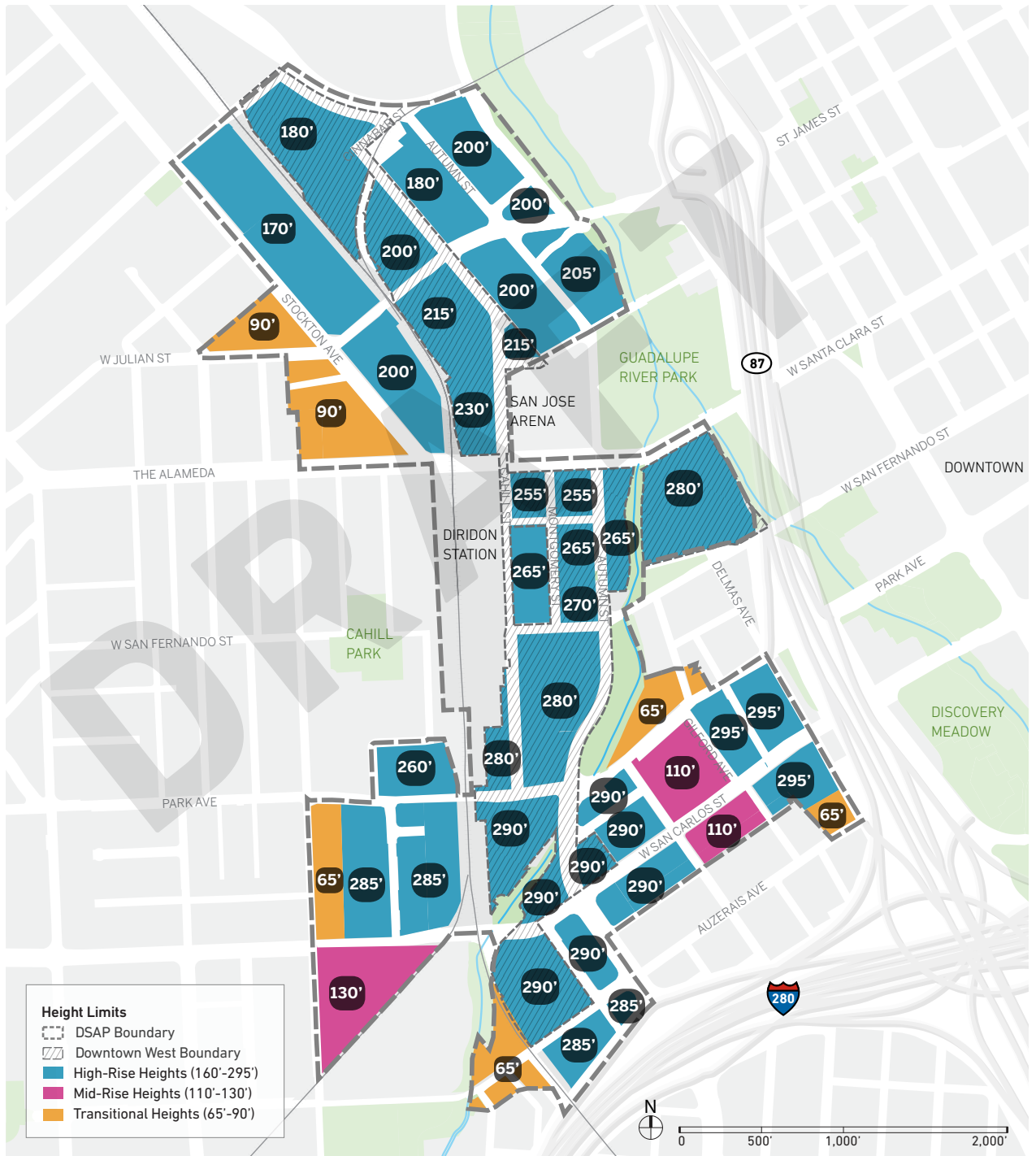


Figure 2-3-4: Building Heights

Environmental Technical Memorandum for the Diridon Station Area Plan (DSAP) Amendment.



M E M O R A N D U M

TO: Rosalyn Hughey, City of San José
Robert Manford, City of San José

FROM: Audrey M Zagazeta, Circlepoint

SUBJECT: CEQA Findings for the Diridon Station Area Plan Amendment

DATE: October 23, 2020

Circlepoint has completed the environmental analyses for the Diridon Station Area Plan (DSAP) Amendment pursuant to our contracted scope of work. Our approach included the preparation of an expanded initial study, in the form of a California Environmental Quality Act (CEQA) Addendum that evaluates the DSAP Amendment changes in relation to analysis in the Downtown Strategy 2040 Environmental Impact Report (EIR), certified by the San José City Council in December 2018.

The Downtown Strategy 2040 EIR Addendum (Addendum) has been prepared in conformance with the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and City regulations and policies.

This memorandum provides the overall CEQA findings for the Addendum, and our recommendation of the appropriate CEQA document based on the CEQA Guidelines presented below.

CEQA Guidelines for an Addendum

CEQA Statutes Section 21166 and CEQA Guidelines Sections 15162 and 15164 provide that an Addendum to a previously certified EIR can be prepared for a project if the criteria and conditions summarized below are satisfied:

- **No Substantial Project Changes:** There are no substantial changes proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- **No Substantial Changes in Circumstances:** Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- **No Substantial New Information:** There is no new information of substantial importance which was not known or could not have been known at the time of the previous EIR that shows any of the following:
 - (a) The project will have one or more significant effects not discussed in the previous EIR;
 - (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (c) Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternatives; or
 - (d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative



If the changes would involve new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts, further environmental review (in the form of a Subsequent or Supplemental Environmental Impact Report) would be warranted per CEQA Guidelines Section 15162 and 15163. If the changes do not meet these criteria, then an Addendum, per CEQA Guidelines Section 15164, is prepared to document any resulting changes to environmental impacts or mitigation measures.

DSAP Amendment

The Addendum to the Downtown Strategy 2040 EIR analyzes the proposed increases in density and development capacity that would be added to the DSAP as part of the DSAP Amendment (see **Figure 1**). The Downtown Strategy 2040 EIR is the most recent planning-level EIR to evaluate development within 90 percent of the DSAP area.

The environmental analysis in the Addendum is based on the DSAP Amendment project description derived from the capacity study conducted by Skidmore, Owings & Merrill LLP (SOM) on behalf of the City, dated January 24, 2020. The SOM capacity study evaluated potential increases in development capacity in the DSAP resulting from the lifting of One Engine Inoperative (OEI) height restrictions. For CEQA purposes, the City decided to analyze the maximum office and residential capacities, with the caveat that actual development capacities may be less after the DSAP Amendment if finalized through the public outreach. **Table 1** below shows the proposed maximum buildout compared to the original DSAP assumptions contained in the Downtown Strategy 2040 EIR.

The growth shown in **Table 1** is a summary of planned growth capacity in the 2014 DSAP and planned General Plan development capacity equivalent to approximately 12,619 housing units and 14.1 million square feet of commercial office space. This growth is proposed to be reallocated to Downtown from other planning areas identified in the General Plan to support transit-oriented development, which in turn reduces vehicles mile traveled (vmt) and supports Smart Growth.

Table 1 - Change in Maximum DSAP Development Capacity

	Office (sf)	Retail (sf)	Residential (units)	Hotel (units)
<i>Original DSAP (2014), a subset of capacity in Downtown Strategy (2018)</i>	4,963,400	424,100	2,588	900
<i>Proposed Amendment to DSAP Capacity (DSAP Amendment)</i>	7,838,000	-	7,044	-
<i>Proposed Amendment to DSAP Capacity (Downtown West Project)</i>	6,306,000	469,000	5,575	1,100
Net Increase in DSAP Development Capacity	14,144,000	469,000	12,619	1,100

Source: City of San José 2020

sf = square feet; DSAP = Diridon Station Area Plan

Additionally, the DSAP Amendment would allow up to 24,166 square feet of commercial office space and up to 2,671 residential units located in areas within the DSAP but outside of the Downtown boundary. This portion of the DSAP Amendment-related growth would not represent an increase in development capacity above what was planned for in



the Downtown Strategy 2040 and is consistent with the official growth allocations and forecasts from the City's 2040 Envision San José 2040 General Plan and Association of Bay Area Governments (ABAG). **Table 2** below summarizes the net growth in Downtown Strategy 2040 development capacity from the Downtown West project and the DSAP Amendment.

Table 2 – Change in Maximum Downtown Strategy 2040 Buildout

	Office (sf)	Retail (sf)	Residential (units)	Hotel (units)
<i>Original Downtown Strategy 2040 (2018)</i>	<i>14,200,000</i>	<i>1,400,000</i>	<i>14,360</i>	<i>3,600</i>
<i>Proposed Amendment to DSAP Capacity within Downtown Boundary (DSAP Amendment)</i>	<i>7,813,834</i>	<i>-</i>	<i>4,373</i>	<i>-</i>
<i>Proposed Amendment to DSAP Capacity (Downtown West)</i>	<i>6,306,000</i>	<i>-</i>	<i>5,575</i>	<i>-</i>
New Total Downtown San José Development Capacity	28,319,834	1,400,000	24,308	3,600

Source: City of San José 2020
sf = square feet

Other Planned Development

A list of other planned development projects within the DSAP area is considered in the Addendum, including future reasonably foreseeable transportation projects within the DSAP area. New transportation projects planned under the DSAP Amendment include primarily pedestrian, bicycle, and transit upgrades, as well as several roadway improvements. In addition to these projects, two lots located near the San José Arena would be converted to surface parking as an interim use and potential future parking garages. The Downtown West project is a proposed development undergoing separate, project-level environmental review that would occupy approximately 81 acres of the DSAP area. Downtown West is currently under consideration for approval by the City and is undergoing a separate, project-level environmental review process.

CEQA Findings

The Addendum describes changes that have occurred in the existing environmental conditions within and near the DSAP area and Downtown, as well as environmental impacts associated with DSAP Amendment. The major changes proposed as a part of the DSAP Amendment process would intensify the planned densification of the Downtown Strategy 2040 EIR to allow for mixed uses and public infrastructure, strengthening the City as a regional employment center, entertainment destination, and significant hub for public life. The draft Addendum also includes an analysis of cumulative impacts of the DSAP Amendment in conjunction with other planned development, including the Downtown West project.



The environmental impacts of the Downtown Strategy 2040 were addressed by a Final Program EIR entitled, "Downtown Strategy 2040 General Plan Final Environmental Impact", and findings were adopted by City Council Resolution No. 78944 on December 18, 2018.

The Addendum includes an analysis of aesthetics, air quality, noise, historic resources, greenhouse gas emissions, transportation, and other topical areas consistent with the Appendix G CEQA Guidelines. Several technical studies were prepared to support the analyses in the Addendum including:

- Air Quality
- Greenhouse Gas
- Noise and Vibration
- Transportation

The environmental analysis presented in the Addendum indicates that there are no substantial changes proposed by the DSAP Amendment that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, no major revisions of the existing EIR or preparation of an a new subsequent or supplemental EIR would be required. The technical reports and environmental analyses provides the substantial evidence required to support these findings and is presented in the Addendum and administrative record for the DSAP Amendment. Based on the conclusions of the environmental analysis and supporting technical reports, it is Circlepoint's expert opinion that an Addendum is the appropriate CEQA document for this project.

Next Steps

The administrative draft Addendum was submitted to the City for review and comment on October 21, 2020. City Staff will review the document and come to an independent conclusion and CEQA finding based on the information provided in the report. We look forward to receiving the City's comments on the administrative draft Addendum. Please do not hesitate to reach out with any questions or comments in the interim.

Diridon Station Area Plan Amendment



Legend

- Existing Diridon Station Area Plan
- Downtown Strategy 2040

Project Location

Figure

1

County of Santa Clara
Department of Planning and Development



103914

DATE: December 16, 2020
TO: Airport Land Use Commission
FROM: Mark Connolly, Senior Planner / Deputy Zoning Administrator
SUBJECT: City of San Jose General Plan Amendment and Rezoning for the Downtown West project

RECOMMENDED ACTION

Consider recommendations relating to a request from the City of San Jose for a General Plan Amendment and Rezoning for the Downtown West Project, within the Airport Influence Area of San Jose International Airport (SJC). (City of San Jose Planning File Nos. GP19-009, PDC19-039-multiple parcels)

Possible action:

- a. Find the General Plan Amendment and Rezoning consistent with the policies contained within the SJC Comprehensive Land Use Plans (CLUP).

OR

- b. Find the General Plan Amendment and Rezoning inconsistent with the policies contained within the SJC CLUP.

REASONS FOR RECOMMENDATION

The project includes multiple parcels and includes General Plan Amendments, a Planned Development Rezoning, Planned Development Permit, Historic Landmark boundary Amendments, Historic Preservation Permit, and Vesting Tentative Map. However, only the General Plan Amendment and Rezoning are mandatory referrals to the ALUC. The Vesting Tentative Map is for the subdivision of airspace for condominium purposes, as well as to adjust right-of way boundaries. However, it is what the General Plan Amendment and Rezoning allows on those subsequent lands that is subject to the SJC CLUP policies. The other processes do not affect aviation land use, either because they are administrative, such as a boundary amendment, or do not have associate specific development included.

Pursuant to State Law, anytime a General Plan Amendment or Zoning Amendment is proposed within the Airport Influence Area (AIA) of an adopted CLUP, a referral must be made to the County ALUC for a consistency determination. The City must refer the

application to the ALUC to provide a consistency determination with the appropriate CLUP policies prior to final approval.

Downtown West (“Project”) is an approximately 81- acre mixed-use plan located within the Diridon Station Area Plan (DSAP) boundary and General Plan Downtown Growth Area in the City of San José. The Project is seeking land use approvals including amendments to the General Plan, Planned Development Rezoning and a Planned Development Permit, including the Downtown West Design Standards and Guidelines (DWDSG) (file numbers GP19-009, PDC19-039 and PD19-029) among other related entitlements studied under the Draft Environmental Impact Report (DEIR).

The Diridon Station Area Plan (DSAP) is currently undergoing an amendment and is a separate referral to the ALUC, not considered with the subject referral.

Two areas of the project are located within the CLUP Airport Influence Area (AIA) for the Norman Y. Mineta San Jose International Airport and subject to this referral: The portion north of West Santa Clara Street, and the portion east of South Montgomery Street and north of West San Fernando Street.

Although not entirely within the SJC AIA, the overall project would allow the development of up to 7,300,000 gross square feet (GSF) of office space; up to 5,900 residential units; up to 500,000 GSF of active uses, which may include retail, cultural, arts, etc.; up to 100,000 GSF of event space; up to two central utility plants totaling approximately 130,000 GSF; hotels up to 300 rooms; up to 800 rooms of limited-term corporate accommodations; and approximately 15 acres of open space. The project also proposes infrastructure, transportation, and public area improvements, as well as a customized infrastructure, utility, mobility and public spaces. The project site is approximately 80 acres, and extends approximately one mile from north to south and is bounded by: Lenzen Avenue and the Union Pacific Railroad tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, State Route 87, South Autumn Street, and Royal Avenue to the east; Auzerais Avenue to the south; and the Caltrain rail corridor to the west. As can be seen on Figure 2 of the referral package, approximately half of the project area is within the Airport Influence Area (AIA) of San Jose International Airport (SJC).

In addition to the proposed General Plan Amendment and Rezoning and unique to the subject project, the project incorporates Downtown West Design Standards and Guidelines (DWDSG) that affect aviation land use, such as heights and density. These design guidelines will be written into the City’s Zoning Ordinance for projects in the Downtown West area. When future specific development is proposed the City will evaluate the project for consistency with the guidelines through the Planned Development Permit process.

General Plan Amendment

As can be seen on Figures 2 and 3 of the referral, the General Plan Amendment of the project entails amending the existing General Plan designations of Transit Employment Center, Public / Quasi Public, Downtown, Commercial Downtown and Open Space to Downtown and Commercial Downtown, to allow for the mixed commercial, office, retail and residential development proposed in the plan.

Rezoning

The purpose of the Rezoning (PDC19-039) is to incorporate the proposed Design Guidelines into the Zoning Ordinance for the project area. This also prescribes the heights of the buildings. The referral states the following proposal related to height:

“Maximum building heights for individual buildings in the Downtown West PD Zoning District may be increased without amendment to this General Development Plan provided that: (a) such increase correlates to an increase in maximum allowable height authorized by the FAA and approved by City Council following Santa Clara County Airport Land Use Commission review, if applicable; and (b) the Planning Director conducts environmental review of the building’s proposed height increase to determine compliance under CEQA. Documentation of any height increase pursuant to this section shall be through the Zoning / Design Conformance Review process described on Sheet 8.01.”

Development density and intensity can vary significantly in the project area based on the nature of specific uses likely to occur. However, the project does not propose specific development. Future development will be evaluated through the City’s Planned Development Permit process, which is only being included in the project to create the specific development review path for future development.

The following is an analysis of the consistency of the proposed Downtown West (“Project”) with the San Jose International Airport Comprehensive Land Use Plan (CLUP) policies. The analysis specifically focuses on what the General Plan Amendment and Rezoning allows.

Safety:

Safety of people on the ground and in the air and the protection of property from airport-related hazards are among the responsibilities of the Airport Land Use Commission. The 2002 Caltrans Handbook presents guidelines for the establishment of airport safety areas in addition to those established by the FAA.

Airport safety zones are established to minimize the number of people exposed to potential aircraft accidents in the vicinity of the Airport by imposing density and use limitations within these zones. The safety zones are related to runway length and expected use.

As can be seen on Figure 5 of the referral “Safety Zones”, the project area is located outside of all safety zones for SJC. Therefore, none of the SJC CLUP safety policies apply.

Noise:

The SJC noise contours use CNEL for depicting noise disruption from aviation activity, due to the penalty added during nighttime activities where aviation noise disruption could affect people the most. The SJC CLUP uses 65, 70 and 75 decibel CNEL noise contours and includes different noise mitigation based on the type of use exposed to aviation noise.

As can be seen on Figure 4 “Noise Contours 2027 forecast”, the project area is between the 60 and 65 dBA CNEL noise contours. The General Plan Amendment would allow Employment Commercial, residential and retail uses within both CNEL noise contours.

According to Table 4-1 of the SJC CLUP, Office Buildings, business commercial, professional and retail uses are “Generally Acceptable”.

However, residential uses are “Generally Unacceptable” between the 65-70 dBA CNEL Noise Contours. Table 4-1 of the SJC CLUP states:

New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. Outdoor activities are likely to be adversely affected.

Also, policy N-4 of the SJC CLUP states:

No residential or transient lodging construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed use residential project or a multi-unit residential project. (Sound wall noise mitigation measures are not effective in reducing noise generated by aircraft flying overhead.)

Interior noise insulation and insulated fenestration would be required by the City, but the outdoor areas associated with residential development would be exposed.

City of San Jose General Plan and Zoning Code currently include the following “Safe Airport” policies:

Goal TR-14 – Safe Airport

- Ensure that airport facilities in San José are safe by removing potential conflicts between land use and airport operations.

Policies – Safe Airport

- TR-14.1 Foster compatible land uses within the identified Airport Influence Area overlays for Mineta San José International and Reid-Hillview airports.
- TR-14.2 Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
- TR-14.3 For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
- TR-14.4 Require avigation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

These policies are intended to be used to evaluate projects within the AIA of SJC to ensure aviation land use safety and General Plan consistency. Future specific land use proposals would be evaluated by City staff and these policies used to ensure project consistency with the General Plan and Rezoning and ideally include conformance with these CLUP policies.

However, as there are no specific policies within the General Plan Amendment, Rezoning, Design Guidelines, or existing Safe Airport policies, that would prohibit residential outdoor space within the 65 dBA CNEL contour.

A solution that is not proposed in the Downtown West project could be if the City agreed to add language into the General Plan Amendment, or Rezoning Design Guidelines that precluded residential outdoor space within the 65 dBA CNEL. If such language is not included, the Downtown West project would be inconsistent with the SJC CLUP noise policies.

Height:

Airport vicinity height limitations are required to protect the public safety, health, and welfare by ensuring that aircraft can safely fly in the airspace around an airport. This protects both those in the aircraft and those on the ground who could be injured in the event of an accident. In addition, height limitations are required to protect the operational capability of airports, thus preserving an important part of National and State aviation transportation systems.

Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, establishes imaginary surfaces for airports and runways as a means to identify objects that are obstructions to air navigation. Each surface is defined as a slope ratio or at a certain altitude above the Airport elevation. The ALUC uses the surfaces as height restriction boundaries.

Figure 6 of the referral shows “existing heights / OEI”, but is actually the FAA FAR Part 77 surfaces. Figure 7 shows the Terminal Instrument Procedures (TERPS) surfaces. And Figure 7 shows the ground elevations. In June of 2020, the San Jose City Council adopted TERPS as the height limitation surfaces for the area south of SJC.

The adoption of TERPS surfaces as a height standard allows heights that exceed the Part 77 surfaces by varying heights of 80-120 feet

As started earlier in the report, the Downtown West Design Standards and Guidelines (DWDSG) would be used for building height allowance up to TERP surface ceiling. This would equate to building heights approximately 295 feet tall from grade. All proposed heights proposed in the project would exceed the allowed heights and specific development could potentially exceed the FAR Part 77 Surfaces in the SJC CLUP, which are used by the ALUC as height restriction boundaries.

According to Section 20.70.200, the City of San Jose Zoning Ordinance, the height of structures within the Airport Influence Area (AIA) of SJC is as follows:

- Except as otherwise specified in this chapter, properties located in the downtown zoning districts shall only be subject to the height limitations necessary for the safe operation of San José International Airport.
- No building or structure, together with any equipment or objects attached to such building or structure, shall be permitted of a height that exceeds the elevation restrictions prescribed under Federal Aviation Regulations Part 77 (14 C.F.R. Part 77), as amended, unless the proposed height is specifically reviewed in an aeronautical study prepared by the Federal Aviation Administration in accordance with such federal regulations and the study concludes that the proposed building or structure does not constitute an obstruction or hazard to air operations.

Notwithstanding the Safe Airport policies and the above ordinance language, the Downtown West General Plan Amendment and Rezoning would allow heights in conflict with the Part 77 surfaces and SJC CLUP height policies. Therefore, the General Plan Amendment and Rezoning are inconsistent with the SJC CLUP height policies.

Avigation Easement:

Avigation Easements provide notice to future owners and occupants of buildings that there will be aviation activity around them. Avigation Easements are important disclosures both for the public and airport operators to ensure aviation activity is taken into consideration.

SJC CLUP policy G-5 states: “Where legally allowed, dedication of an avigation easement to the City of San Jose shall be required to be offered as a condition of approval on all projects located within an Airport Influence Area, other than reconstruction projects as defined in paragraph 4.3.7 [of the CLUP]. All such easements shall be similar to that shown as Exhibit 1 in Appendix A [of the CLUP].”

The General Plan Amendment nor the Rezoning, propose any specific development. The Planned Development Permit is procedural process for future development. The Historic Landmark boundary Amendments would simply amend a boundary, the Historic Preservation Permit is needed to amend that boundary, and Vesting Tentative Map is for subdivision of airspace for condominium purposes. Therefore, at the time of specific development proposals to the City of San Jose, City Planning Staff will require Avigation Easements as a condition of all such development. These easements shall be similar to the document contained in the CLUP appendix.

STEPS FOLLOWING ACTION:

Following the consistency determination by the ALUC, staff will forward the recommendations to the City of San Jose to include in the final action of the City of San Jose Planning Commission and City Council. If the ALUC determines the General Plan Amendment and Rezoning are inconsistent with the SJC CLUP, the City may initiate the overrule process, which requires a two-thirds vote of the local agency’s governing body, supported by specific findings which demonstrate that the plan(s) satisfy the purposes of the State Aeronautics Act {PUC 21670 et seq} and guidance of the state’s Airport Land Use Planning Handbook.

Section 4.2.2.1 of the SJC CLUP (Override Notification Process) states that in the event of intent to override, the affected local agencies shall:

- Notify the ALUC at least 45 days in advance, of their intent to override any ALUC non-consistency determination including a copy of their proposed decision and specific findings.
- Notify the ALUC if and when the local agency overrides any ALUC non-consistency determinations.

ATTACHMENTS:

- Referral-Letter_Downtown-West-Google-Project (PDF)
- Downtown West Airport Land Use Project Package (PDF)
- Downtown West Design Guideline Excerpt (PDF)

October 23, 2020

Airport Land Use Commission
Mark Connolly
70 W HEDDING ST
SAN JOSE CA 95110

RE: City File No. PDC19-039, PD19-029, HL20-004, HL20-005, HP20-002, & PT20-027 APN: 25938132

The above referenced project is a Planned Development Rezoning, Planned Development Permit, General Plan Amendments, Historic Landmark boundary Amendments, Historic Preservation Permit, and Vesting Tentative Map to facilitate a project that would be able to develop the construction of up to 7,300,000 gross square feet (GSF) of office space; up to 5,900 residential units; up to 500,000 GSF of active uses, which may include retail, cultural, arts, etc.; up to 100,000 GSF of event space; up to two central utility plants totaling approximately 130,000 GSF; up to 300 hotel rooms; up to 800 rooms of limited-term corporate accommodations; and approximately 15 acres of open space. The project also proposes infrastructure, transportation, and public area improvements. As well as a customized infrastructure, utility, mobility and public spaces. The project site is approximately 80 acres, and extends approximately one mile from north to south and is bounded by: Lenzen Avenue and the Union Pacific Railroad tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, State Route 87, South Autumn Street, and Royal Avenue to the east; Auzerais Avenue to the south; and the Caltrain rail corridor to the west and is currently being reviewed by the Department of City Planning, Building and Code Enforcement Staff.


Please provide your comments on this project in writing no later than **11/22/2020**.

When submitting comments, please refer to the project using the file number above. If you are unable to forward comments by this date, or if you need additional information please contact me at james.han@sanjoseca.gov.


Thank you,

James Han
Project Manager

Attachment: Referral-Letter_Downtown-West-Google-Project (103914 : City of San Jose General Plan Amendment and Rezoning for the



Google Downtown West



Airport Land Use Commission Referral for Downtown
West General Plan Amendments and Rezoning

October 7, 2020

Overview of Application (GP19-009, PDC19-039 and PD19-029)

Downtown West (“Project”) is an approximately 81 acre mixed-use plan located within the Diridon Station Area Plan (DSAP) and General Plan Downtown Growth Area in the City of San José. The Project is seeking land use approvals including amendments to the General Plan and DSAP, Planned Development Rezoning and a Planned Development Permit, including the Downtown West Design Standards and Guidelines (DWDSG) (file numbers GP19-009, PDC19-039 and PD19-029) among other related entitlements studied under the Draft Environmental Impact Report (DEIR). Two areas of the project are located within the Airport Influence Area (AIA) for the Norman Y. Mineta San Jose International Airport and subject to this referral: The portion north of West Santa Clara Street, and the portion east of South Montgomery Street and north of West San Fernando Street. The following figures provide focused information as part of the City referral for an ALUC consistency determination regarding the proposed General Plan and zoning amendments in accordance with policies of the Comprehensive Land Use Plan (CLUP).

List of Figures & Applicability

Table 1 DEIR Project Development Program reflects the proposed maximum development program for the 81 acres.

Fig. 1 Project Relationship to Airport Boundary is a vicinity map showing location of the Project in context of the Norman Y. Mineta San José International Airport, approximately 1 mile to the north of the Project.

Fig. 2 Existing General Plan Designations shows the existing land use designations under the San José General Plan 2040. The existing designations only allow residential uses on one Project block within the AIA, designated as Downtown.

Fig. 3 Proposed General Plan Designations the City and Project propose to redesignate the area to a mix of Downtown and Downtown Commercial, in order to deliver a mix of uses. Because the Downtown designation allows residential uses, the land use redesignation will increase the areas in which residential uses are permitted.

Fig. 4 Noise Contours 2027 Forecast overlays the CLUP noise contours with the proposed Project land use plan. A portion of the site is within the 65 dBA CNEL contour boundary. Mitigation Measure NO-3, proposed to be adopted as part of the Project’s Mitigation Monitoring and Reporting Program, would require preparation of a noise reduction plan to ensure that residential and hotel buildings subject to such noise levels would be designed with noise reduction measures so that interior noise levels would not exceed 45 dBA CNEL. All residential development may include outdoor balconies/patios.

Fig. 5 Safety Zone overlays the safety zones with the proposed land use plan; no developable area is located within or of the six safety zones.

Fig. 6 Existing Heights: West OEI Corridor Heights reflect the existing height contours. On March 12, 2019, the City of San José City Council accepted the completed Downtown Airspace and Development Capacity Study, selecting Scenario 4, which would affirm the City’s development policy to use FAA Terminal Instrument Procedures (TERPS) surfaces in lieu of the One-Engine Inoperative (OEI) surfaces to determine maximum building heights in the Downtown Core and Diridon Station planning areas.

Fig. 7 TERPs departure surface (NAVD 88) reflects the San José City Council adopted departure surface and shall govern maximum heights. All structures would be subject to the requirements of 14 CFR Part 77. Additionally, the Project would dedicate an aviation easement to the City of San José.

Fig. 8 Existing Ground Elevation is the approximate existing elevation of the Project site subject to change after completion of final grading. In all instances, heights will remain within the NAVD88 contours.

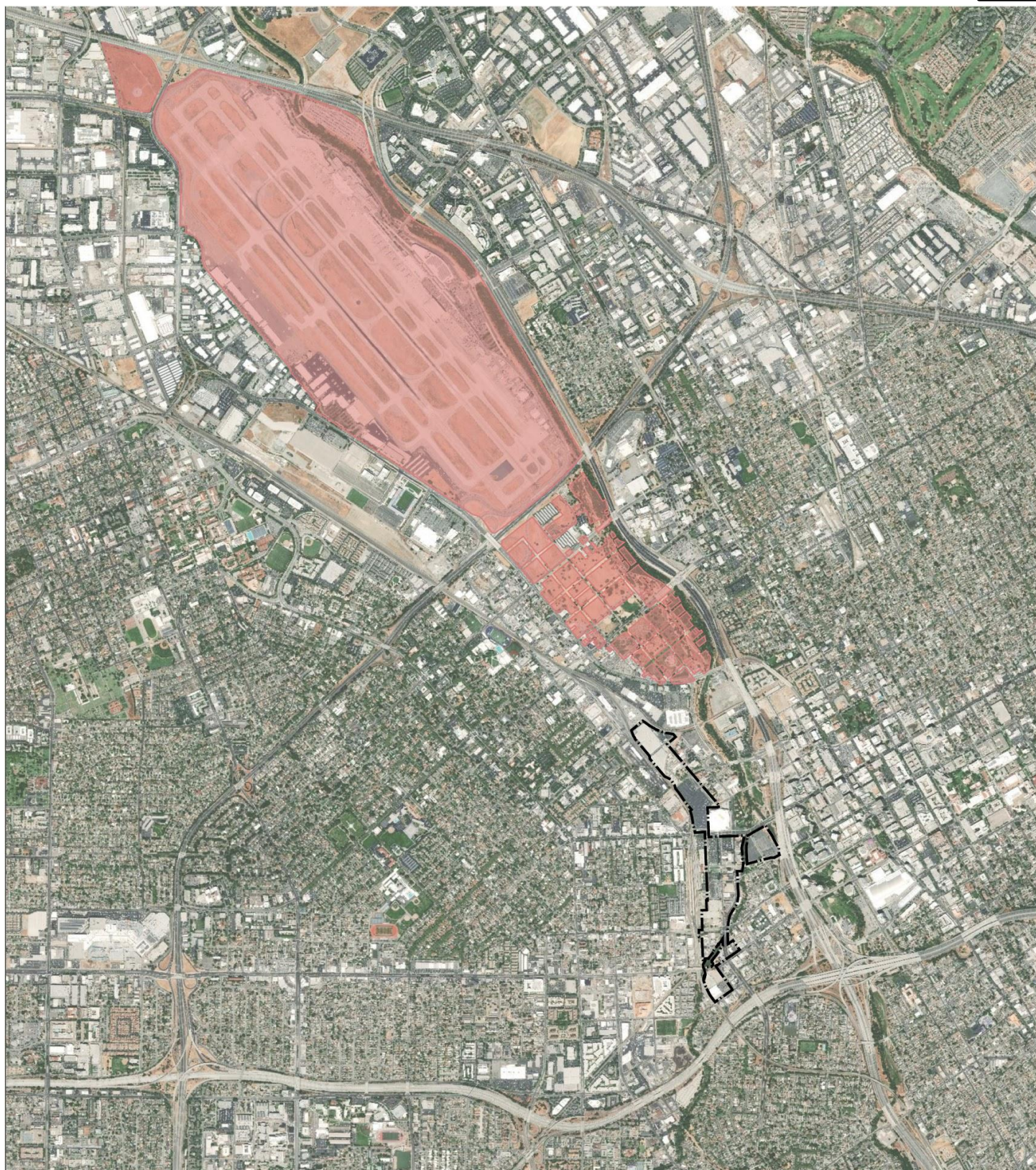
Fig. 9 NAVD 88 Maximum Height Above Current Ground Level utilizes Fig. 7 & 8 to depict the approximate maximum heights above ground level.

Fig. 10 - 12 NAVD88 Lowest TERPs OCS Surface are 3D visualizations of the flight path compared to the TERPs departure surface.

Excerpt from PDC19-039 describes the building height development regulations per the Planned Development Zoning for Downtown West.

	DEVELOPMENT PROGRAM	PROPOSED PROJECT
LAND USES	Residential	Up to 5,900 dwelling units
	Active Uses (Retail, Restaurant, Arts, Cultural, Live Entertainment, Institutional, Childcare and Education, Maker Spaces, Non-profit, Small-Format Office)	Up to 500,000 gsf
	Hotel	Up to 300 rooms
	Limited-Term Corporate Accommodation	Up to 800 rooms
	Office	Up to 7.3 million gsf
	Event/Conference Centers	Up to 100,000 gsf
	Central Utility Plants (District Systems)	Up to 130,000 gsf
	Logistics/Warehouse(s)	Up to 100,000 gsf
PARKING AND LOADING	Public/Commercial Parking	Up to 4,800 spaces
	Residential Parking	Up to 2,360 spaces
	Total Parking Spaces	Up to 7,160 spaces
OPEN SPACE	Open Space*	Approximately 15 acres

NOTE: All residential development may have outdoor spaces.



Legend

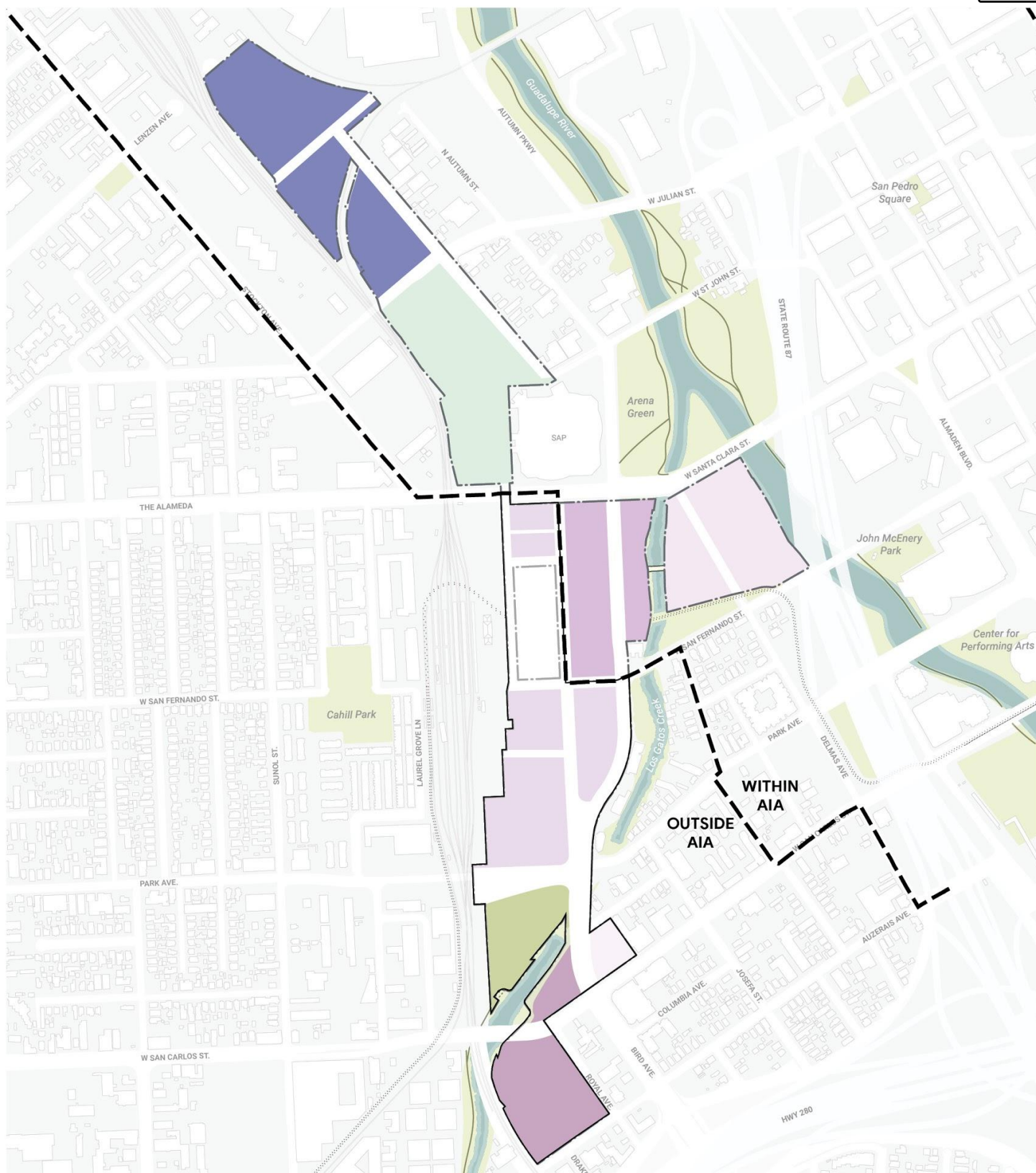
- Downtown West Mixed-Use Plan Boundary
- Airport Boundary



Downtown West Mixed-Use Plan

Figure 1

Project Relationship to Airport Boundary



Legend

- Downtown West Mixed-Use Plan Boundary
- - - Airport Influence Area (AIA)
- Area Outside of the AIA

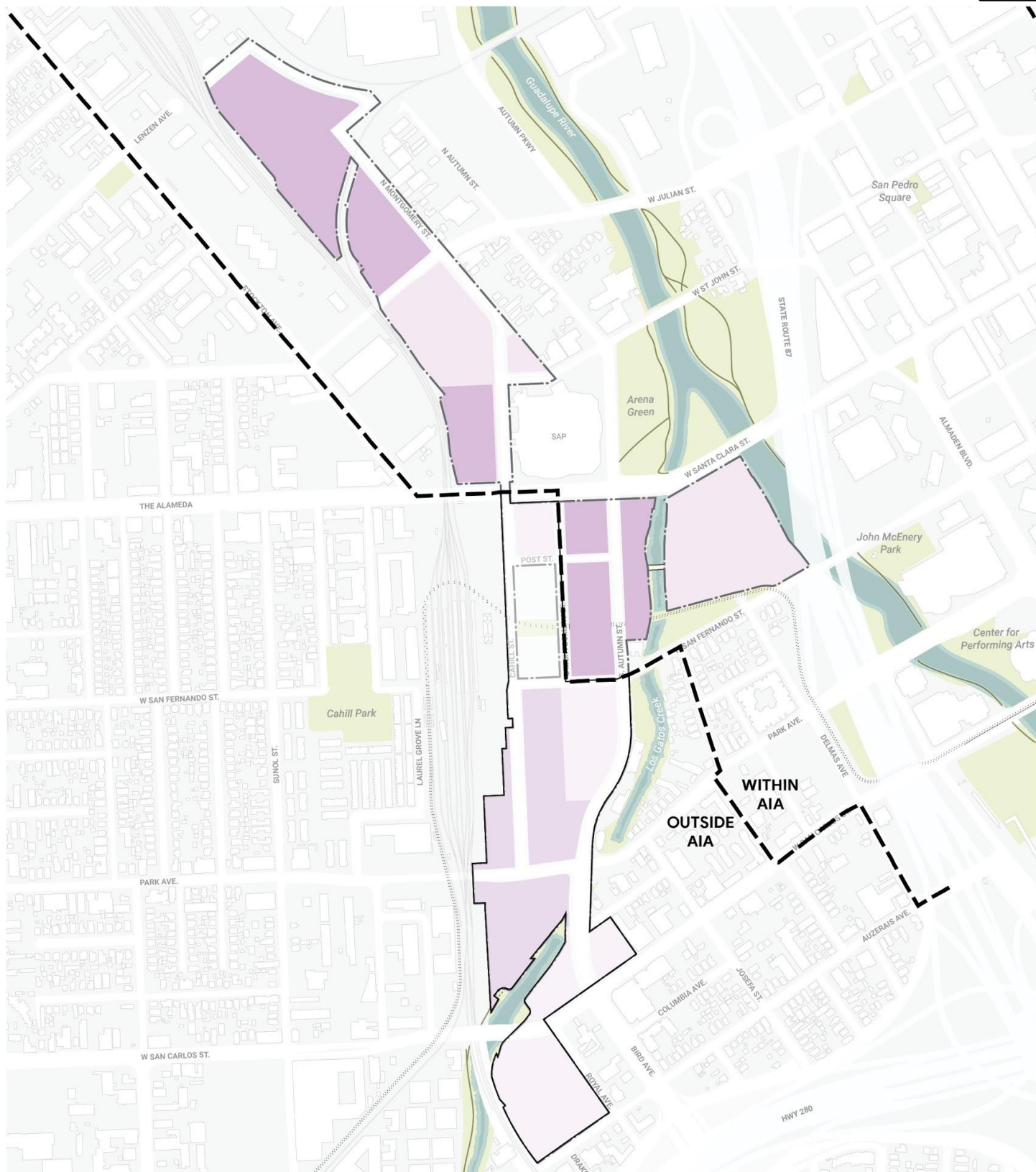
- Downtown
- Commercial Downtown
- Transit Employment Center

- Combined Industrial Commercial
- Public / Quasi-Public
- Open Space, Parklands, and Habitat

0' 250' 500'

Downtown West Mixed-Use Plan

Figure 2
Existing General Plan Land Use Designations



Legend

- Downtown West Mixed-Use Plan Boundary
- Airport Influence Area (AIA)
- Area Outside of the AIA

- Downtown¹
- Commercial Downtown²

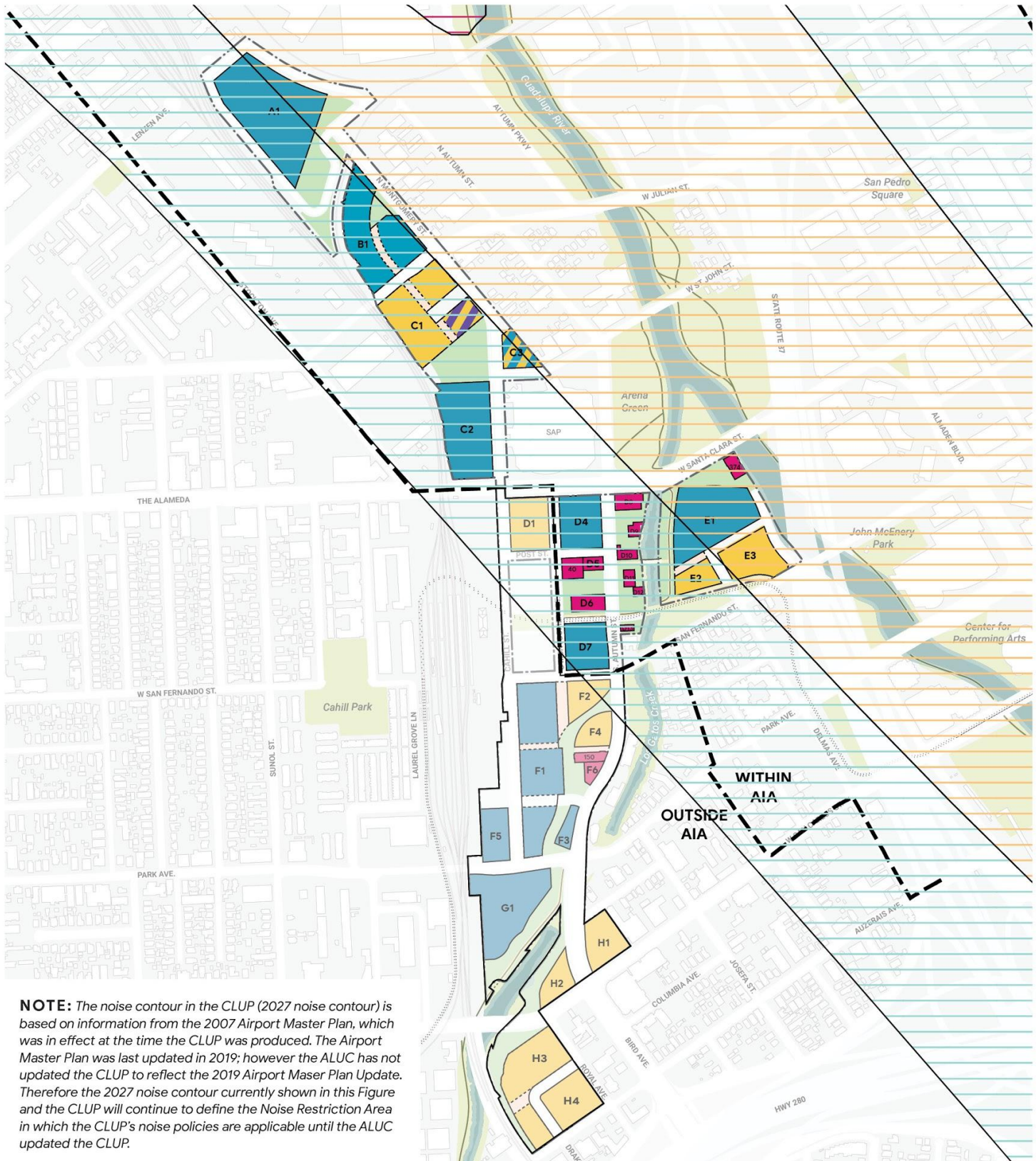
N 0' 250' 500'

[1]: Maximum residential density is 800 du/ac.

[2]: Residential is not permitted on Commercial Downtown.

Downtown West Mixed-Use Plan

Figure 3
Proposed General Plan Land Use Designations



NOTE: The noise contour in the CLUP (2027 noise contour) is based on information from the 2007 Airport Master Plan, which was in effect at the time the CLUP was produced. The Airport Master Plan was last updated in 2019; however the ALUC has not updated the CLUP to reflect the 2019 Airport Master Plan Update. Therefore the 2027 noise contour currently shown in this Figure and the CLUP will continue to define the Noise Restriction Area in which the CLUP's noise policies are applicable until the ALUC updated the CLUP.

Legend

- Downtown West Mixed-Use Plan Boundary
- Airport Influence Area (AIA)
- Area Outside of the AIA
- Office

- Residential
- Residential / office
- Residential / hotel
- Active use

- Open space
- Mid-block passage
- 60 dBA CNEL
- 65 dBA CNEL

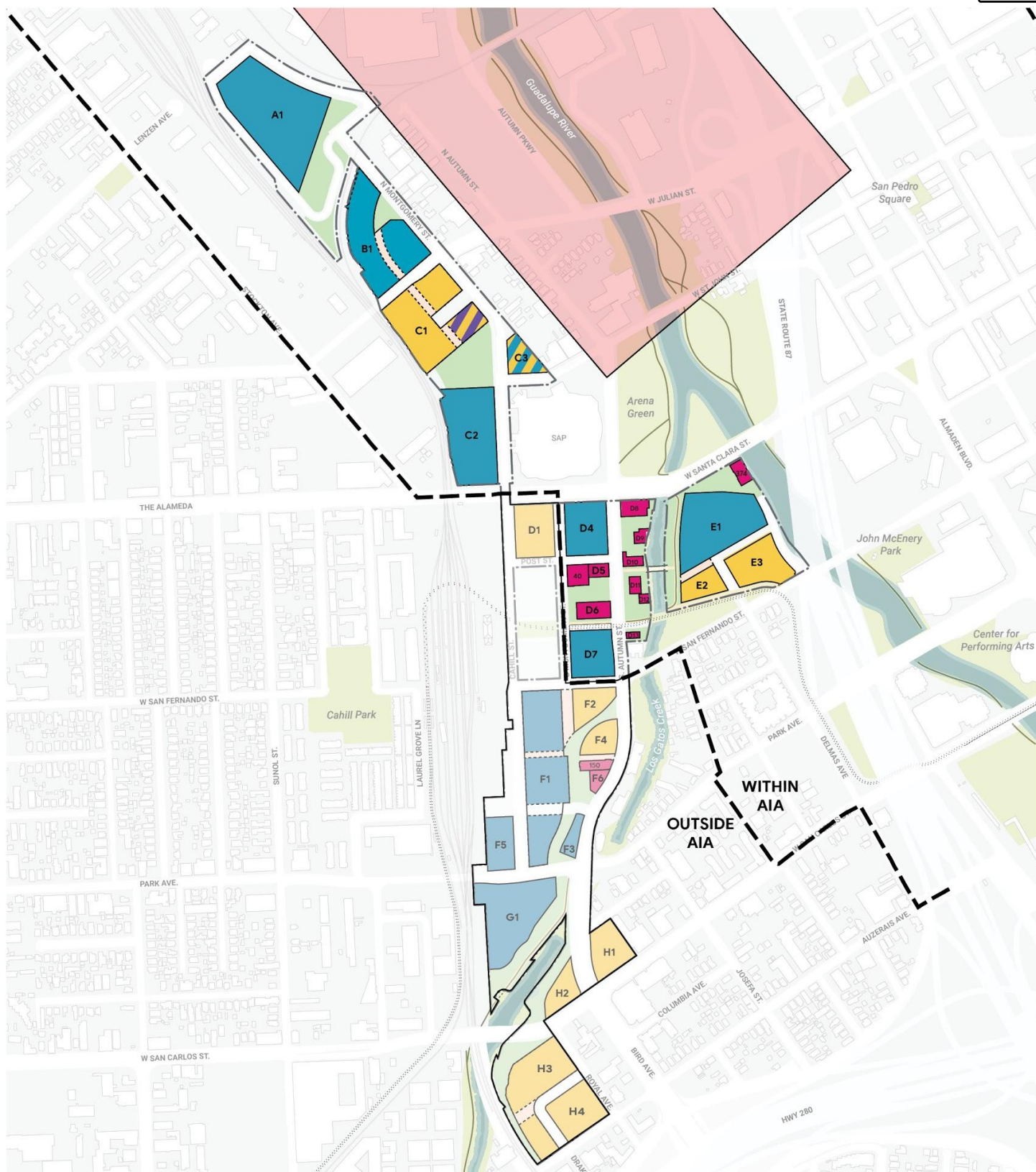
0' 250' 500'

70 dBA CNEL

NOTE: Active uses and limited term corporate accommodations are permitted throughout the project area.

Downtown West Mixed-Use Plan

Figure 4
Noise Contours 2027 Forecast (dBA CNEL)



Legend

- Downtown West Mixed-Use Plan Boundary
- Airport Influence Area (AIA)
- Area Outside of the AIA
- Office

- Residential
- Residential / office
- Residential / hotel
- Active use

- Open space
- Mid-block passage
- Outer Safety Zone

NOTE: Active uses and limited term corporate accommodations are permitted throughout the project area.

0' 250' 500'

Downtown West Mixed-Use Plan

Figure 5
Safety Zone
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Legend

- Downtown West Mixed-Use Plan Boundary
- - - Airport Influence Area (AIA)
- Area Outside of the AIA
- Office

- Residential
- Residential / office
- Residential / hotel
- Active use

- Open space
- Mid-block passage
- X' West OEI Height Contours (AMSL)*

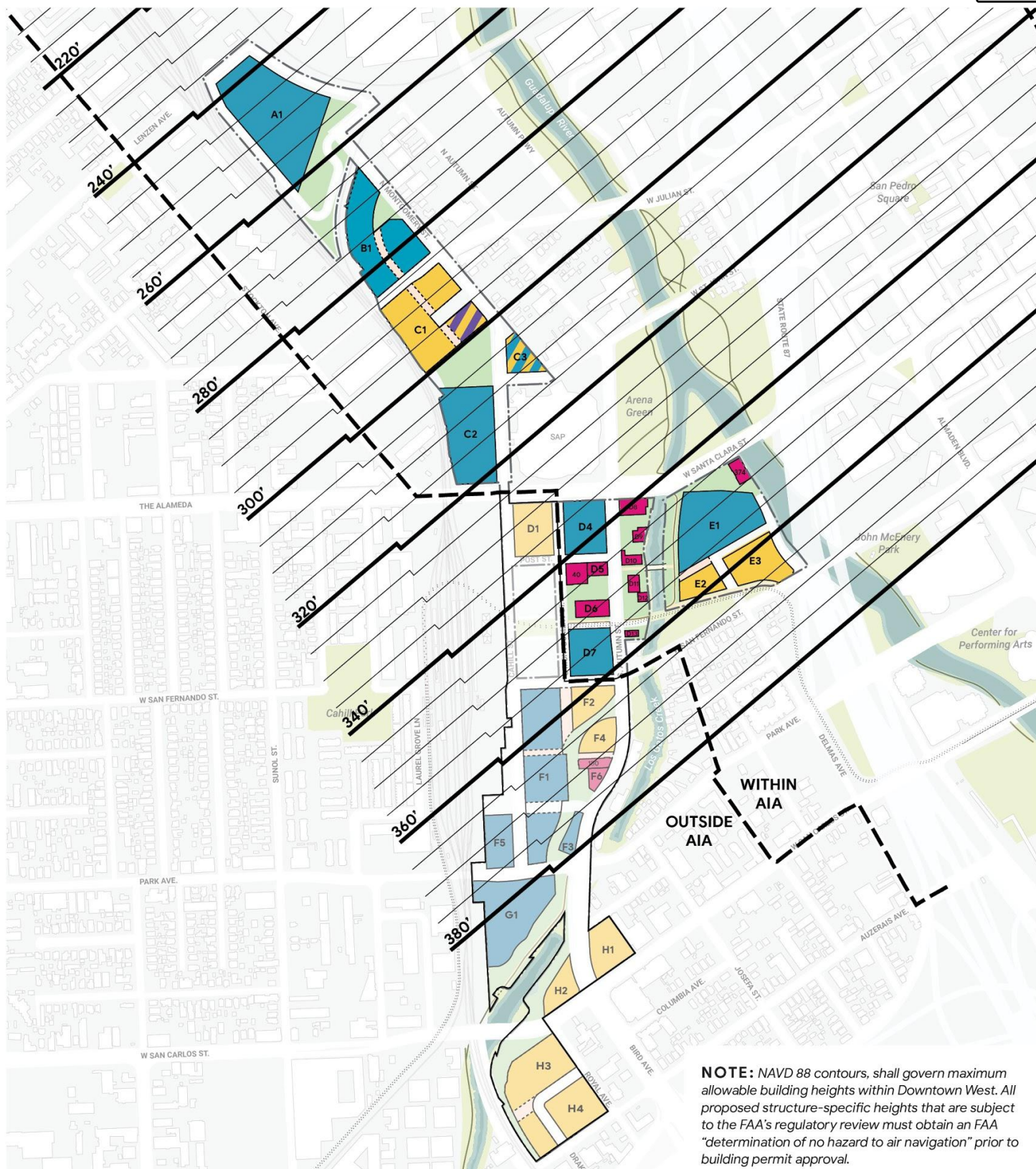
0' 250' 500'

NOTE: Active uses and limited term corporate accommodations are permitted throughout the project area.

SOURCE: Landrum & Brown, Consultant to City of San Jose Aviation Department, Project CAKE, 2019

Downtown West Mixed-Use Plan

Figure 6
Existing Heights: West OEI Corridor Heights



NOTE: NAVD 88 contours, shall govern maximum allowable building heights within Downtown West. All proposed structure-specific heights that are subject to the FAA's regulatory review must obtain an FAA "determination of no hazard to air navigation" prior to building permit approval.

Legend

- Downtown West Mixed-Use Plan Boundary
- Airport Influence Area (AIA)
- Area Outside of the AIA
- Office

- Residential
- Residential / office
- Residential / hotel
- Active use

- Open space
- Mid-block passage
- NAVD 88 height contours

0' 250' 500'

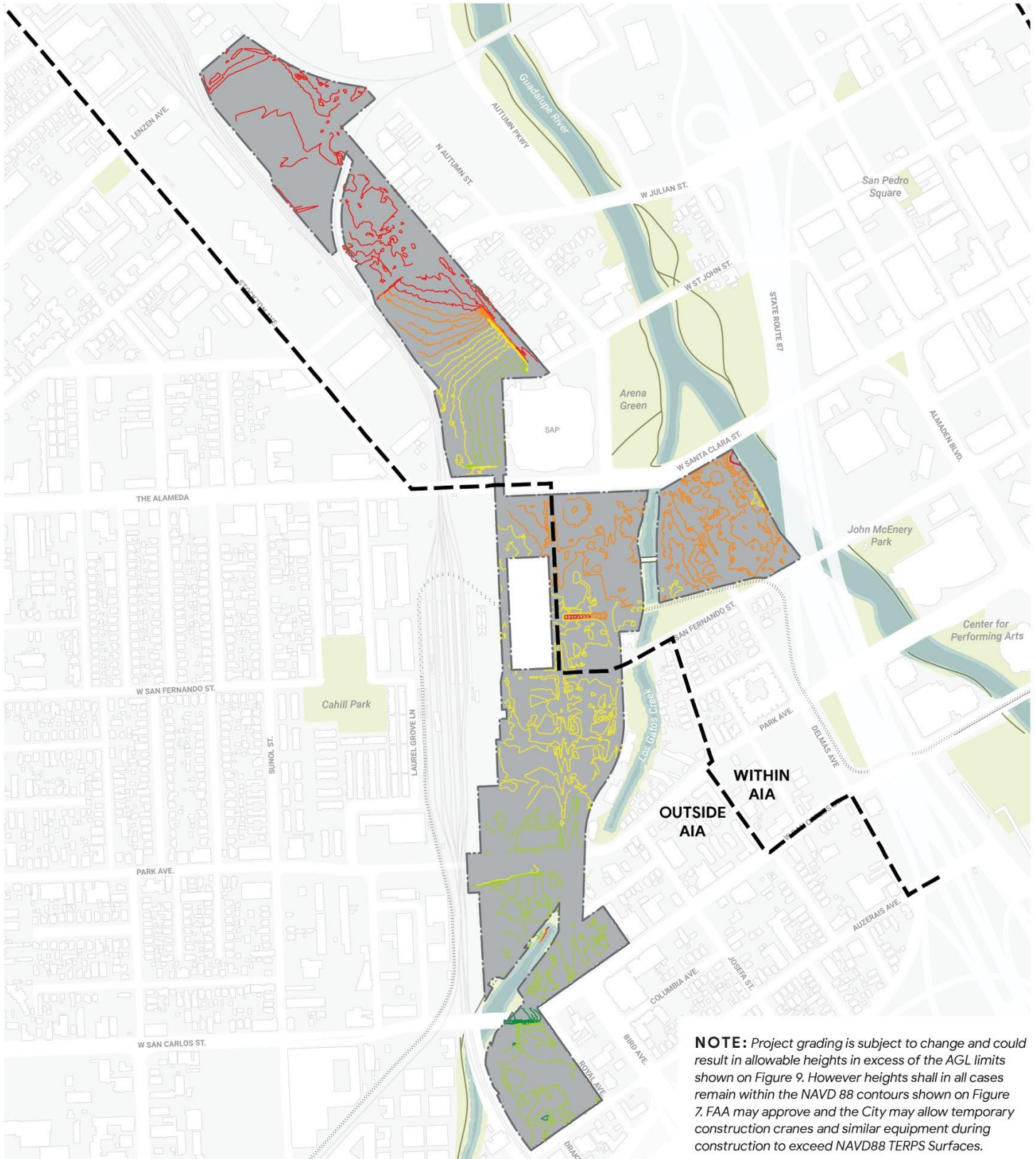
NOTE: Active uses and limited term corporate accommodations are permitted throughout the project area.

SOURCE: Landrum & Brown, Consultant to City of San Jose Aviation Department, Project CAKE, 2019

Downtown West Mixed-Use Plan

Figure 7

TERPs departure surface (NAVD 88)



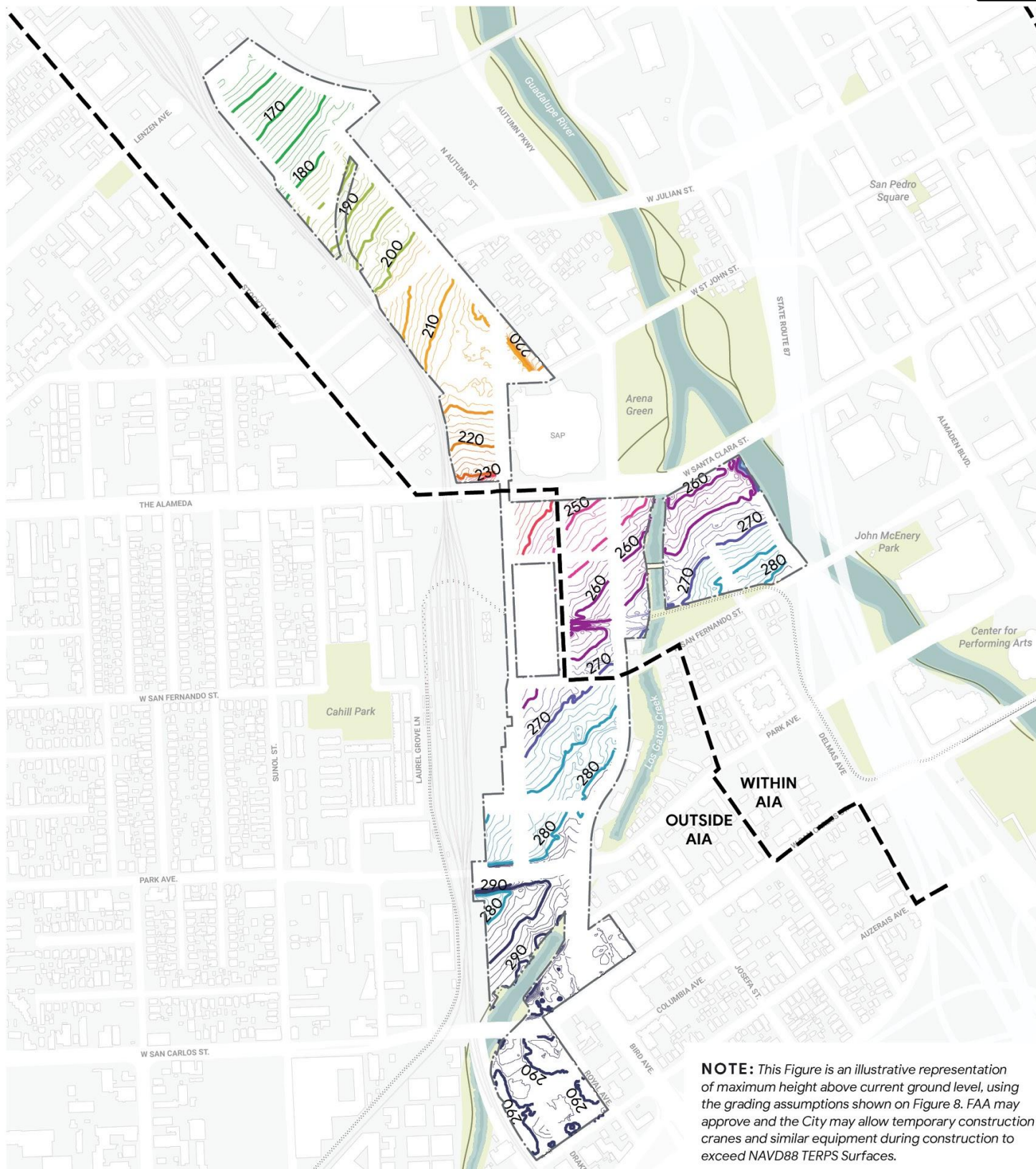
Legend

- | | |
|---|------------|
| --- Downtown West Mixed-Use Plan Boundary | 90-95 ft |
| --- Airport Influence Area (AIA) | 96-102 ft |
| 77-84 ft | 103-112 ft |
| 85-89 ft | |

0' 250' 500'

Downtown West Mixed-Use Plan

Figure 8
Existing Ground Elevation



NOTE: This Figure is an illustrative representation of maximum height above current ground level, using the grading assumptions shown on Figure 8. FAA may approve and the City may allow temporary construction cranes and similar equipment during construction to exceed NAVD88 TERPS Surfaces.

Legend

- Downtown West Mixed-Use Plan Boundary
- - - Airport Influence Area (AIA)
- 160 - 180 feet
- 181 - 200 feet

- 201 - 215 feet
- 216 - 220 feet
- 221 - 230 feet
- 231 - 245 feet

- 246 - 255 feet
- 256 - 265 feet
- 266 - 270 feet
- 271 - 280 feet

0' 250' 500'

Downtown West Mixed-Use Plan

Figure 9

NAVD 88 Maximum Height Above Current Ground Level

FAA Order 8260.3D U.S. Standard for Terminal
Instrument Procedures (TERPS)



Legend

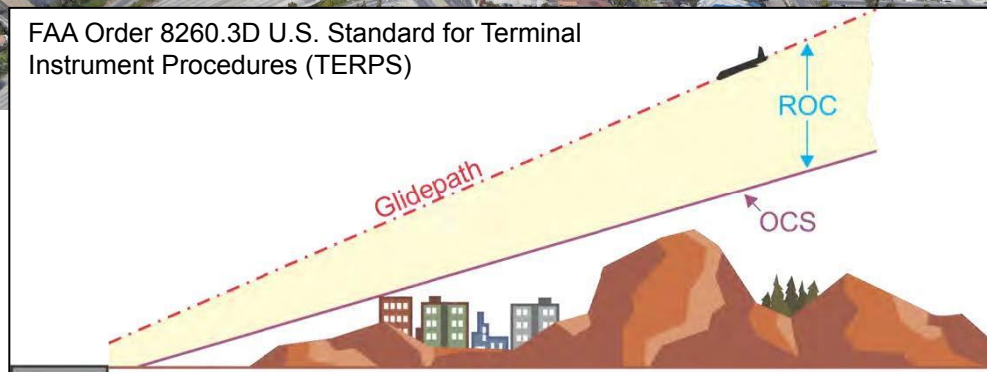
- NAVD88 Lowest TERPS Obstacle Clearance Surface (OCS) Surface: Prepared by Landrum & Brown, Consultant to City of San Jose Aviation Department, January 17, 2020
- Downtown West Mixed-Use Plan Boundary

Downtown West Mixed-Use Plan

Figure 1C
NAVD88 Lowest TERPS OCS Surface – Overview



FAA Order 8260.3D U.S. Standard for Terminal Instrument Procedures (TERPS)

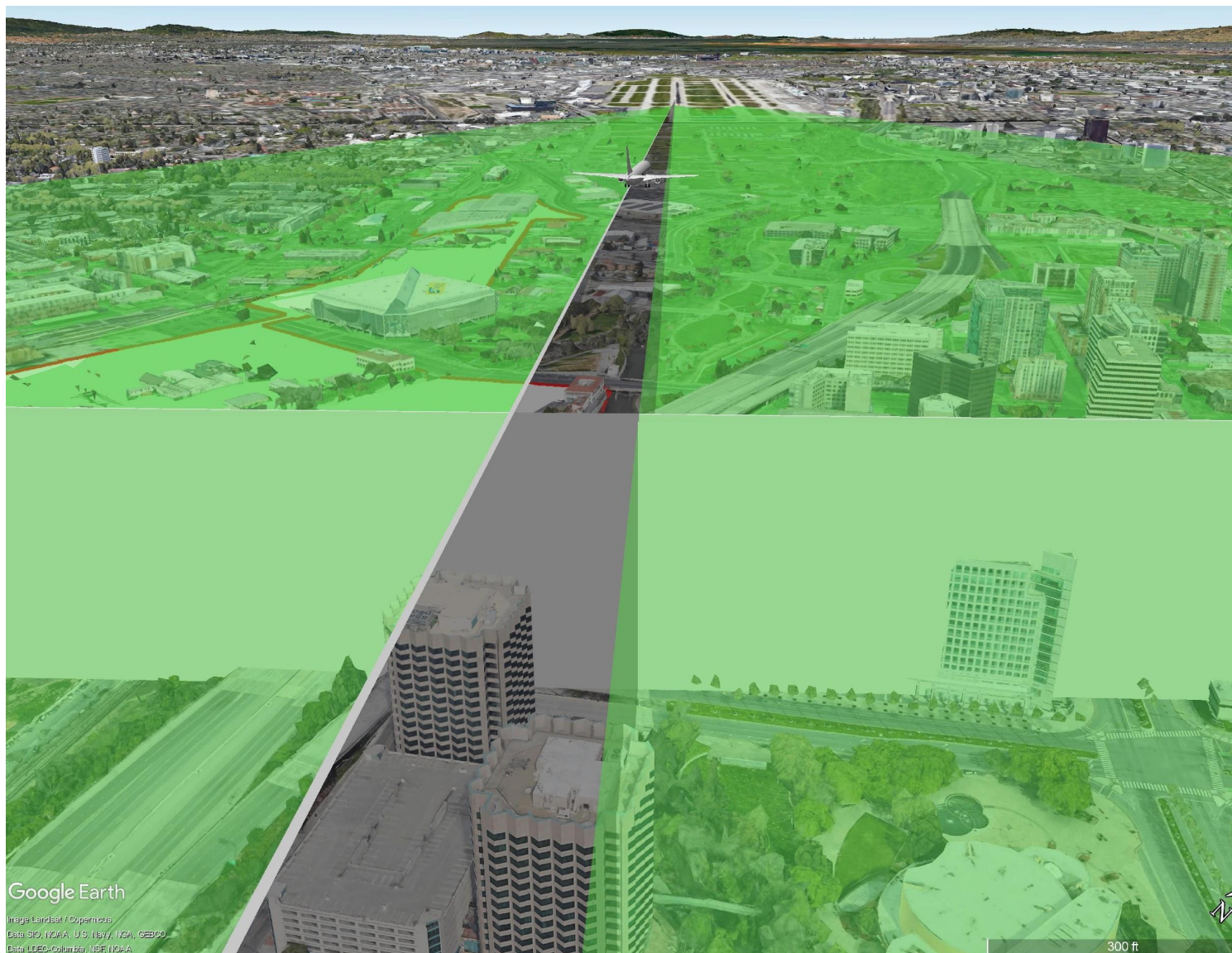


Legend

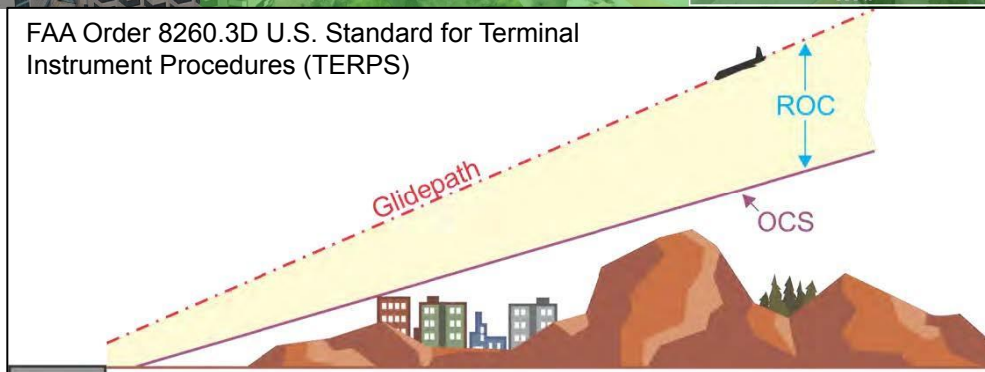
- NAVD88 Lowest TERPS Obstacle Clearance Surface (OCS) Surface: Prepared by Landrum & Brown, Consultant to City of San Jose Aviation Department, January 17, 2020
- Downtown West Mixed-Use Plan Boundary

Downtown West Mixed-Use Plan

Figure 1:
NAVD88 Lowest TERPS OCS Surface – North Perspective



FAA Order 8260.3D U.S. Standard for Terminal Instrument Procedures (TERPS)



Legend

- NAVD88 Lowest TERPS Obstacle Clearance Surface (OCS) Surface: Prepared by Landrum & Brown, Consultant to City of San Jose Aviation Department, January 17, 2020
- Downtown West Mixed-Use Plan Boundary

Downtown West Mixed-Use Plan

Figure 12
NAVD88 Lowest TERPS OCS Surface – Landing Perspective

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Excerpt from:

Planned Development Zoning (PDC19-039)

Building Heights

Maximum allowable heights shall be those established by FAA regulations as shown in Table 3.02.2, and for Sub-Area 1, shown in Figure 5.12 of the DWDSG, which are translated into above ground level (AGL) limits in Section 5.6 of the DWDSG. Project grading could result in allowable heights in excess of the AGL limits referenced in the DWDSG, but heights for Sub-Areas 1 and 2 shall in all cases remain within FAA limits and subject to final FAA Notice of Determination established through completion of 7460 Part 1.

Maximum building heights for individual buildings in the Downtown West PD Zoning District may be increased without amendment to this General Development Plan provided that: (a) such increase correlates to an increase in maximum allowable height authorized by the FAA and approved by City Council following Santa Clara County Airport Land Use Commission review, if applicable; and (b) the Planning Director conducts environmental review of the building's proposed height increase to determine compliance under CEQA. Documentation of any height increase pursuant to this section shall be through the Zoning / Design Conformance Review process described on Sheet 8.01.

Table 3.02.2 Permissible Building Heights by Sub-Area

Sub-Area Maximum Building Height	Maximum Building Height (Above Ground Level)
Sub-Area 1	See Section 5.6 of the DWDSG
Sub-Area 2	Up to 245 feet (Above Ground Level)

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Overview

5.1 Building Objectives

As the first impression of San José for people arriving at Diridon Station, the Project both complements and enlivens Downtown while responding to the surrounding neighborhoods and natural features of the riparian corridors.

The land use locations of Downtown West, with new residential located along existing residential neighborhoods and office located along the rail corridor and Downtown, create a balance of building forms, dynamic relationships with historic resources, larger floorplate office, and varied residential buildings.

Proposed allowable building heights range from approximately 160 feet in the north to approximately 290 feet in the south, contingent upon required Federal Aviation Administration (FAA) review clearance.

Across the site, ground floor design creates connections between new and existing neighborhoods, between new and historic buildings, and between Downtown West and the greater Downtown.

The DWDSG is intended to promote opportunities for creative and innovative design solutions aligned to the chapter objectives described in the following list. The Conformance Review application shall be approved notwithstanding inconsistency with certain guidelines where the project sponsor provides information during the Conformance Review process showing the subject application on balance generally promotes the design intent of the following chapter objectives, where applicable.

Design new buildings that represent the growth, **innovation**, and state of the art technology in Downtown San José. Vary building form, height, rooflines, and highlight unique architectural moments to establish identity and create a compelling addition to the skyline of San José.

Integrate existing buildings, historic resources, and new development within Downtown West to create a varied building fabric that is **complementary** to the larger San José area, through massing, architectural features, and material cues from surrounding context and adjacent neighborhoods.

Support **activity** along streets and open spaces and create accessible and welcoming places through ground floor design, including transparency, articulation, human-scale modulation and high quality materials.

Optimize **environmental performance** and comfort within buildings and adjacent public spaces through orientation, massing, cutting-edge building technology, habitat expansion, and biophilic design strategies.

Planning Context

The City's long-range planning efforts, represented in the DSAP, DDG, and San José Municipal Code, provide the foundation for massing and architecture design intent.

- **DSAP.** Through design guidelines, the DSAP addresses the built form of the area including block size, building siting, and frontage. Project-related DSAP amendments modify height limits in Downtown West to reflect new information presented to the City related to the flight path for the Norman Y. Mineta San José International Airport.
- **DDG.** The DDG adopted in 2019 provides guidance for the form and design of buildings and their interface with Downtown's public realm. The standards and guidelines within the DDG govern building massing and architecture, ground floor design, view corridors, materials and colors, facade treatment, bird-safe design, and massing transitions to existing lower density and historic resources. Relevant companion sections of the DDG are identified in section introductions throughout this chapter.
- **Municipal Code.** Chapter 20 of the San José Municipal Code includes development standards organized by zoning district. The Project establishes a new PD Zoning District for Downtown West that includes development standards and regulations applicable to the Project.

For information on other City planning documents see Sections 1.2 – 1.4.

Approach

The Project aligns with the intent of the three design priorities referenced in the DDG:

DESIGN EXCELLENCE

Massing and architectural design in Downtown West enhance the public experience at the ground level and above. The Project applies a people-centric approach to building design that emphasizes a connection to context, frames open spaces and views, and promotes visual interest.

SUSTAINABLE URBANISM

The Project creates an urban structure that supports a walkable and healthy environment. Within the urban structure, building design encourages emerging innovations and technologies, while incorporating ecologically responsible strategies within new development — especially along open spaces and riparian corridors.

SENSE OF PLACE

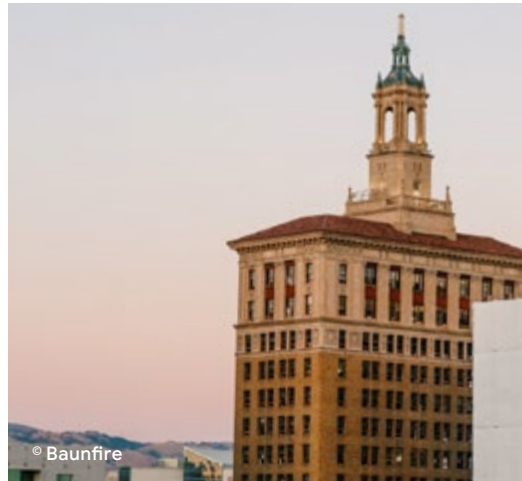
The Project aspires to adapt, retain, and reuse selected existing buildings and Project resources to preserve architectural character and to create a variety in scale with new development. New buildings are encouraged to take architectural and material cues from Downtown and adjacent neighborhoods to connect with the character of San José.

5.2 Built on Context and Character

Contextual Design

The Project builds on San José's heritage, history, industrial past, ecological context, and leadership in innovation. New buildings respond to the character of the surrounding historic resources, natural resources, and neighborhoods while also reflecting the ambition of San José's future. The themes illustrated in Figure 5.1 reflect Downtown West's contextual influences.

The contextual considerations in this chapter include recommendations for how to apply site influences on aspects of building design — from ground floor elements to building form. Contextual influences range from immediate to regional conditions.



HERITAGE AND HISTORY



INDUSTRY AND AGRICULTURE



ECOLOGY AND BIOPHILIA



INNOVATION AND TECHNOLOGY

FIGURE 5.1: Downtown West contextual influences

Heritage and History

Historic resources and existing structures within or immediately surrounding Downtown West provide a rich and varied building fabric today. These structures will further create visual contrast and reference points amidst the new development. The materials, craft, and longevity of these structures create a collection of expressive textures. Typically, these structures are designed with intricate patterns and repetitive, small-scale articulation.

To create a place that is complementary with the heritage and history within Downtown West, new development is encouraged to reinterpret the design cues of existing structures and site elements — including scale, texture, and craft of materials. Contemporary materials and their articulation should provide texture and detail amidst large buildings. Contemporary interpretations are encouraged to explore other strategies to reflect the heritage of design such as perforated textures, porous panels, staggered patterns, and fine-grain repeated elements as seen in the local context; see examples in Figure 5.2.



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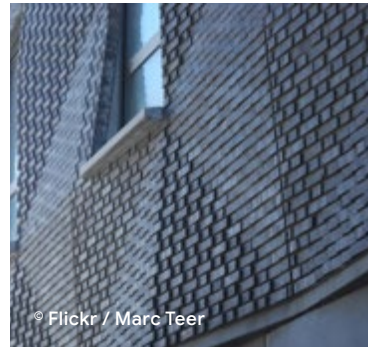


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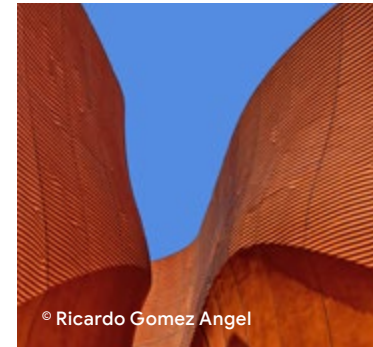


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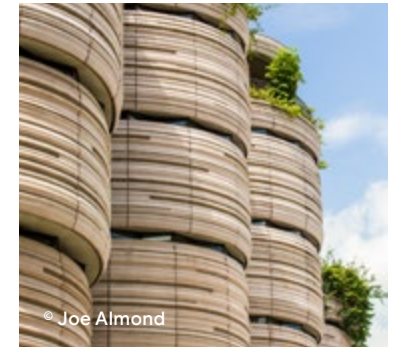
CONTEXTUAL REFERENCE



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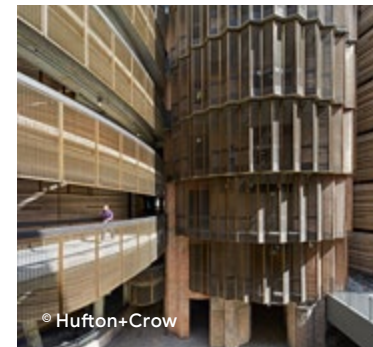
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CONTEMPORARY APPLICATIONS

FIGURE 5.2: Examples of design strategies reflecting heritage and history

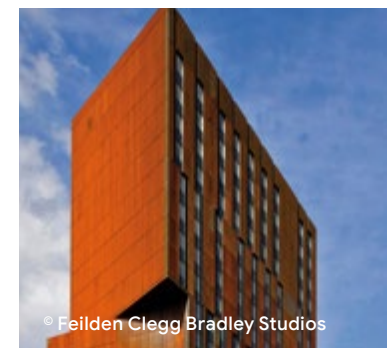
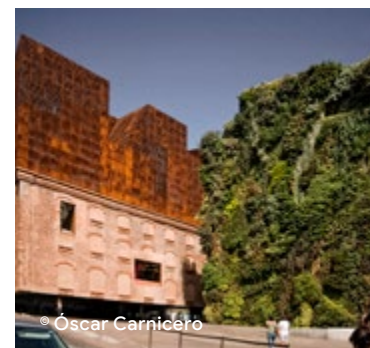
Industry and Agriculture

From agriculture to automation, efficiency and streamlined processes are consistent underpinnings to the urban fabric surrounding Downtown. The infrastructure and industrial structures designed to fulfill these processes are utilitarian and reflect some of the construction systems of their time.

In celebrating the industrial foundation of Downtown West, exposure of structural systems, durability of materials, and quality of craft are encouraged. New development should express fine-grain details that complement massing strategies. Industrial materials and treatments include but are not limited to structural expression, weathering, patina, and raw surfaces; see examples in Figure 5.3.



CONTEXTUAL REFERENCE



CONTEMPORARY APPLICATIONS

FIGURE 5.3: Examples of design strategies reflecting industry and agriculture

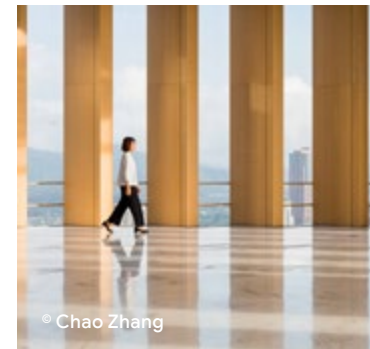
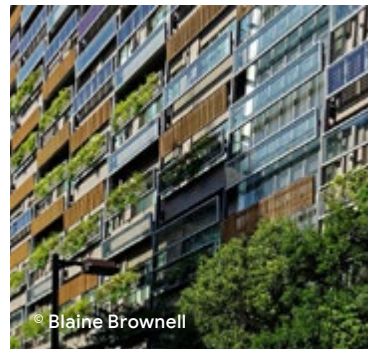
Ecology and Biophilia

Ecology is woven through all aspects of the Project by increasing open space, pervious surfaces, native species, and ecological stormwater strategies that support a vibrant riparian habitat. Additionally, massing and architecture reinforce the health of the riparian habitat through environmentally responsive massing and architecture, bird-safe features, sustainable materials, biophilic facades, and increased softscape connectivity. Office buildings throughout the Project will engage qualified ornithologists to advise on design with the intention to provide bird safety consistent with DDG bird-safe design standards.

Along Los Gatos Creek, simplicity of design allows ecology to come forth and permeate the building. Biophilic design integrates natural features into these buildings' structure, material palette, and form. Buildings along riparian corridors should consider incorporating creative design strategies that go beyond what is required to enhance the habitat for birds and other native wildlife; see examples in Figure 5.4.



CONTEXTUAL REFERENCE



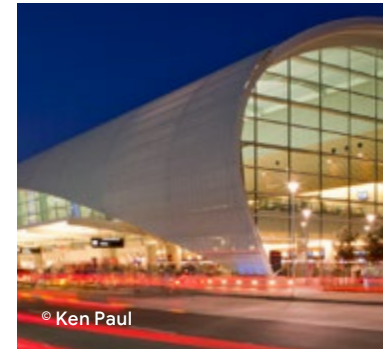
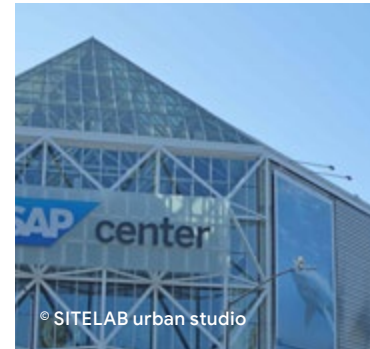
CONTEMPORARY APPLICATIONS

FIGURE 5.4: Examples of design strategies reflecting ecology and biophilia

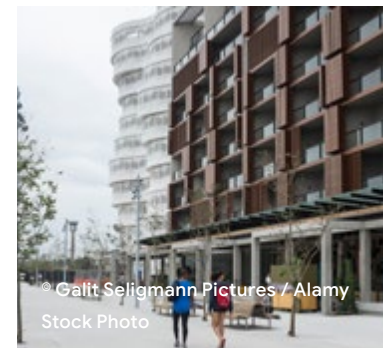
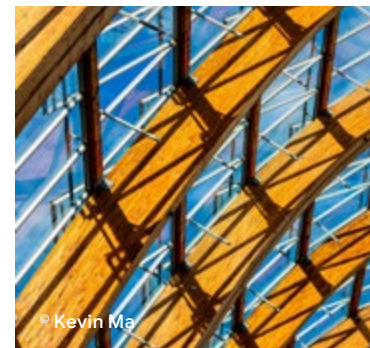
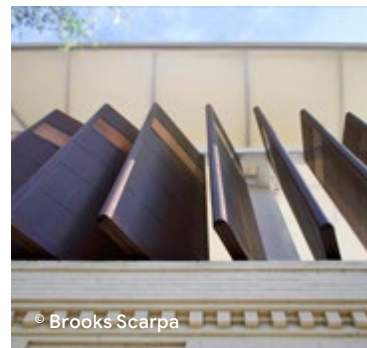
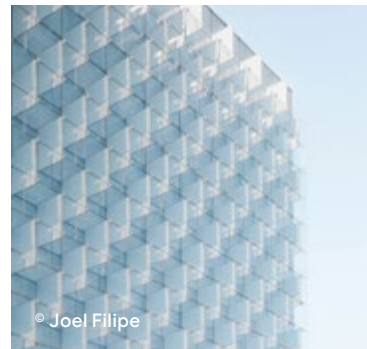
Innovation and Sustainability

As an anchor of Silicon Valley, San José is globally recognized as a center of innovation. To create a framework that is true to San José, design should bridge the industrial past of production with the evolving futures in technology and fabrication.

To innovate across aspects of design, new development will explore emerging technologies in building construction such as improving building performance, reducing consumption of non-renewable resources, minimizing waste, and creating healthy environments that promote wellbeing. Innovation and sustainability may include using familiar and raw materials in new ways and integrating materials with reduced environmental impact, including new materials with exceptional sustainability characteristics; see examples in Figure 5.5.



CONTEXTUAL REFERENCE



CONTEMPORARY APPLICATIONS

FIGURE 5.5: Examples of design strategies reflecting innovation and sustainability

Character Zones

The four character zones, as described in *Chapter 2: Project Vision*, guide the aspirations for a variety of experiences within Downtown West illustrated in Figure 5.6. The four character zones weave together responses to immediate adjacencies and Project-wide intentions.

- **Southend.** Though nature is integrated throughout the Project, in the Southend it is the fundamental driver for design and programming. Massing and architectural design reflect and amplify the Los Gatos Creek Riparian Corridor while creating relationships with the adjacent neighborhoods.
- **Meander.** The Meander is a continuous urban promenade that is framed by 150 South Montgomery and new development of varied scales. As an intersection of ecological and civic character, the Meander provides a setting to combine natural materials with innovative building technologies.
- **Core.** The Core is the social heart and transit hub of the Project that connects Diridon Station to Downtown. 40 South Montgomery and new development contrast in scale. The urban form is a combination of existing structures, new low-scale active use buildings, and new high-rise buildings.
- **Northend.** Massing and architectural design in the Northend are inspired by the site's industrial past and present. Large office buildings align to the rail corridor and a mixture of uses align North Montgomery Street.

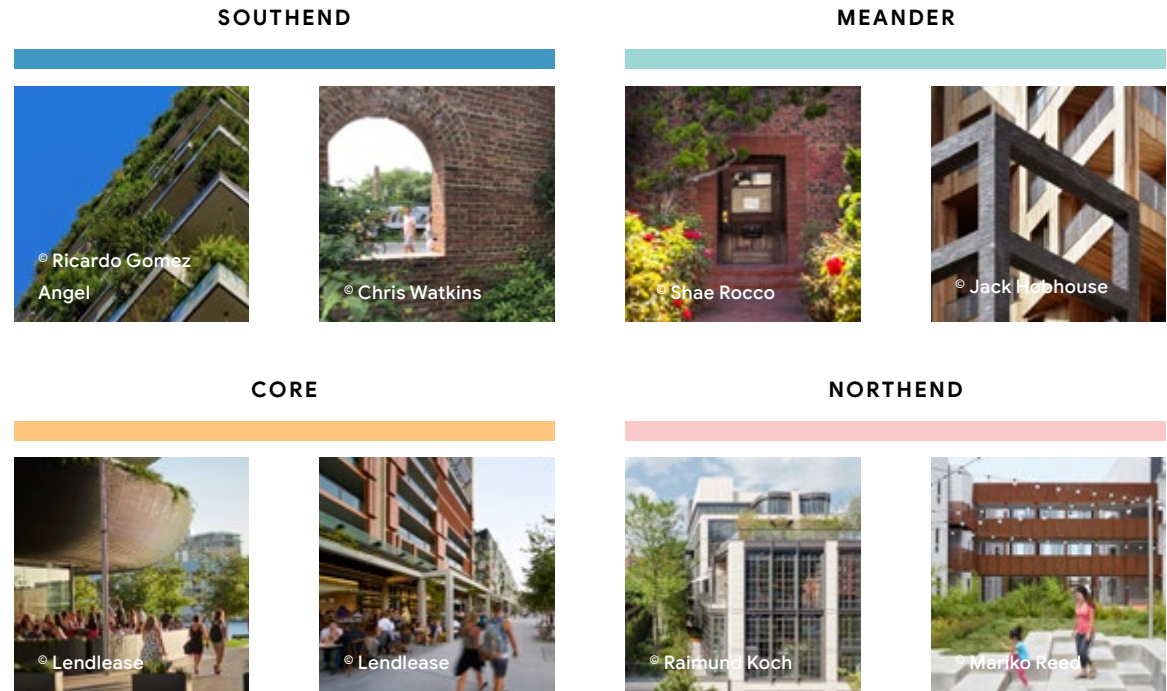


FIGURE 5.6: Examples of building expression through various character zones

5.3 Chapter Structure

The Project seeks to establish a quality urban environment while creating variety and site-specific responses. To this end, the chapter first sets out building envelope and Project-wide building design standards and guidelines that apply to all new development and, second, location-specific standards and guidelines that address particular adjacencies. As a result, each building, at each edge, has a unique layering of requirements to respond to its location and as part of the overall Downtown West. Figure 5.7 illustrates the location-specific requirements on block edges, as shown in Table 5.1.

APPLY TO ALL BUILDINGS

Building Envelope

The building envelope represents the area within which a building can be designed and built. The building envelope is defined by the extents of the block and the maximum building height. Additionally, buildings can project outside of the building envelope as defined in the project-wide standards.

Refer to Sections:

5.5 Blocks

5.6 Building Heights

Project-Wide Building Design

Standards and guidelines apply to all new development, tailoring massing and architecture to align with Downtown West and DDG design objectives.

Refer to Sections:

5.7 Building Variety and Materials

5.8 Pedestrian Level Design

5.9 Podium Level Design

5.10 Skyline Level Design

5.11 Skyline Level Long Facades

5.12 Residential Design

5.13 Sustainability Strategies

5.14 District Systems, Infrastructure, Logistics, and Parking

APPLY TO SPECIFIED BUILDINGS

Location-Specific Building Design

Location-specific building design standards and guidelines apply to new development where additional massing and architecture requirements are needed — particularly adjacent to existing low-rise context, historic resources, and Los Gatos Creek.

Refer to Sections:

5.15 Historic Resources

5.16 Low-rise Context

5.17 Los Gatos Creek and Open Space

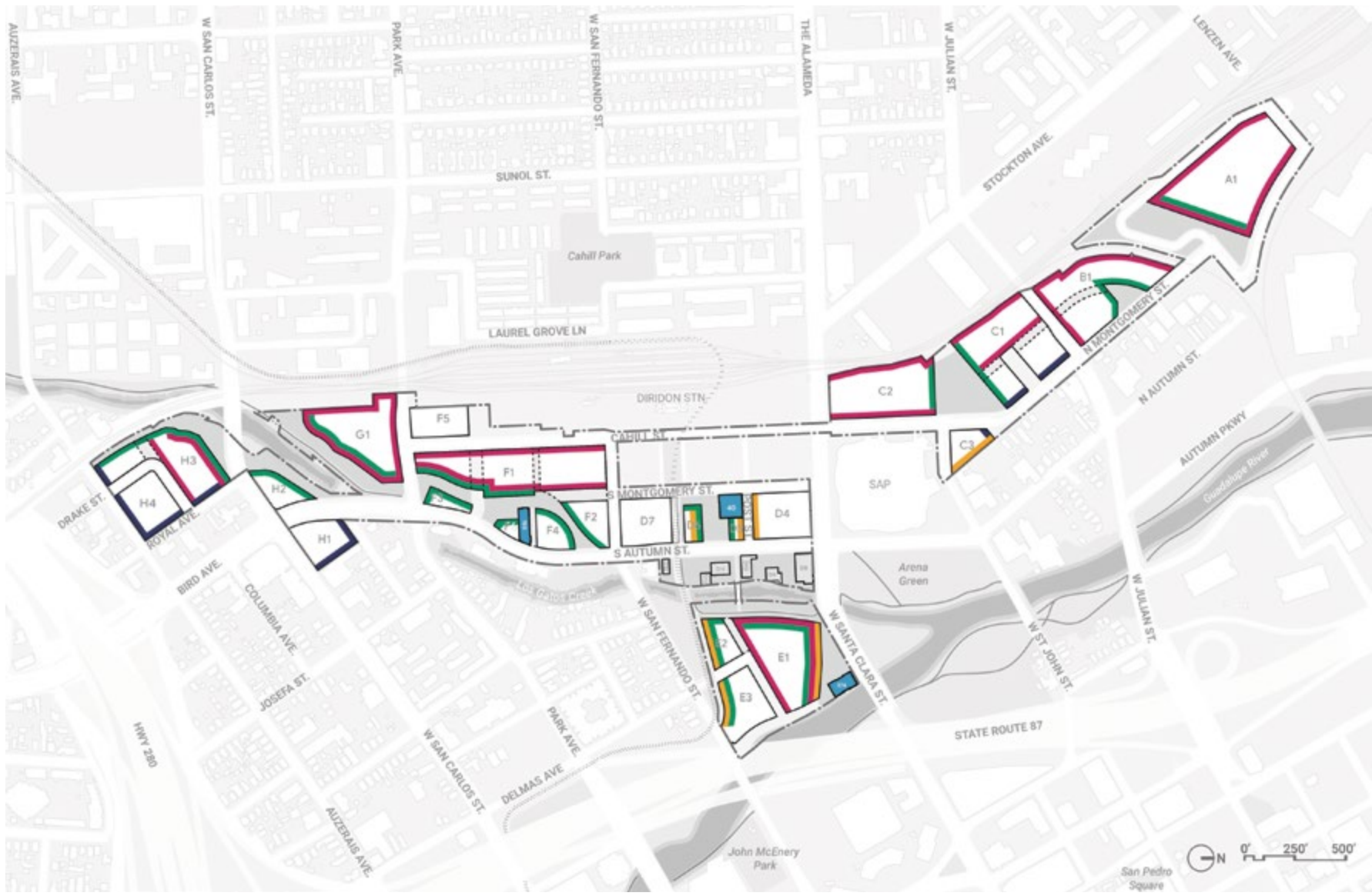







FIGURE 5.7: Architectural requirement summary

- | | | |
|--|--|--|
|  5.8-5.9, 5.11, and 5.17 Long facade design |  5.15 Adjacency to historic resources |  5.17 Adjacency to Los Gatos Creek and open space |
|  5.15 Project resources |  5.16 Adjacency to low-rise context | |

NOTE: Sections 5.5 - 5.14 apply to all new development

TABLE 5.1: Architectural requirement matrix

● Applicable sections to reference per block

BLOCK	BUILDING ENVELOPE (SECTIONS 5.5-5.6)	PROJECT-WIDE BUILDING DESIGN (SECTIONS 5.7-5.14)	LONG FACADE DESIGN (SECTIONS 5.8-5.9, 5.11, AND 5.17)	LOCATION-SPECIFIC BUILDING DESIGN		
				HISTORIC RESOURCES (SECTION 5.15)	LOW-RISE CONTEXT (SECTION 5.16)	LOS GATOS CREEK AND OPEN SPACE (SECTION 5.17)
A1	●	●	●			●
B1	●	●	●			●
C1	●	●	●		●	●
C2	●	●	●			●
C3	●	●		●	●	
D4	●	●		●		
D5	●	●		●		●
D6	●	●		●		●
40	●			●		
D7	●	●				
D8-D13	●	●				
E1	●	●	●	●		●
374	●			●		
E2	●	●		●		●
E3	●	●		●		●
F1	●	●	●			●
F2	●	●				●
F3	●	●				●
F4	●	●				●
F5	●	●				
150	●			●		
F6	●	●		●		●
G1	●	●	●			●
H1	●	●			●	
H2	●	●				●
H3	●	●	●		●	●
H4	●	●			●	

5.4 Building Nomenclature

Terms

- Pedestrian level.** The pedestrian level consists of the ground floor, which enhances the public experience through activation and architectural expression. Pedestrian level design encompasses streetwall, facade rhythm, transparency, and active frontage.
- Podium level.** The podium level consists of built levels above the pedestrian level up to 70 vertical feet from grade. Podium facade design contributes to the pedestrian visual experience of Downtown West. Podium level design encompasses facade modulation, materials, projections, and building separation.
- Skyline level.** The skyline level consists of all built levels above 70 vertical feet (podium level) from grade. The skyline level establishes the vertical appearance of new development, frames views of contextual assets, and showcases iconic architectural moments. Skyline level design encompasses facade modulation, projections, building separation, and massing and architecture standards for facades greater than 350 feet (long facades). When referenced in standards and guidelines, roof features and mechanical equipment are not considered within the skyline level facade area.
- Long facades.** Long facades refer to any building that has a continuous facade length greater than 350 feet. Individual buildings connected by pedestrian bridges per DDG Section 4.4.8 do not qualify as a continuous facade. Sections 5.8, 5.9, 5.11, and 5.17 contain additional detail and requirements for long facade massing and architecture.

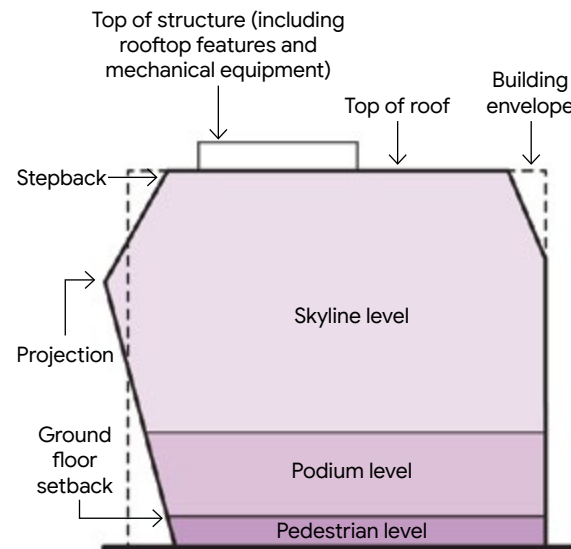


FIGURE 5.8: Section of new development expressing terms used throughout the chapter

Building Envelope

5.5 Blocks

The block structure of Downtown West is designed for frequent pedestrian intersections in order to create a welcoming urban environment and promote walking and bicycling. Blocks are the boundaries of new development. Blocks are primarily shaped by adjacencies, such as rail, infrastructure, and riparian setbacks.

Relevant DDG standards and guidelines that apply to Downtown West blocks include DDG Sections 3.2.1 and 3.2.2 unless superseded by the DWDSG.

Standards







S5.5.1 New development blocks. Above-grade new development within the Project shall be limited to the blocks as shown in Figure 5.9.

Selected blocks identified in Figure 5.10, S5.5.2, and S5.5.9 are exempt from this standard.

[DDG standard 3.2.1.c, guideline 3.2.2.b. and 4.3.1.d — superseded]



FIGURE 5.9: Block plan

-  New development blocks
-  Existing historic buildings to be rehabilitated (See Section 5.15)
-  Existing buildings to be rehabilitated or replaced if existing structures cannot reasonably be retained (See Section 5.6)
-  50-foot Los Gatos Creek Riparian Setback
-  50- to 100-foot ecological enhancement zone along Los Gatos Creek
-  30-foot Guadalupe River Riparian Setback

S5.5.2 Flexible blocks and open space locations. The arrangement of blocks and open spaces in the locations highlighted in Figure 5.10 are permitted to be reconfigured through concept design so long as the total open space acreage and circulation network remain consistent. For minimum required open space acreage, see Section 4.5. Flexible block boundaries are permitted in the following locations:

- Blocks D5 and D6 and The Social Heart (See Section 4.15 for open space information). Block D6 shall maintain a separation of 60 feet between new development on block D7 to preserve the view corridor from Diridon Station to Downtown.
- Blocks F2, F3, F4, F6, the southern portion of block F1 inclusive of the private street, and the Meander (See Section 4.13 for open space information).



FIGURE 5.10: Flexible blocks and open space locations

- Flexible blocks and open spaces

S5.5.3 Block length. The maximum length of new blocks shall not exceed 300 feet.

Blocks across the street from or adjacent to rail or highway are exempt from this standard.

[DDG standard 3.2.1.a — superseded]

S5.5.4 Building reconfiguration. If a public agency initiates proceeding to acquire any portion of the property subject to the PD Zoning District, this standard authorizes reconfiguration of new development within Downtown West and related improvements, and deviations from standards elsewhere in this document, as reasonably necessary to avoid such acquisition areas.

Proposed deviations to standards pursuant to this standard shall be reviewed by the Director of PBCE without requiring amendment to the DWDSG as part of Conformance Review that involved the area affected by the property acquisition, or as necessary following the acquisition of property. Such deviations shall be reviewed pursuant to Section 1.4 and approved if findings can reasonably be made that the resulting reconfigured new development and improvements are consistent with the General Plan and with all standards that are not affected by the property acquisition.

S5.5.5 Relationship to DISC and the rail corridor. New development is authorized across the entirety of each block shown on Figure 5.9, subject to any subsequent proceedings initiated by the DISC partner agencies (California High-Speed Rail Authority; VTA; Caltrain; and the City) to acquire any portion of such blocks. If any DISC partner agency has initiated proceedings to acquire land within a block required for an approved alignment and expansion of the rail right-of-way, this standard authorizes reconfiguration of new development, open spaces, and improvements, including through deviations from standards and guidelines elsewhere in the DWDSG, as reasonably necessary to avoid acquisition areas while still maximizing development potential within the affected block. For reference on planned developable area relationship to DISC and rail corridor, refer to S4.9.2 and S6.3.4.

Proposed deviations to standards pursuant to this standard shall be reviewed by the Director of PBCE without requiring amendment to the DWDSG as part of Conformance Review that involved the area affected by the property acquisition, or as necessary following the acquisition of property. Such deviations shall be reviewed pursuant to Section 1.4 and approved if findings can reasonably be

made that the resulting reconfigured new development and improvements are consistent with the General Plan and with all standards that are not affected by the property acquisition.

S5.5.6 Mid-block passages. The number of mid-block passages shall be provided within the designated blocks as represented in Section 4.5. Final location and size of mid-block passages shall be established through the Downtown West Zoning and Design Conformance Review and final mapping of the subject block.

All mid-block passages shall meet the minimum requirements identified in Section 4.5.

S5.5.7 New development within riparian setbacks. New development along Los Gatos Creek and the Guadalupe River is prohibited within the 50-foot riparian setback and 30-foot riparian setback respectively, as shown in Figure 5.9 and described in Section 4.7.

If structural assessment reveals existing structures at Creekside Walk at Autumn Street (See Section 4.16) cannot reasonably be retained, replacement structures shall be permitted. Existing structures include blocks D8, D9, D10, D11, D12, and D13. Replacement structures shall not exceed existing block footprints within the 50-foot Los Gatos Creek Riparian Setback. Replacement structures shall be subject to applicable standards in Sections 5.6, 5.7, 5.8, and 5.13.

S5.5.8 New development within ecological enhancement zone. New development shall be permitted within the ecological enhancement zone on blocks E1, E2, and H2 — limited by S5.17.2 and S5.17.1 respectively — as well as replacement structures and additions in the Creekside Walk at Autumn Street, which are limited by S5.5.9. Refer to Section 4.8 for open space design standards and guidelines applicable to the ecological enhancement zone.

S5.5.9 Creekside Walk at Autumn Street building additions. Outside of the 50-foot Los Gatos Creek Riparian Setback, vertical and horizontal built area shall be permitted in addition to the existing structures within Creekside Walk at Autumn Street, including blocks D8, D9, D10, D11, D12, and D13. If structural assessment reveals existing structures at Creekside Walk at Autumn Street (see Section 4.16) cannot reasonably be retained, replacement structures shall be permitted. See Figure 5.9 for location of the 50-foot Los Gatos Creek Riparian Setback.

Individual additions shall not exceed 5,000 gross square feet. The cumulative footprint of horizontal building additions shall not exceed 10 percent of the total area of privately-owned public parks and semi-public open space at the Creekside Walk at Autumn Street as denoted in Table 4.1. The cumulative built area of vertical and horizontal additions to existing structures within the Creekside Walk at Autumn Street shall not exceed 17,500 gross square feet beyond the total built area of existing structures.

Individual replacement structures within the block shall be permitted to exceed the existing gross square footage in accordance with the individual and cumulative footprint and square footage limits described herein. Replacement structures and

additions to existing structures shall be subject to applicable standards in Sections 5.6, 5.7, 5.8, and 5.13.

S5.5.10 Setbacks. Within Downtown West, no minimum building setbacks shall be required for any use within the property line, except for setbacks from the riparian corridor as identified in this section and S5.17.2. New development that is setback from the property line shall conform to the streetwall requirements in Section 5.8.

5.6 Building Heights

The Project building heights range from 160 to 290 feet above ground level (AGL). Several blocks have been set to a height lower than the maximum height allowable, in order to build in variation that better responds to contextual adjacencies and the experience of Downtown West.

Existing buildings along the Creekside Walk at Autumn Street — including blocks D8, D9, D10, D11, D12 and D13 — may be replaced if structural assessment reveals existing structures cannot reasonably be retained. Limits to the height of replacement structures and additions to existing structures are listed in this section, and footprint limits of these buildings is further limited in Section 5.5.

Additional massing reduction requirements adjacent to historic resources are identified in Section 5.15.

Standards

S5.6.1 Maximum building height. FAA height restrictions, shown in Figure 5.11 as NAVD 88, shall govern maximum allowable building heights pursuant to this DWDSG. For context, Figure 5.12 and Figure 5.13 identify the maximum AGL height at the time of DWDSG approval. Figure 5.12 is an illustrative representation of maximum height by block, while Figure 5.13 illustrates maximum height by contours.

Building heights in Figure 5.11 are current at the time of DWDSG approval. All proposed structure-specific heights that are subject to the FAA's regulatory review must obtain an FAA "determination of no hazard to air navigation" prior to building permit approval. The FAA has the discretion to restrict proposed structure elevations below those shown in accompanying Figure 5.11, Figure 5.12, and Figure 5.13 through the FAA Obstruction Evaluation process under 14 CFR Part 77.

Although Project grading could result in allowable heights in excess of the AGL limits shown on Figure 5.12 and Figure 5.13, heights shall in all cases remain within the NAVD 88 contours shown on Figure 5.11. Conformance Reviews under this DWDSG shall be against Figure 5.11 with the exception of blocks identified in S5.6.2.

S5.6.2 Heights at Creekside Walk at Autumn Street.

Replacement structures and built area additions in the Creekside Walk at Autumn Street (Section 4.15) — including blocks D8, D9, D10, D11, D12, and D13 — shall not exceed heights (measured to top of roof) as listed below:

- If structural assessment reveals existing structures at Creekside Walk at Autumn Street cannot reasonably be retained, replacement structures within the 50-foot Los Gatos Creek Riparian Setback shall be limited to one level and shall not exceed the top of roof of the existing structure.
- Replacement structures and additions to existing structures located on blocks D9, D10, D11, D12, and D13 between the 50-foot Los Gatos Creek Riparian Setback and South Autumn Street shall not exceed 40 feet.
- Vertical additions within the existing block D8 footprint shall be permitted up to 60 feet in height outside of the 50-foot Los Gatos Creek Riparian Setback. Horizontal additions to block D8 shall be permitted up to 40 feet in height outside of the 50-foot Los Gatos Creek Riparian Setback.

Replacement structures and additions are subject to applicable standards in Sections 5.5, 5.7, 5.8, and 5.13.



FIGURE 5.11: FAA NAVD 88 maximum height contours

— 5 foot NAVD 88 height contours

S5.6.3

Blocks with limited heights. The following additional blocks shall not exceed the height as listed below and denoted in Figure 5.12 (height is measured to top of roof):

- Blocks D5 and F6: 40 feet maximum height
- Block D6: 80 feet maximum height
- Block H1: 150 feet maximum height

Additional perimeter height and massing requirements apply to blocks E1/G1 (S5.17.3), E2/E3 (S5.15.10 and S5.15.11), H1 (S5.16.2), H2 (S5.17.1), and H3/H4 (S5.16.3). Height and footprint limits to structures within open space are outlined in Section 4.25.

For more information on heights adjacent to historic resources refer to standards in Section 5.15. Refer to DDG Section 4.4.7.a for information on rooftop appurtenances and mechanical equipment.



FIGURE 5.12: Illustrative maximum height per block above current ground level

180 feet	215 feet	255 feet	270 feet	290 feet
200 feet	230 feet	265 feet	280 feet	Limited height locations

NOTE: Maximum heights are limited for new development within blocks D5, D6, D8-D13, F6, and H1. For blocks with limited height, height is measured to top of roof. For more information on limited heights per block see S5.6.3.



FIGURE 5.13: FAA NAVD 88 maximum height shown above current ground level

- | | | | |
|----------------|----------------|----------------|----------------|
| 160 - 180 feet | 216 - 220 feet | 246 - 255 feet | 271 - 280 feet |
| 181 - 200 feet | 221 - 230 feet | 256 - 265 feet | 281 - 290 feet |
| 201 - 215 feet | 231 - 245 feet | 266 - 270 feet | |

Project-Wide Building Design

5.7 Building Variety and Materials

Variation of new development within the Project creates visual interest and avoids monotony. The intent of the following standards is to provide architectural variety through distinct changes between adjacent buildings.

Terms

- **Facade composition.** A facade composition is made up of architectural pattern or expression such as materials and detailing. Examples include but are not limited to structural expression, framing modules, shading devices, double-skin facade systems, shading devices, screening, and fenestration.
- **Facade modulation.** Facade modulation creates depth through massing moves, including but not limited to horizontal or vertical shifts, projections, balconies, bays or recesses.
- **Architectural articulation.** Architectural articulation breaks down the scale of a facade through expressed structure or system depth — typically of a finer grain than massing projections or recesses. Strategies include but are not limited to projections, expressed bay structures, expressed glazing supports, and expressed shading devices. See examples of architectural articulation in Figure 5.15 and Figure 5.13.

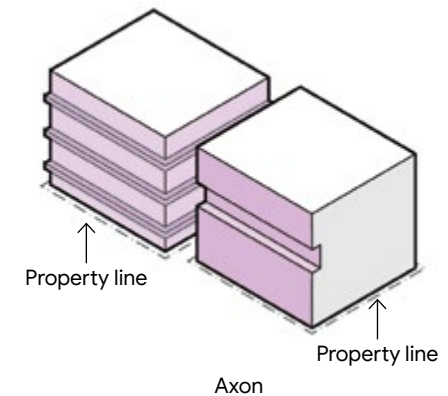
Standards

S5.7.1 Distinctive buildings. All new development shall vary facing or adjacent new development in one of the following ways:

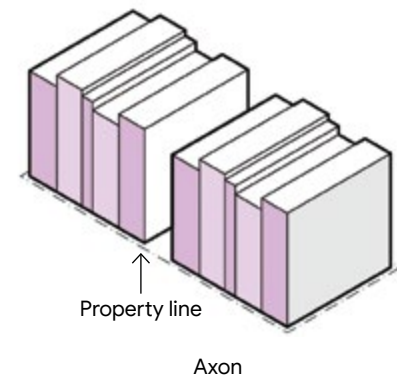
- Material or color
- Facade composition
- Facade modulation
- Roofline modulation
- Building height by a minimum of two levels

Buildings within the same block are exempt from this standard.

See Figure 5.14 for an example illustration of similar buildings within the same block.



DISTINCT ADJACENT BUILDINGS



SIMILAR BUILDINGS WITHIN THE SAME BLOCK

FIGURE 5.14: Examples of distinctive and similar buildings

S5.7.2 Preferred materials. Preferred materials are required in specified locations as stated in Sections 5.8 – 5.11. Preferred materials include:

- Wood
- Earthen materials
- Metals
- Cementitious materials
- Architectural glazing

Examples of preferred material treatments and applications include but are not limited to those shown in Table 5.2.

Window mullions cannot be included in calculation of cumulative preferred material application.

S5.7.3 Preferred material architectural articulation. A preferred material shall be applied with architectural articulation. Architectural articulation shall have a minimum depth of nine inches from the adjacent surface, material, or fenestration.

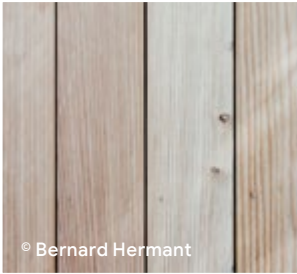


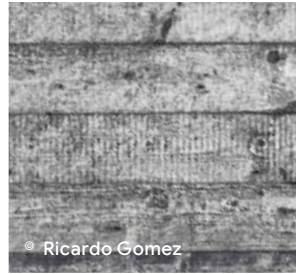

Architectural glazing is exempt and subject to S5.7.4.

S5.7.4 Architectural glazing treatment. For architectural glazing to qualify as a preferred material, applications shall modulate or change orientation at intervals less than or equal to 20 feet in width. As a preferred material, architectural glazing that utilizes semi-transparent coatings, back-painting, or etching does not require a nine inch depth.

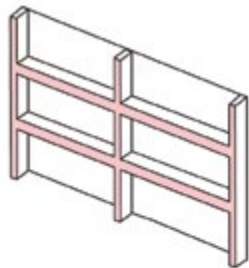
Contextual Considerations

Creative material treatment. Creative treatment of material application is encouraged throughout Downtown West. Creative treatments include but are not limited to custom cast paneling, custom ornamentation, etchings, cutouts, and tiling.

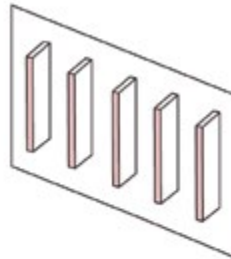
TABLE 5.2: Examples of preferred material treatment and application

PREFERRED MATERIALS					
MATERIAL CATEGORY	 © Bernard Hermant	 © Flickr / Marc Teer	 © David Baker Architects	 © Ricardo Gomez	 © Flickr / GaleolssyFR
	WOOD	EARTHEN MATERIALS	METALS	CEMENTITIOUS MATERIALS	ARCHITECTURAL GLAZING
TREATMENTS	<ul style="list-style-type: none"> • Softwood • Hardwood • Laminated • Pressure-treated 	<ul style="list-style-type: none"> • Clay (Brick) • Natural stone • Terracotta • Rammed earth 	<ul style="list-style-type: none"> • Weathered • Perforated • Powder-coated • Stainless / anti-corrosive 	<ul style="list-style-type: none"> • Polished • Sandblasted • Board-formed 	<ul style="list-style-type: none"> • Fritted* • Etched* • Back-painted* • Coated*
APPLICATIONS	<ul style="list-style-type: none"> • Wood panels • Heavy timber • Cross-laminated timber • Glued laminated timber • Wood louvers / slats 	<ul style="list-style-type: none"> • Brick masonry • Natural stone panels 	<ul style="list-style-type: none"> • Metal panels • Louvers • Metal mesh screens 	<ul style="list-style-type: none"> • Concrete masonry unit • Precast • Cast-in-place 	<ul style="list-style-type: none"> • Articulated / modulated curtain wall* • Glass unit masonry* • Channel glass* • Slump glass*

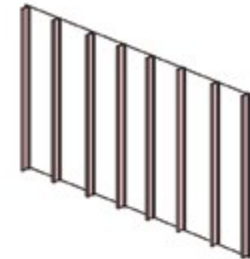
NOTE: Treatments and applications are required for qualifying architectural glazing as a preferred material



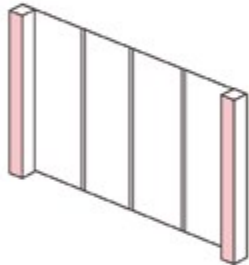
FRAME STRUCTURE



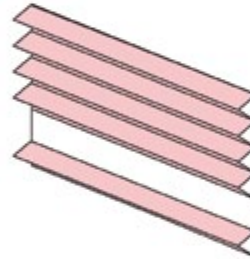
FINS / LOUVERS



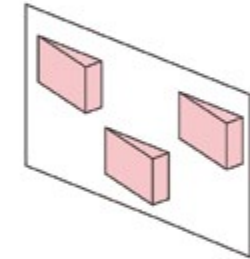
MULLION ARTICULATION



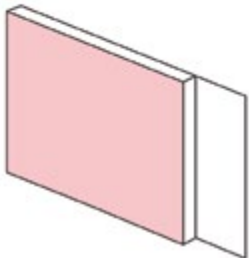
STRUCTURAL BAY



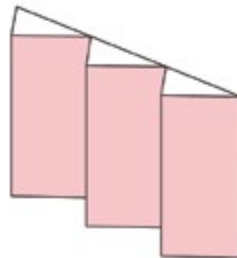
OPERABLE SHADING



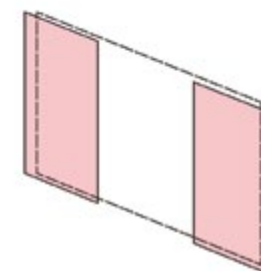
PROJECTION / RECESS



OFFSET PLANE



MODULATED PLANE



LAYERED SURFACES

FIGURE 5.15: Examples of architectural articulation

5.8 Pedestrian Level Design

The pedestrian level creates a building's identity, hosts activation, and encourages human engagement. Frequency of activation, variety of uses, and facade design influence the public realm experience. The pedestrian level is used to describe the ground floor. It prioritizes a fine-grain rhythm through various architectural elements and strategies. The standards and guidelines in this section are intended to prevent monotonous pedestrian level facades and reduce lengths of uninterrupted opaque walls.

Relevant DDG standards and guidelines that apply to Downtown West pedestrian level design include DDG Sections 5.3.1.a, 5.3.1.b, and 5.3.2 unless superseded by the DWDSG.

Terms

- **Visible light transmittance (VLT) factor.** VLT factor describes the percentage of visible light transmitted through glass. A product with a higher VLT factor transmits more visible light. VLT factors referenced in this document refer to entire glazing units, not singular pieces of glass.

Streetwall

A streetwall establishes the edge of the public realm. A higher percentage of built area within the streetwall zone promotes clear sightlines and urban edges. A lower percentage of built area within the streetwall zone gives opportunity for expanded vegetation, being best suited along Los Gatos Creek and passive landscaped areas.

The DDG applies streetwall requirements according to frontage classification as shown in DDG Section 2.2. For Downtown West, the DDG classification has been superseded per Figure 5.17. Relevant DDG standards and guidelines that apply to the Downtown West streetwall include DDG Section 4.3.3 unless superseded by the DWDSG.

Standards

- S5.8.1 Measuring streetwall.** For a portion of new development within the pedestrian level to qualify as a streetwall, it must be located within 10 feet of the property line or within three feet of a specified setback line for the entire height of the pedestrian level.

[DDG standard 4.3.3.a — superseded]

S5.8.2 Linear streetwall percentage.

Required linear streetwall percentages for new development are designated per the street frontage classifications (see Figure 5.17):

- Urban park/plaza frontage and primary addressing street — minimum 70 percent streetwall of the building length.
- Secondary addressing street — minimum of 50 percent streetwall of the building length.
- Other street (including private streets) and open space frontage — minimum of 30 percent streetwall of the building length.

Frontage along Los Gatos Creek — including replacement structures on blocks D8, D9, D10, D11, D12, D13, and new development on E1, E2, G1, and H2 — are exempt from this requirement to enhance riparian habitat within the Los Gatos Creek Riparian Corridor, see Section 5.17.

For definitions of the DDG street frontage categories see DDG Section 4.3.3.

[DDG standard 3.2.2.a and 4.3.3.b–f — superseded]

S5.8.3 Pedestrian level setbacks. Pedestrian level facade setbacks shall not exceed a depth greater than one-third of the setback height as illustrated in Figure 5.16.

Blocks F3 and D6 shall be exempt from this standard. Additionally, up to 30 percent of active use frontage shall be exempt from this standard. Frontage requiring an active use is identified in Figure 3.5 and the definition of active use is further defined in Section 3.1.

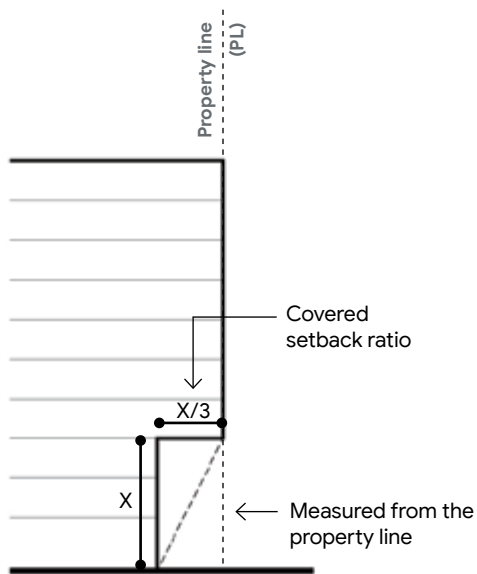


FIGURE 5.16: Section of pedestrian level setback

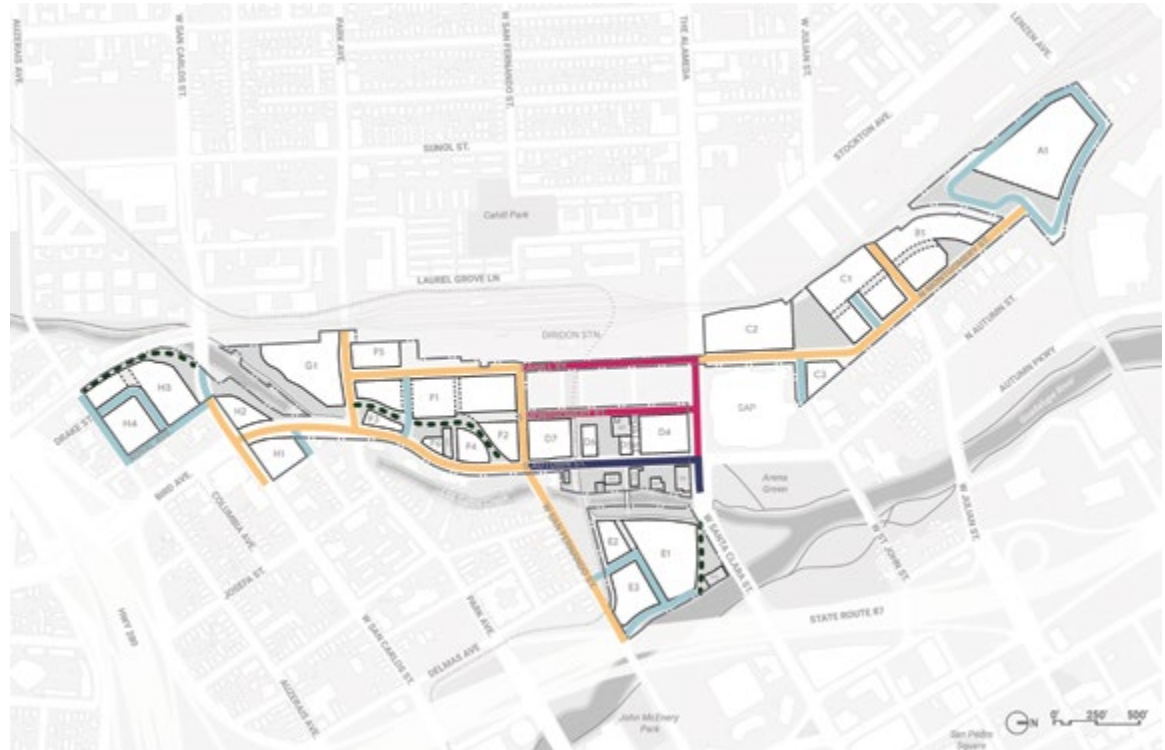


FIGURE 5.17: Street frontage classification

- Urban park / plaza frontage
- Primary addressing street
- Secondary addressing street
- Open space frontage
- Other street

NOTE: DDG Section 2.2, *Figure Pedestrian Level and Podium Level Framework Plan* — superseded

Rhythm and Scale

Standards

S5.8.4 Pedestrian level rhythm. Pedestrian level facades shall express intervals no greater than 35 feet wide. Intervals shall be expressed through one of the following strategies:

- Preferred material architectural articulation
- Ground floor double height expression within a minimum nine inch depth

S5.8.5 Mid-block passage and private street entries. Mid-block passages and private streets with a depth greater than 150 feet shall provide a minimum of one building entry.

S5.8.6 Pedestrian level facades greater than 350 feet. Treatment of the pedestrian level facades with a horizontal length greater than 350 feet shall include ground floor double height expression within 200 feet of the building corner. Double height expression shall have a minimum nine inch depth.

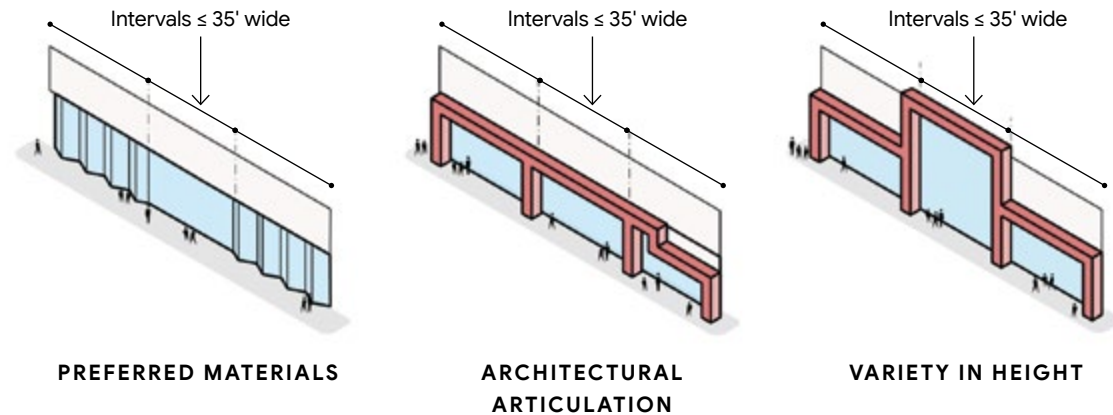


FIGURE 5.18: Pedestrian level intervals at or below 35-foot width

Guidelines

G5.8.1 Temporary facade treatment. For new development, temporary facade treatments in the form of murals, branding, graphics, or other artwork are encouraged during construction in place of ground floor facades. Temporary frontage is permitted for the duration of the construction period.

Contextual Considerations

Emphasizing corners. Buildings should consider emphasizing corners as landmarks and destinations that improve public wayfinding, particularly along city connectors and grand boulevard streets that extend to surrounding neighborhoods.



EXPRESSED BAY STRUCTURES



EXPRESSED VERTICAL MULLIONS

FIGURE 5.19: Examples of architectural articulation

Transparency

Standards

S5.8.7 Active use transparency. Active use facades between three feet and 12 feet above grade shall have a minimum of 70 percent facade area transparency.

Glazing units with VLT factor less than 60 percent shall not count toward meeting the required transparent area.

[DDG standard 5.3.1.a.h — superseded]

S5.8.8 Office use transparency. Office facades between three feet and 12 feet above grade shall have a minimum of 50 percent facade area transparency.

Glazing units with VLT factor less than 50 percent shall not count toward meeting the required transparent area.

[DDG standard 5.3.1.a.h — superseded]



FIGURE 5.20: Examples of active use transparency

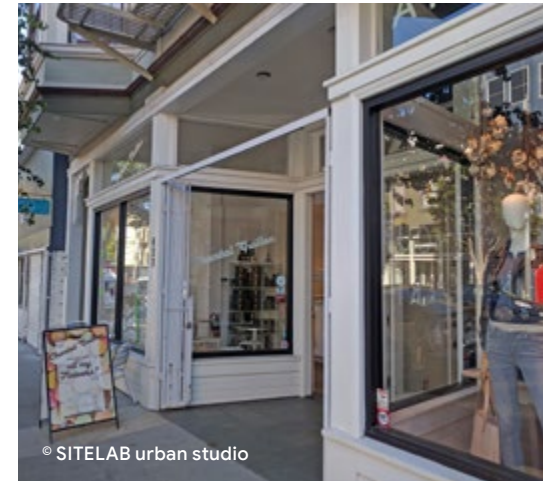


FIGURE 5.21: Examples of office use transparency



5.9 Podium Level Design

The following podium level standards apply to all levels above the pedestrian level up to 70 feet in height from grade. Additionally, location-specific standards and guidelines in Sections 5.15 – 5.17 apply to the podium of new development based on adjacency to historic resources, existing residential neighborhoods, open spaces, and Los Gatos Creek.

Relevant DDG standards and guidelines that apply to Downtown West podium level design include DDG Sections 4.2.1, 4.3.1, 4.4.1, 4.4.2.a, 4.4.2.b, 4.4.3, 4.4.4, and 4.4.5, unless superseded by the DWDSG.

Terms

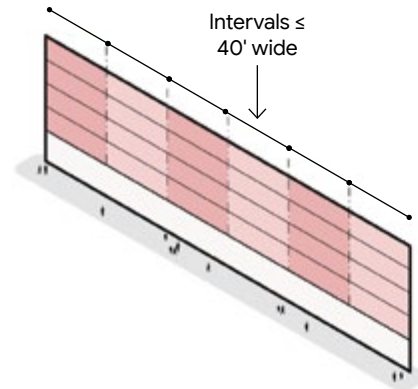
- **Expressed climate responsive facade systems.** Expressed climate responsive facade systems create variety and interest in a building while introducing performance qualities. There are various ways to implement expressed climate responsive facade systems. Examples include but are not limited to perforated screens, operable facade elements, louvers, or shading devices that respond to solar and/or wind orientation while adding texture to the facade. Integrated systems within or behind fenestration do not qualify as expressed climate responsive facade within this document. See examples of climate responsive systems in Figure 5.23.
- **Volumetric articulation.** Volumetric articulation creates depth through the manipulation of massing to break down the scale of a building. Volumetric articulation includes but is not limited to recesses, projections, bays, and staggering of horizontal articulation. See examples of volumetric articulation in Figure 5.24.
- **Occupiable projections.** Occupiable projections are built areas that extend beyond the property line of new development. Projections are built area over the public realm. Projections include but are not limited to balconies and bay windows. Built areas, balconies, and bay windows within the property line are not subject to standards for occupiable projections that extend outside the property line. Occupiable projections are not permitted within the pedestrian level.

Standards

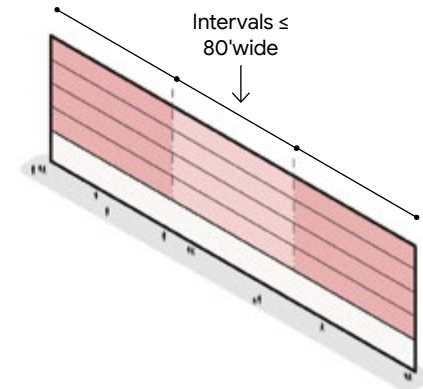
S5.9.1 Podium level modulation. New development shall express podium level modulation through volumetric articulation or expressed climate responsive facade systems with a minimum depth of nine inches. Podium modulation shall be applied by vertical intervals of the following widths:

- Active use frontage, as identified in Figure 3.5, shall not exceed 40-foot wide intervals.
- Facades not identified as active use shall not exceed 80-foot wide intervals.

See Figure 5.22 for an example of 40-foot wide and 80-foot wide intervals.



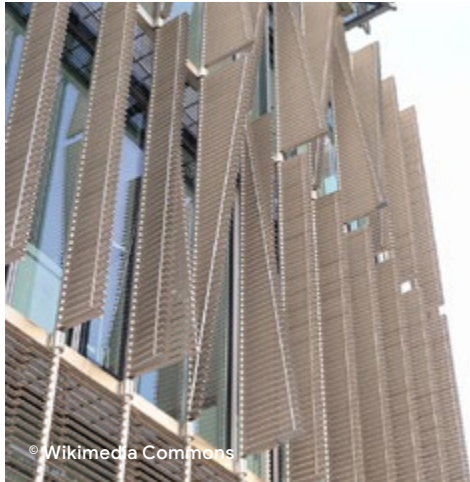
ACTIVE USE FRONTAGE 40-FOOT WIDE INTERVALS



NON-ACTIVE USE FRONTAGE 80-FOOT WIDE INTERVALS

FIGURE 5.22: Examples of podium level modulation vertical intervals

NOTE: For pedestrian level interval width, see S5.8.4



OPERABLE SCREEN SYSTEM

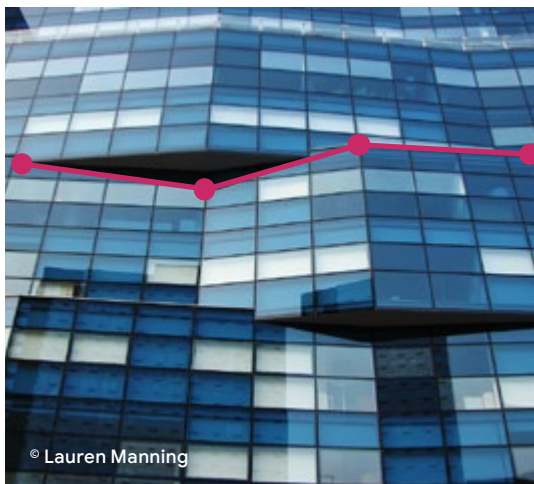


SHADING SYSTEM



OPERABLE SCREEN SYSTEM

FIGURE 5.23: Examples of expressed climate responsive facade systems



FACETED FACADE



HORIZONTAL STAGGER



VERTICAL NOTCHES

FIGURE 5.24: Examples of volumetric articulation

S5.9.2 Non-office use podium occupiable projections. Podium occupiable projections — including balconies and bay windows — of residential, hotel, and limited-term corporate accommodation shall be permitted to project built areas up to six horizontal feet beyond the property line above public and private streets, City-dedicated parks, privately-owned public parks, and semi-public open space. Any individual occupiable projection shall not exceed 150 square feet with a minimum horizontal spacing no less than 50 percent of the widest adjacent projection. Individual projections and spacing shall be measured by level, see Figure 5.25.

Occupiable projections beyond the property line are not permitted within the 100-foot setback from the Los Gatos Creek Riparian Corridor Edge as shown in Figure 5.9.

Occupiable projections with the specifications stated above may extend into the skyline level as stated in S5.10.2.

S5.9.3 Podium level preferred materials. Facades classified as active use frontage, identified in Figure 3.5, shall apply preferred materials to a minimum of 20 percent of the podium level facade area. See S5.7.2 for preferred material qualifications.

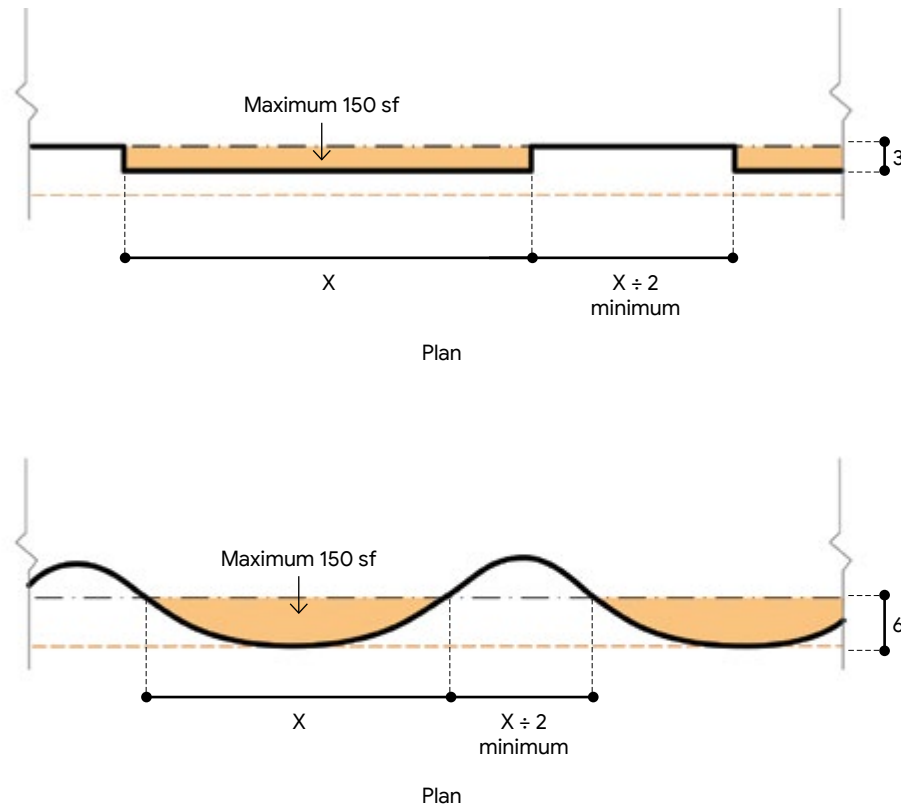


FIGURE 5.25: Non-office use occupiable projections

- Building profile
- Built area of occupiable projection
- Property line
- - Six feet from property line

S5.9.4 Change in plane for facades greater than 350 feet. Podium level facades with a horizontal length greater than 350 feet shall vary the facade through a change in plane with a minimum average of nine inches in depth for 25 percent of the facade area or an average of four feet in depth for 12 percent of the facade area.

S5.9.5 Residential and office podium level separation. The podium level of residential buildings shall stepback to maintain a minimum of 60 feet separation from the podium level of facing office buildings. Residential parking shall be exempt from this standard.

Contextual Considerations

Relating to industry. Buildings near rail should consider large-scale massing moves inspired by industrial forms such as warehouses. Facades are encouraged to have raw, unfinished, matte, and weathered materials employed in manufacturing and production. Materials that naturally patina over time are encouraged.

Architectural expressions of ecology. Facades in the Southend are encouraged to have soft edges that express natural systems. Facades should incorporate wood, vegetation, bird-safe measures, and other materials that enhance the connection to nature.

Relating to varied context. Facades in the Core are encouraged to incorporate materials that relate to the adjacencies of SAP Center, Los Gatos Creek, the Guadalupe River, and Downtown. Materials and textures such as interactive facades with bird-safe measures, concrete, masonry, and vegetation are encouraged.

5.10 Skyline Level Design

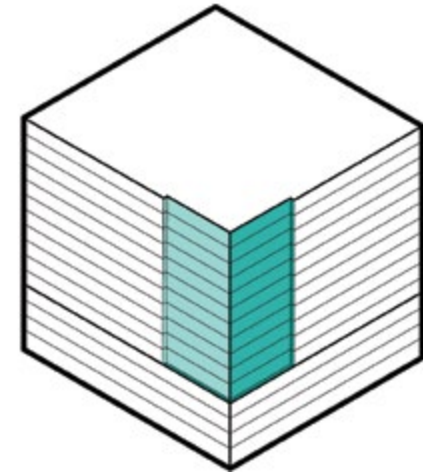
The following standards address massing and architectural design of skyline level facades. Additionally, location-specific standards and guidelines apply based on adjacency to historic resources, existing residential, open spaces, and riparian corridors.

Relevant DDG standards and guidelines that apply to Downtown West skyline level design include DDG Sections 4.2.1, 4.3.2, 4.4.1, 4.4.2.a, 4.4.2.b, 4.4.3, 4.4.4, and 4.4.5 unless superseded by the DWDSG.

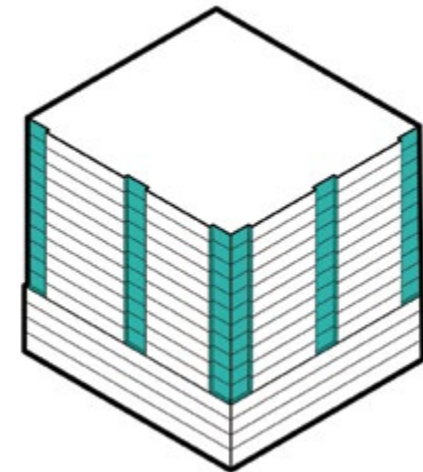
Standards

S5.10.1 Skyline level change in plane. Skyline level facades greater than 200 feet in horizontal length shall vary the facade through a change in plane with an average of four feet in depth within 33 percent of the skyline level facade area. See Figure 5.26 for examples of change in plane.

[DDG standard 4.3.2.c — superseded]



SINGLE VERTICAL CHANGE IN PLANE



MULTIPLE VERTICAL CHANGE IN PLANES

FIGURE 5.26: Examples of skyline level average four-foot change in plane

S5.10.2 Non-office use skyline level occupiable projections. Skyline level occupiable projections — including balconies and bay windows — of residential, hotel, and limited-term corporate accommodation shall be permitted to project built area up to six horizontal feet beyond the property line above public and private streets, City-dedicated parks, privately-owned public parks, and semi-public open space. Any individual occupiable projection shall not exceed 150 square feet with a minimum horizontal spacing no less than 50 percent of the widest adjacent projection. Individual projections and spacing shall be measured by level. See Figure 5.25 for examples.

Occupiable projections beyond the property line are not permitted within the 100-foot setback from the Los Gatos Creek Riparian Corridor Edge as shown in Figure 5.9.

S5.10.3 Office use skyline level occupiable projections. Occupiable projections in the skyline level of office uses shall be permitted to project built areas up to six horizontal feet beyond the property line above private streets, privately-owned public parks, and semi-public open space. Any individual occupiable projection shall not exceed 10 percent of the facade length. The facade area of aggregated occupiable projections shall not exceed 25 percent of the

overall skyline level facade area. Occupiable projections beyond the property line are prohibited within the 100-foot setback from the riparian corridor edge as shown in Figure 5.9.

Occupiable projections on the south facade of block A1 and the north facade of block C2 are exempt from the dimensional requirements above and shall be permitted within the skyline level anywhere above semi-public open space.

S5.10.4 Skyline level separation between the same use. Adjacent new development shall maintain a minimum 60-foot separation between any portion of skyline level facades.

Adjacent new development within the same block shall be exempt from this standard.

Residential buildings below 90 feet in height shall be exempt from this standard.

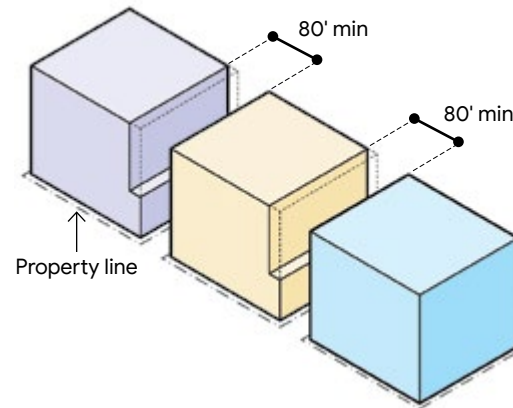
[DDG standard 4.3.2.b — superseded]

S5.10.5 Skyline level separation between different uses. Adjacent new development with different use shall maintain a minimum skyline level facade separation of 80 feet. To accommodate building separation requirements, hotel buildings shall stepback from residential buildings and residential buildings shall stepback from office buildings; see Figure 5.27 for an illustration.

The following conditions shall maintain a minimum 60-foot facade separation between different uses:

- A facade is less than 100 feet wide with less than 50 percent fenestration
- A facade is oriented a minimum of ten degrees away from the adjacent facade
- Residential facades that do not exceed 90 feet from grade

[DDG standard 4.3.2.b — superseded]



SKYLINE LEVEL STEPBACK BY USE

FIGURE 5.27: Example of skyline level facade separation between different uses

- Hotel
- Residential
- Office

5.11 Skyline Level Long Facades

The Downtown West framework plan supports a variety of building scales. Buildings with long facades juxtapose residential towers and small-scale development to create a diversity of urban form.

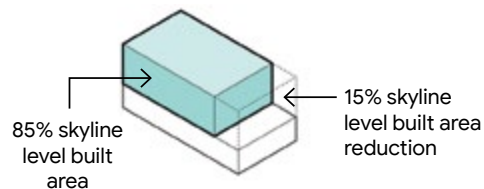
There are three main skyline level massing and architecture requirements for facades greater than 350 feet in Downtown West: built area reduction, determining credit requirements, and applying credits. The credit-based approach ensures a number of massing and architecture strategies calibrated to the scale of a long facade while providing flexibility in execution of design solutions. The requirements for each facade relate to length and location (primary or

secondary). Primary long facades front streets, open space, rail, or highways. Secondary long facades directly front new development within the Project.

Relevant DDG standards and guidelines that apply to Downtown West long facades include DDG Section 4.3.2 unless superseded by the DWDSG. Standards in this section do not apply to facades less than 350 feet in length.

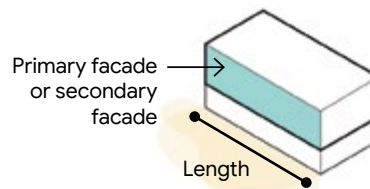
For further clarification and examples for how to measure building length, built area reduction, and credits, see *Appendix B: Long Facade Reference*.

SKYLINE LEVEL LONG FACADE PROCESS



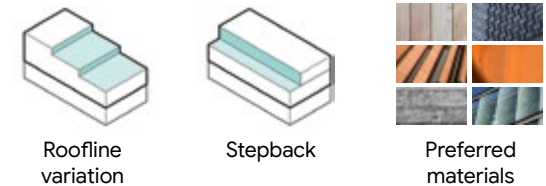
BUILT AREA REDUCTION

Buildings with long facades are limited to 85 percent built area of the skyline level, see Figure 5.28. Limiting the skyline level built area encourages shaping of the building form in ways that align to its current and future context.



DETERMINING CREDIT REQUIREMENTS

To ensure shaping that is calibrated to large-scale buildings, each credit has dimensional requirements. The number of credits required is correlated to a building's location classification (see Figure 5.30) and length.



APPLYING CREDITS

The credit-based system evaluates three massing and architecture strategies: roofline variation, stepback, and preferred materials. These massing and architecture strategies are measured in elevation (qualifying area). Credits, or qualifying area, are to be applied in advance of, and thus included in, the built area reduction calculation.

Built Area Reduction

Long facade buildings are required to reduce the built area within the skyline level. The maximum skyline level built area is established by extruding the block to the height permitted per Figure 5.11.

Per S5.10.2, new development may include projected built areas beyond the property line above private streets, privately-owned open space, semi-public open space and mid-block passages. Projections outside of the property line contribute to a building's built area in the skyline level.

Within blocks B1 and F1, built areas may extend above a mid-block passage or private street to enable well-functioning office buildings.

For further clarification on how to calculate built area reduction with examples, see Section B.1.

Standards

S5.11.1 Built area above mid-block passages or private streets. Within blocks B1 and F1, built area may extend over mid-block passages or private streets if the project sponsor elects not to comply with DDG Section 4.4.8. Built area is not permitted within the first 40 feet above grade over mid-block passages or private streets. The facade lengths within blocks B1 and F1 shall include the width of mid-block passages and private streets. Compliance with DDG Section 4.4.8 shall be at the sole election of the project sponsor.

S5.11.2 Skyline level built area. New development with a facade that exceeds 350 feet in length shall not exceed 85 percent of the maximum skyline level built area (15 percent built area reduction). The percent of built area is calculated as a sum of the square footage of each skyline level floorplate (including interior atria area and internal courtyard area) divided by the total skyline level built area — measured as the block square footage multiplied by the number of levels in the skyline level excluding roof structures.

For additional requirements of built area reduction along Los Gatos Creek, see Section 5.17.

[DDG standard 4.3.2.a — superseded]

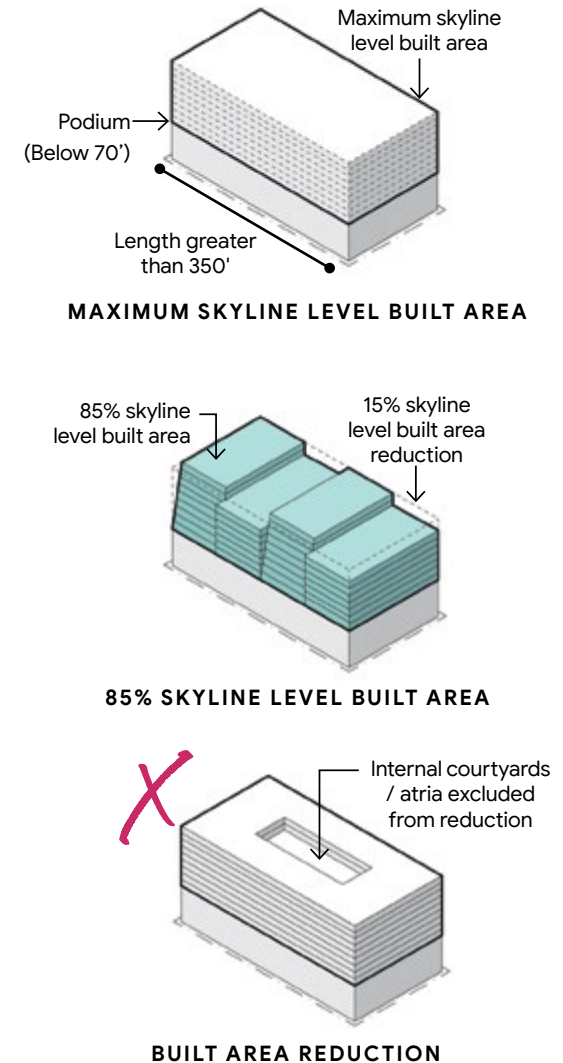





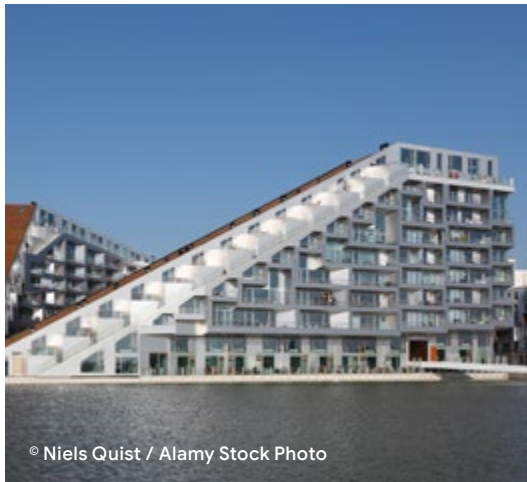
FIGURE 5.28: Measuring built area percentage

NOTE:  Denotes a non-compliant condition

-  Skyline level built area
-  85% skyline level built area

Massing Strategies and Material Application

In addition to a maximum of 85 percent skyline level built area, long facades are reviewed on a credit-based system. These credits are achieved by implementing roofline variation, stepbacks, and preferred materials. These strategies are dimensionally calibrated for a positive visual and experiential impact on the public realm.



ROOFLINE VARIATION

Roofline variation strategies are large-scale massing interventions that shape the silhouette of new development. Roofline variation can establish hierarchy in the skyline level, increase solar or wind performance, and frame views.



STEPBACK

Stepback strategies add rhythm by subdividing and modulating the building facade. Open space and riparian corridors also benefit from stepbacks that reduce shadow and wind impacts at the ground level. Additionally, stepbacks can create opportunities for outdoor programming, greening, and biophilic systems.



PREFERRED MATERIALS

Preferred material applications provide texture and relate to the materials found in the Project today. The breadth of preferred material treatments and applications encourages a diversity of design solutions that are rooted in Downtown West.

FIGURE 5.29: Examples of massing and architecture strategies for long facades

Long Facade Credits

Downtown West buildings with long facades shall apply a minimum number of credits based on length and classification as a primary long facade or secondary long facade, as shown in Figure 5.30. For further clarification on how to measure the length of a facade with examples, see Section B.2.

Credit requirements are described in S5.11.5, S5.11.6, and S5.11.7. For further clarification on how to measure credits with examples, see Section B.3.

Standards

S5.11.3 Long facades 350 to 550 feet in length. Facades that are 350 to 550 feet in length shall achieve a minimum number of credits as listed below (See Table 5.3):

- Primary long facades shall achieve three credits
- Secondary long facades shall achieve two credits

S5.11.4 Long facades greater than 550 feet in length. Facades that are greater than 550 feet in length shall achieve a minimum number of credits as listed below (See Table 5.3):

- Primary long facades shall achieve four credits
- Secondary long facades shall achieve three credits



FIGURE 5.30: Primary long facade and secondary long facade locations

- Primary long facades
- Secondary long facades

TABLE 5.3: Credit requirements

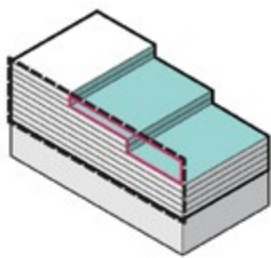
	350 TO 550 FEET FACADE LENGTH	OVER 550 FEET FACADE LENGTH
Primary long facade	3	4
Secondary long facade	2	3

Roofline Variation Credit

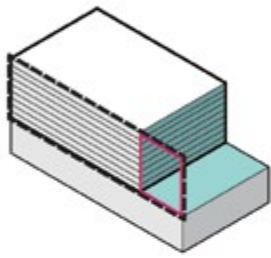
S5.11.5 Roofline variation credits. One roofline variation credit shall be achieved for cumulative qualifying area that exceeds eight percent of the skyline level facade area and achieves the minimum dimensions outlined in Table 5.4. An additional credit shall be achieved for every additional eight percent of the skyline level facade area that is calculated as qualifying roofline variation facade area.

TABLE 5.4: Dimension requirements for roofline variation qualifying area

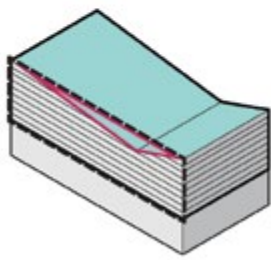
REQUIREMENTS	ROOFLINE VARIATION
Minimum height and depth	10° slope or 2 levels height and 200' depth or full building depth (whichever is less)
Calculation of qualifying area	$\frac{\text{Area of strategy}}{\text{Total facade area}}$
Credits	1 credit per 8% qualifying area Example: 8-15% = 1 credit 16-23% = 2 credits



STEPPED



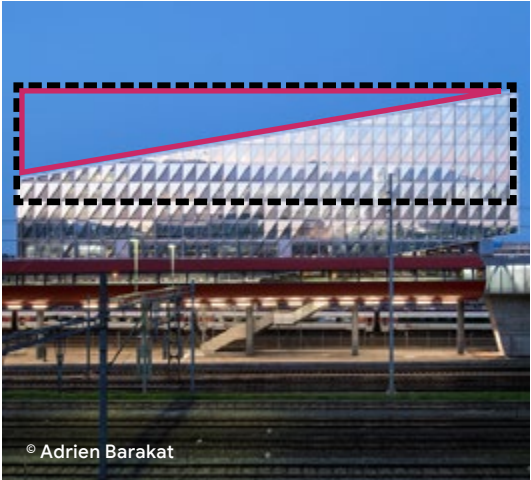
PODIUM TERRACE



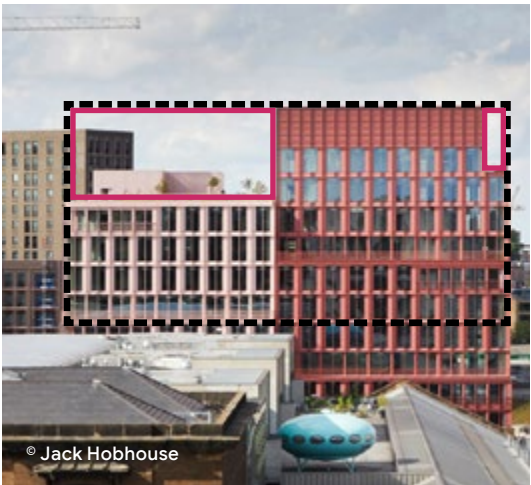
SLOPED PLANE

FIGURE 5.31: Examples of qualifying roofline variations

- Roofline variation strategy
- Area of strategy
- Total facade area



SLOPED ROOFLINE



STEPPED ROOFLINE

FIGURE 5.32: Examples of roofline variations

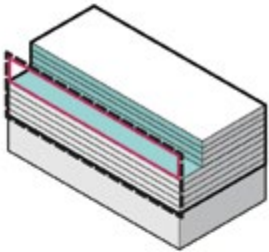
NOTE: Diagrams and imagery for illustrative purposes and does not reflect minimum requirements.

Stepback Credit

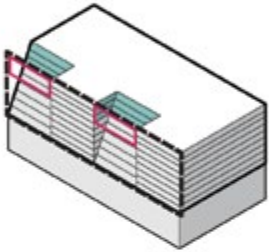
S5.11.6 Stepback credits. One stepback credit shall be achieved for cumulative qualifying area that exceeds 12 percent of the built facade area in the skyline level and achieves the minimum dimensions outlined in Table 5.5. An additional credit shall be achieved for every additional 12 percent of the built facade area in the skyline level that is calculated as qualifying stepback facade area.

TABLE 5.5: Dimension requirements for stepback qualifying area

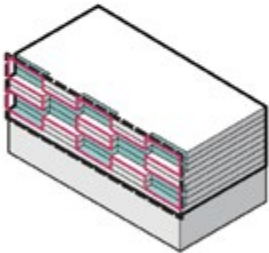
REQUIREMENTS	DIMENSIONS
Minimum height, depth, and width	2 levels height, 20' depth, and 25' width
Calculation of qualifying area	$\frac{\text{Area of strategy}}{\text{Built facade area}}$
Credits	1 credit per 12% qualifying area Example: 12-23% = 1 credit 24-35% = 2 credits



HORIZONTAL SHIFT



VERTICAL SHIFT



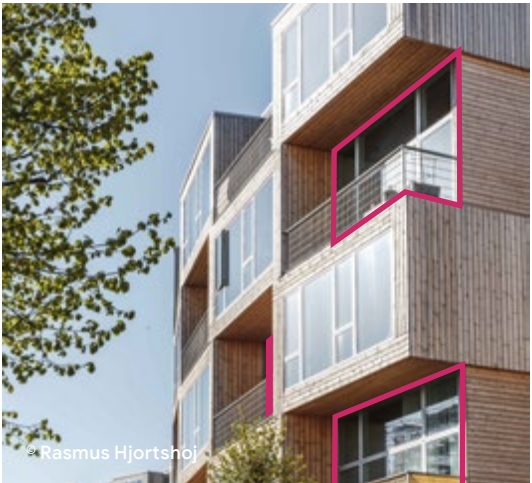
PROJECTION AND RECESSES

FIGURE 5.33: Examples of qualifying stepbacks

- Stepback strategy
- Built facade area
- Area of strategy



HORIZONTAL SHIFT AND RECESSES



PROJECTION AND RECESSES

FIGURE 5.34: Examples of stepbacks

NOTE: Diagrams and imagery for illustrative purposes and does not reflect minimum requirements.

Preferred Materials Credit

S5.11.7 Preferred materials credit. One preferred material credit shall be achieved for cumulative qualifying area that exceeds 25 percent of the built facade area within 20 feet of the property line in the skyline level. To qualify, a preferred material shall cover no less than 10 percent of the built facade area and shall comply with standards S5.7.2, S5.7.3, and S5.7.4.

TABLE 5.6: Dimension requirements of preferred material qualifying area

REQUIREMENTS	PREFERRED MATERIAL
Minimum depth	See Section 5.7
Calculation of qualifying area	$\frac{\text{Area of preferred material(s)}}{\text{Built facade area up to 20' depth}}$
Credits	1 credit for 25% qualifying area (Minimum 10% per material) Maximum 1 credit permitted



MODULATED GLASS



WOOD AND METAL PROJECTED BAY



MODULATED BRICK PLANE



METAL FRAME STRUCTURE

FIGURE 5.35: Examples of preferred materials

NOTE: Diagrams and imagery for illustrative purposes and does not reflect minimum requirements.

5.12 Residential Design

Residential buildings in the Project offer housing within a wide spectrum of development typologies and unit types to a range of households of difference sizes and ages.

Relevant DDG standards and guidelines that apply to Downtown West residential buildings include DDG Sections 3.5.1, 4.4.2.c, 5.3.3, and 5.5.1 unless superseded by the DWDSG.

Standards

S5.12.1 Ground floor unit width. The average width of residential ground floor units with external entries shall not exceed 30 feet.

[DDG standard 5.3.3.a — superseded]

S5.12.2 Direct at-grade unit access. To enable ADA-accessibility, direct at-grade residential units access flush with adjacent sidewalk or open space grade shall be permitted, as shown in Figure 5.36.

[DDG standard 5.5.1.d — superseded]

S5.12.3 Elevated ground floor units. Elevated ground floor units and stoops shall not exceed five feet in height above grade, as shown in Figure 5.37.

[DDG standard 5.3.3.b — superseded]

S5.12.4 Lobby placement. Residential lobbies shall be permitted in all locations in lieu of active uses along streets, mid-block passages, and open spaces, so long as the overall active frontage minimum requirements are met as outlined in Section 3.3.

[DDG standard 3.5.1.d — superseded]

S5.12.5 Building access. Building access between the main pedestrian building entry and passenger drop-off shall not intersect with the access route between delivery loading / unloading areas and primary service entrances.

[DDG standard 3.5.1.a — superseded]

S5.12.6 Ground floor units with stoops. Stoops or transitional spaces associated with ground floor units—including porches, seating, and gardens—between the public realm and entries to residential units shall be a minimum of four feet in width and five feet in depth.

[DDG guideline 5.3.3.d — superseded]

S5.12.7 Storage facilities. Every residential building shall provide a dedicated storage facility for various mobility devices, including but not limited to car seats, shopping trolleys, and other items that encourage residents to walk and use car share.

Guidelines

G5.12.1 Bicycle building access. Bicycle building access should avoid intersecting with both passenger drop-off and delivery locations. To provide additional safe options for bicyclists, bicycle building access is permitted from private outdoor common areas or other private areas within the building.

[DDG standard 3.5.1.a — superseded]

G5.12.2 Residential balcony design. The proportion, location, and design of residential balconies should respond to building orientation in order to optimize building performance and avoid monolithic facades, as shown in Figure 5.38.

[DDG guideline 4.4.1.h, guideline 4.4.2.c.a — superseded]

Contextual Considerations

Stoops and porches. Stoops and porches are encouraged to expand where space allows to activate adjacent streets and open spaces, particularly in the Southend.

Balconies. The design of balconies should incorporate elements such as planters and greenery.

Lakehouse Historic District. Residential buildings on blocks E2 and E3 should consider contemporary applications of architectural details reflective of the Victorian-era homes of the Lakehouse Historic District.

Environmental comfort. The design and orientation of residential buildings should prioritize occupant comfort, including but not limited to access to daylight, winter solar gain, and minimization of heat impacts in summer.

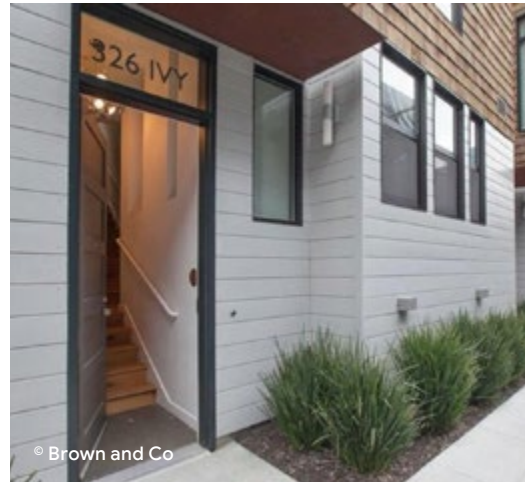


FIGURE 5.36: Examples of residential at-grade unit access



FIGURE 5.38: Examples of residential balcony design

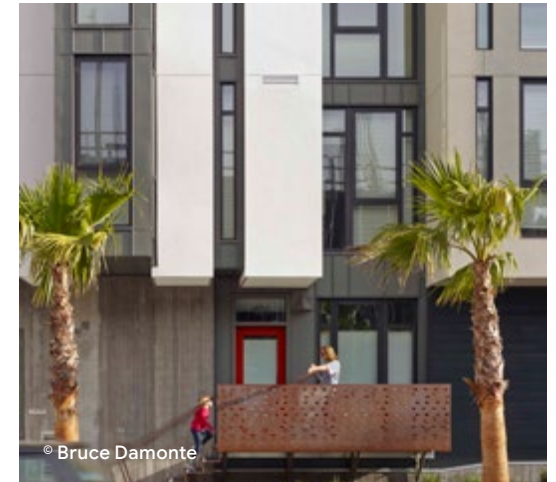


FIGURE 5.37: Example of residential elevated ground floor units



5.13 Sustainability Strategies

Buildings in Downtown West consider energy efficiency and environmental comfort through various design strategies. In addition, new development considers technologies that optimize building construction and performance. For more information on the Downtown West approach to environmental sustainability and resilience, see the *Chapter 8: Sustainability*.

Relevant DDG standards and guidelines that apply to Downtown West sustainability strategies include DDG Sections 4.3.5, 4.4.2.b, and 4.4.7.b unless superseded by the DWDSG.

Standards

S5.13.1 Office use renewable energy. All new office buildings shall cover a minimum of 25 percent of the total usable roof area with photovoltaic panels or green roofs. Usable roof area shall be considered horizontal roof area not occupied by mechanical, electrical, or plumbing equipment, and not needed for maintenance and emergency access. Vertical BIPV (building integrated photovoltaics) panels would apply to achieving this requirement.

[DDG standard 4.4.7.b.a — superseded]

S5.13.2 Residential use renewable energy. Residential use shall cover a minimum of 20 percent of the area of a roof that is less than 150 feet above grade and is larger than 2,500 square feet in area with photovoltaic panels, green roofs, or a combination of these.

Active use, hotel, and limited-term corporate accommodation standalone structures are exempt from this standard.

[DDG standard 4.4.7.b.a — superseded]

S5.13.3 High reflectivity roof materials. Buildings shall include roof materials with high albedo (reflectivity) minimum of 0.65 to ensure the least possible heat retention.

S5.13.4 Water reuse. Dual-plumbed buildings shall be designed to utilize recycled water to meet non-potable water demands such as toilet-flushing, irrigation, and cooling.

Guidelines

G5.13.1 Concave facades. Buildings should minimize or avoid reflective materials on concave facades so as to avoid solar reflection concentrated on the public realm or rail corridor.

G5.13.2 Glare reduction. Buildings along the rail corridor should include a minimum of one glare reduction strategy along facades that may redirect light toward train operators. Glare reduction strategies include but are not limited to:

- Reduction of highly reflective surfaces
- Architecture articulation to break up spans of reflections
- Use of diffusing rather than reflective materials
- Minimizing skyline level facade orientation from 200 to 240 degrees from true north

G5.13.3 Ground level wind comfort. Facades greater than 350 feet in length oriented within 30 degrees of the prevailing wind direction (319 degrees clockwise from true north) should incorporate one of the following strategies to increase pedestrian comfort at ground level by reducing the speed of prevailing winds:

- Increasing distance between two building facades
- Stepback of massing to reduce downdraft wind acceleration
- Minimizing continuous facades directly facing the prevailing wind direction
- Staggering of building facades
- Incorporating horizontal projections or canopies

[DDG guideline 4.3.5.b-c — superseded]

G5.13.4 Reducing the urban heat island effect. To reduce urban heat island effect, high-albedo materials and finishes are encouraged, particularly on outdoor hardscape spaces and roofs. Additional ways to reduce the urban heat island effect include but are not limited to providing vegetative and/or built canopies in outdoor areas.

G5.13.5 Food waste. If an automated waste collection system (AWCS) is included in the Project, appropriate handling of food waste should be incorporated into each building's interior infrastructure to efficiently deliver food waste to the centralized system.

Contextual Considerations

Building stormwater management. Buildings should treat runoff through various strategies — green roofs, at-grade planters, and rainwater harvesting.

Indoor/outdoor design. Due to San José's optimal microclimate, building design should allow for indoor/outdoor design, including operable openings and occupiable terraces. To maintain these functions throughout the year, buildings should consider creative solutions for maximizing shade in summer months and solar exposure in winter months, as well as for wind comfort and temperature control.

Biophilic design. The incorporation of natural materials and vegetation into building design is encouraged to support the physical and psychological wellbeing of building occupants while expanding the natural environment throughout the Project.

5.14 District Systems, Infrastructure, Logistics, and Parking

District Systems and Infrastructure

District systems reduce the Project's on-site greenhouse gas emissions (GHG) and resource use. District systems consolidate and centralize the Project's infrastructure, including heating and cooling, electricity generation and distribution, and on-site wastewater treatment and recycled water distribution. District systems build on the synergy of these integrated systems, improving the overall efficiency of the various building types and resource systems.

The Project may have traditional building systems that serve individual buildings and assets due to phasing or other constraints. To enable the phased build-out, temporary facilities may also be required for a transitional period.

Up to two central utility plants will be included in the infrastructure zones within the Project as shown in Figure 3.3. The system may be self-contained in standalone buildings or incorporated within the new development. The central utility plants allow for consolidating services, centrally addressing resource demands, reducing the burden on existing municipal systems, and increasing the Project's resiliency.

While not required as an active frontage, central utility plant facilities create the opportunity to showcase the systems as educational tools for the community. Examples in Figure 5.39 demonstrate that infrastructure systems can be a positive addition, complement adjacent uses, and enhance the overall street experience through inviting and engaging transparent design.

Relevant DDG standards and guidelines that apply to Downtown West district systems and infrastructure include DDG Section 5.3.1.c unless superseded by the DWDSG.

Standards

- S5.14.1 Standalone central utility plant ground floor.** A standalone central utility plant ground floor frontage facing streets or open space shall have a minimum of 20 percent glazing or exterior educational signage between three and 12 feet above grade. Glazing shall have a minimum of 50 percent VLT factor.
- S5.14.2 Standalone central utility plant facade treatment.** All standalone central utility plant facades facing streets or open space shall implement a minimum of one of the following applications for a combined facade area of no less than 50 percent:
- Preferred material application (per Section 5.7)
 - Glazing with a minimum of 50 percent VLT factor

Guidelines

- G5.14.1 Standalone central utility plant.** A standalone central utility plant should consider creating an architectural statement through materials and/or form.



THE OHIO STATE UNIVERSITY CHILLED WATER PLANT



UNIVERSITY OF CHICAGO CHILLER PLANT



UNIVERSITY OF PENNSYLVANIA CHILLER PLANT



UNIVERSITY OF NORTHAMPTON'S ENERGY CENTRE

FIGURE 5.39: Examples of district systems and infrastructure massing and architectural design

Logistics, Loading, and Parking

Both Project-wide and individual loading facilities allow seamless internal building function. Loading facilities require careful integration and design of the massing to avoid pedestrian safety conflicts and blank facades. Parking facilities, either located above or below grade, require vehicular access from adjacent streets. Standards for loading and parking facilities aim to reduce blank facades along non-active frontage. See Section 6.16 and 6.17 for more information on parking and loading.

Relevant DDG standards and guidelines that apply to Downtown West logistics, loading, and parking include DDG Sections 4.4.6, 5.3.1.c, and 5.5.2.

Standards

- S5.14.3 Exposed above grade ramps.** Exposed above grade ramps shall screen a minimum of 50 percent of the total exposed area with applications of preferred materials (see Section 5.7), vegetation, and/or art.
- Exposed above grade vehicle ramps are not permitted fronting open space or riparian corridors.
- S5.14.4 Parking and loading access.** Parking and loading doors shall be secure and motorized.
- S5.14.5 Automatic waste collection systems (AWCS).** If the Project includes AWCS, it shall comply with San José loading access standards.

Guidelines

- G5.14.2 Garage entries and loading.** Garage entries and loading access should be screened and should be designed as an integrated component of the building's overall design including materials and rhythm, as shown in Figure 5.40.



FACTORY BUILDING ON VITRA CAMPUS, WEIL AM RHEIN



TRUCK MAINTENANCE CENTRE, LA GOUESNIERE

FIGURE 5.40: Examples of garage entries and loading

Location-Specific Building Design

5.15 Historic Resources

The Project's CEQA analysis identified Nation historic resources within the Project area (Project resources) and within a 200-foot radius of the site (adjacent resources).

Terms

- **Historic resource.** Historic resource is used in reference to all Project resources and adjacent resources deemed of historic significance — including the categories of significance further defined on this page.
- **Project resource.** Project resources are select historic resources within the Project that will be rehabilitated.
- **Adjacent resource.** Adjacent resources are historic resources or districts outside of the Project and within a 200-foot radius surrounding it.
- **Architectural height reference.** An architectural height reference is a requirement of new development to create a visible shadow line that reflects the scale of an adjacent, existing low-scale structure. The width and height of the existing structure defines where the architectural feature occur on the new development facade.

The City of San José HRI identifies historic resources recognized at varying levels of significance, including properties listed on or eligible for listing in the National Register, the California Register, and at the local level. The City of San José defines the categories of local designation on the HRI as follows:

- **National and California Register.** The National Register is the Nation's master inventory of known historic resources and includes listings of buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance at the national, state or local level. To be considered eligible for listing resources must meet any or all of the required criteria and properties must also possess integrity. The Project treats eligible and listed resources as identified by CEQA analysis consistently.
- **City Landmark.** An individual historic site or structure locally designated by the City Council of San José as a City Landmark under Municipal Code Section 13.48. The Project treats eligible and listed resources as identified by CEQA analysis consistently.
- **City Landmark District.** A historic district locally designated by the City Council of San José as a City Landmark District under Municipal Code Section 13.48. The Project treats eligible and listed resources as identified by CEQA analysis consistently.
- **Contributing Site/Structure.** A site or structure that contributes to a theme, a geographical area, a property type, or to the historic fabric of the community and in some cases to a certain neighborhood. The Project treats eligible and listed resources as identified by CEQA analysis consistently.
- **Structure of Merit.** An important historic property or feature of lesser significance, and that does not qualify as a City Landmark

or for the California or National Registers, but attempts should be made for preservation to the extent feasible under the 2040 General Plan goals and policies. The Project treats eligible and listed resources as identified by CEQA analysis consistently.

- **Identified Site/Structure.** A potential historic property that could qualify under one or more of the classifications above pending further evaluation and survey work. The Project treats eligible and listed resources as identified by CEQA analysis consistently.
- **Non-Contributing Site/Structure.** A site or structure within a designated or eligible historic area that does not qualify as a Contributing Site/Structure.

Project resources present a range of significance including national, state and local.

The Project rehabilitates selected Project resources to maintain elements of the site's industrial architectural character and to create a contrast in scale with new development.

Standards and guidelines specify massing and architecture strategies for new development that expand on DDG standards — enabling creative architectural solutions and promoting contemporary building design and compatible relationships with open spaces.

The following standards are determined based on whether new development is:

- Across the street from or adjacent to listed or eligible National and California Register structures
- Across the street from or adjacent to listed or eligible Candidate City Landmark structure
- Adjacent to listed or eligible HRI

Applicable new development frontage with massing and architecture relationships to historic resources are denoted in Figure 5.42. Standards in DDG Section 4.2.2: Massing Relationship to Context do not apply to new development in Downtown West. Standards and guidelines in DDG Section 4.2.4: Historic Adjacency apply to the Project unless otherwise noted in the standards below.

In addition to the standards listed in this section, the standards and guidelines in project-wide sections apply to all new development including those facing and adjacent to historic resources. Project-wide standards and guidelines in Sections 5.7, 5.8, 5.9, 5.10, and 5.12 as well as DDG Sections 4.2.1, 4.3.3, 4.4.1, 5.3.2, 5.3.3, and 5.5.1 (unless otherwise noted) require new development to incorporate facade rhythm and streetwall articulation in the pedestrian and podium levels consistent with the scale of the historic resources.

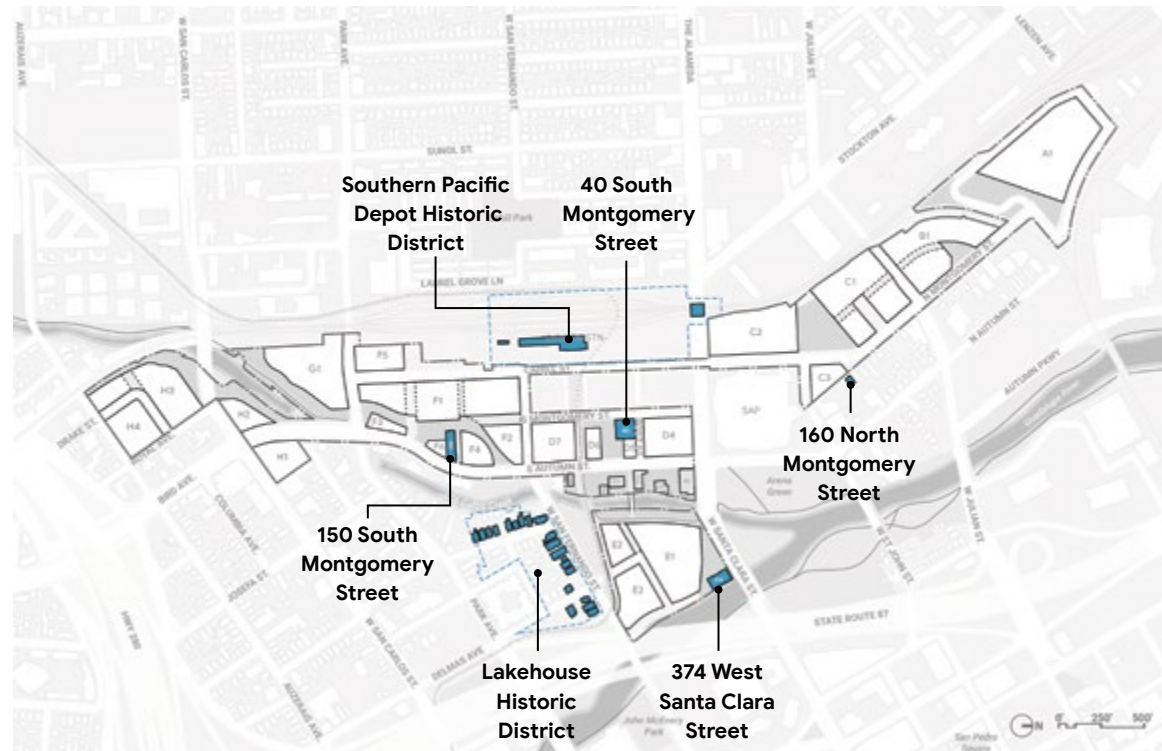


FIGURE 5.41: Project and adjacent historic resources with a massing and architecture relationship to new development

- Project and adjacent historic resources

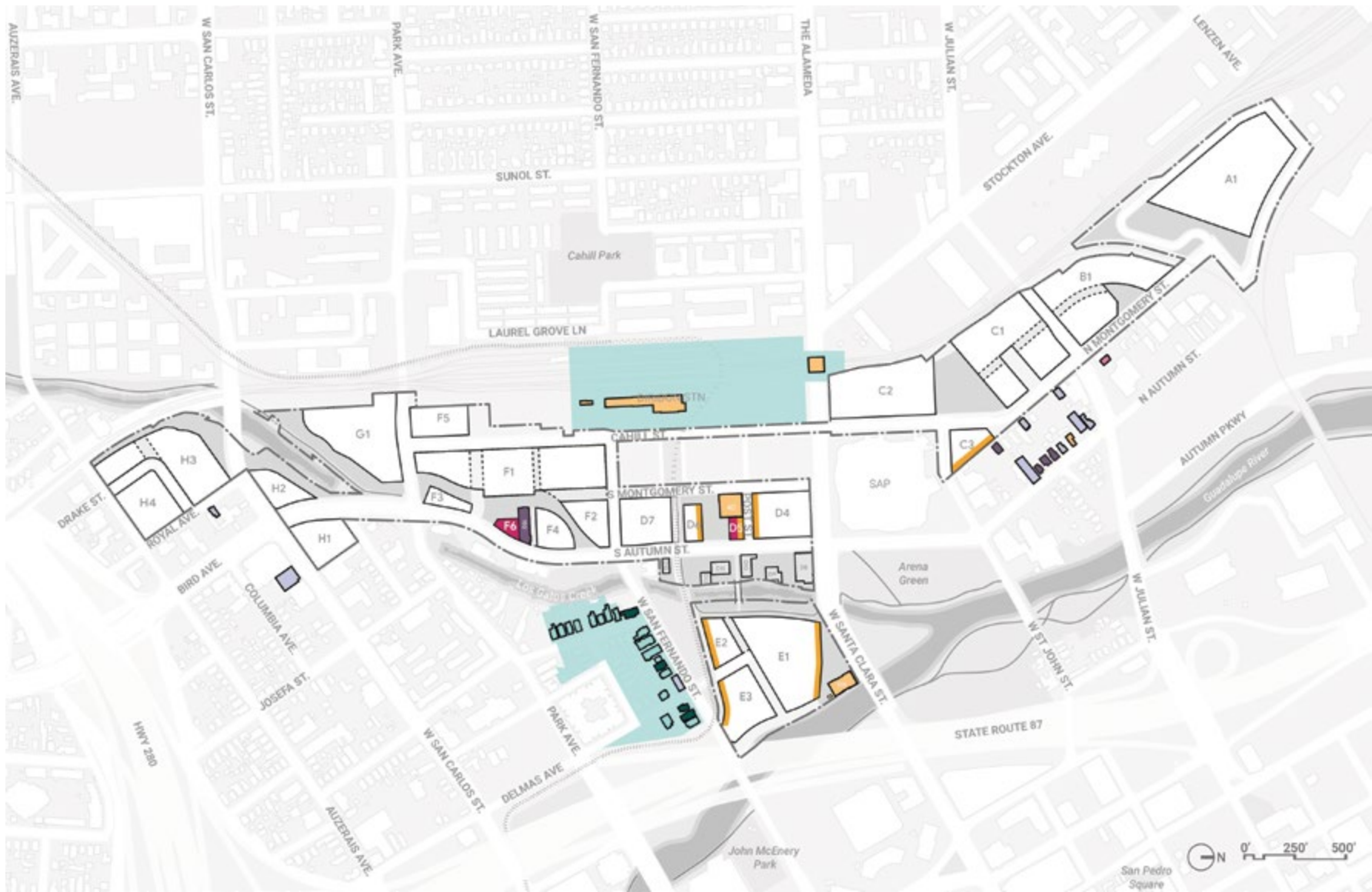


FIGURE 5.42: Retained historic resources identified by the Project’s CEQA analysis

- | | | | |
|--|--|---|---|
| — Architectural height reference on facing or adjacent new development | ● Candidate City Landmark | ● Lakehouse City Landmark Historic District Contributor | ● Identified Structure |
| ● National and California Register | ● Lakehouse Historic District National and California Register | ● Structure of Merit | ● Permitted additions to historic resources |
| | | | ● Historic District |

Standards

S5.15.1 Historic resource architectural height reference. New development across the street from or adjacent to a historic resource, as identified in Figure 5.42, shall establish an architectural height reference at the nearest floor to the historic resource's top of structure or prominent eave. An architectural height reference shall have a horizontal length that is greater than or equal to the width of the historic resource.

The architectural height reference shall have a minimum depth of nine inches. Strategies include but are not limited to stepbacks, tapering, horizontal projection, structural or architectural elements, and dimensional change in material.

The following standards specify locations where an architectural height reference is required.

[DDG Section 2.3, standard 4.2.2.a-c, standard 4.2.4.a-d, guideline 4.2.4.c — superseded]

Guidelines

G5.15.1 Industrial heritage. Displaying or repurposing relics of San José's industrial or agricultural heritage within the Project is encouraged.



GROUND FLOOR RHYTHM



CONTEXTUAL PODIUM



GROUND FLOOR RHYTHM



COMPLEMENTARY TEXTURES

FIGURE 5.43: Examples of architectural height reference

374 West Santa Clara Street

374 West Santa Clara Street is a two-story, stucco-clad building from the 1930s designed in the Moderne and Spanish Colonial Revival styles by Bay Area architecture firm Curtis & Binder. The property is listed as a City Landmark and is considered eligible for listing in the National Register and the California Register. Previously approved project PDC15-051 has an existing Historic Preservation (HP) Permit, with contextual design guidelines.

The Main Building and the Transformer House are contributing structures of the landmark property. The Main Building is approximately 45 feet tall and 125 feet wide. The City has amended the City Landmark boundary to more closely conform to the portion of the site occupied by these resources. This Project amends the existing HP permit to allow for new development on block E1 subject to the DWDSG. S5.15.2 reflects amendments to an existing historic preservation permit approved concurrently with this DWDSG.

Standards

S5.15.2 374 West Santa Clara Street relationship to new development. New development is not permitted within the view corridor along West Santa Clara Street eastbound, maintaining a minimum separation of 40 feet south of 374 West Santa Clara Street. Pavilions, kiosks, and landscape elements are permitted in the adjacent Gateway to San José Plaza as specified in Section 4.18.

The north facade of block E1 shall establish an architectural height reference within 10 feet of the top of roof or prominent eave of the Main Building.

Block E1 built area in the skyline level is not permitted within a five degree plane from the northern property line fronting West Santa Clara Street, see Figure 5.45.



FIGURE 5.44: 374 West Santa Clara Street (Water Company Building)

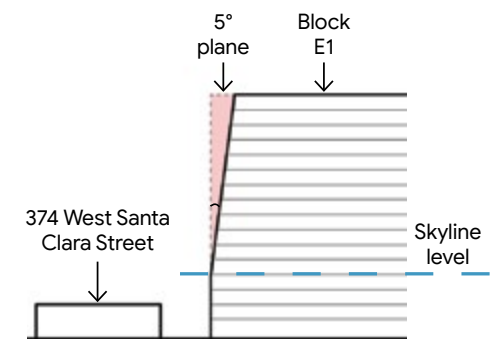


FIGURE 5.45: Example of block E1 five degree plane

● No built area permitted

40 South Montgomery Street

40 South Montgomery Street (Kearney Pattern Works and Foundry) is significant for its role in the industrial history of San José and is considered eligible for listing in the National Register, the California Register, and as a candidate City Landmark. The 40 South Montgomery Street complex is composed of attached buildings constructed in phases between 1922 and circa 1993. The oldest portion of the complex (40 South Montgomery Street) was constructed in 1922 as a pattern shop and remains the last extant industrial building from the early 20th century within the Project area. The original structure displays the simple plan, wood-frame construction, and false front facade that characterize the utilitarian architectural style. The building is approximately 25 feet tall and 120 feet wide.

The Project proposes the relocation and adaptive reuse of the contributing, pre-1950 portions of the complex, which collectively are considered to be a historical resource under CEQA. The Project proposes demolition of the non-contributing sections of the Kearney Pattern Works and Foundry property (constructed post-1950) located at 43–57 South Autumn Street.

Standards

S5.15.3 40 South Montgomery Street relocation. Relocation of the pre-1950 portions of the complex of 40 South Montgomery Street shall be permitted south of West Post Street, within 30 feet south of the structure's current location. The original building orientation and frontage (zero setback) on South Montgomery Street shall be maintained. The north and west facades of the existing structure shall be visible from the public right-of-way. Demolition of non-contributing building additions constructed after 1950 shall be permitted.

S5.15.4 40 South Montgomery Street addition. Building additions on block D5 shall be permitted to the east and/or south of the historic structure. Block D5 shall be limited to a footprint of 25,000 square feet and shall not exceed 40 feet in height. If the height of the building addition exceeds 25 feet (top of parapet height of the historic resource), the facades of block D5 shall include an architectural height reference at the parapet height of the north facade of the historic resource.

S5.15.5 40 South Montgomery Street relationship to new development. New development shall maintain a minimum separation of 48 feet from the north facade. Block D6 shall maintain a minimum separation of 40 feet from 40 South Montgomery Street across the Social Heart (Section 4.15). Permanent and temporary structures within the adjacent open space, as defined in Section 4.25, shall not be permitted within 20 feet of 40 South Montgomery.

The south facade of block D4 and north facade of block D6 shall each establish an architectural height reference within 10 feet of the Project resource's height for a horizontal length greater than or equal to the north and south facades, respectively.

150 South Montgomery Street

150 South Montgomery Street (Hellwig Ironworks) is considered a candidate for City Landmark. The two-story industrial building is rectangular in plan and is constructed of variegated clinker brick. It comprises two distinct building components: a north/south-oriented office building with a side-gabled roof clad in fired clay shingles (facing South Montgomery Street), and an east/west-oriented rear warehouse wing with a gable roof clad in roll-roofing. The north/south-oriented building features steel casement windows with prominent soldier-course headers and relieving arches. Windows in the lower story of the building's primary (western) section have a brick sill and are organized into a continuous ribbon broken by a plaster shield with the anvil and hammer motif of Hellwig Ironworks.

150 South Montgomery Street is an extant example of the industrial buildings constructed during the early 20th century in this section of San José. The incorporation of red clinker brick and other exterior detailing in this 1930s industrial building is distinctive within this part of the City.

Given its central location at the heart of the Project and backdrop to over 1.5 acres of open space (see Section 4.14: The Meander), 150 South Montgomery Street is envisioned as the site of an iconic arts and cultural use with a distinctive, contemporary addition that expands the size of the civic hub while incorporating and celebrating its historic, early 20th century industrial character. The building embodies an

important era in the history of the project site and builds a bridge between the history and the future of Downtown West.

Standards

S5.15.6 150 South Montgomery Street modifications. Modifications to 150 South Montgomery Street shall not be required to comply with the Secretary of the Interior's standards. New openings shall be permitted on all facades of the existing structure. Additionally, alterations to the cross-gable roof configuration of the building shall be permitted for sculptural elements or vertical additions.

S5.15.7 150 South Montgomery Street building addition. A vertical building addition and/or horizontal building addition from the south facade of 150 South Montgomery Street shall be permitted. In total, additions shall be limited in size to no more than the existing building's square footage. Vertical additions shall not exceed one additional level. Horizontal additions on block F6 shall not exceed one level and shall setback 30 feet from the west facade of 150 South Montgomery to maintain visibility of the original two-story structure.

S5.15.8 150 South Montgomery Street relationship to new development. New development shall maintain a minimum separation of 60 feet from the west facades of 150 South Montgomery across the Meander. New development on block F4 shall maintain a minimum separation of 20 feet from the north facade of 150 South Montgomery across a mid-block passage. Permanent and temporary structures within the adjacent open space, as defined in Section 4.25, shall not be permitted within 20 feet of the west facade of 150 South Montgomery Street.

Stephen's Meat Products Sign

The Stephen's Meat Products sign, previously restored, is currently located near the corner of West San Fernando Street and South Montgomery Street. The Stephen's Meat Products sign will be relocated within the Project. The sign has been identified by the City as a contributor to a pending city-wide Commercial Signage Discontiguous Historic District. See S7.74 and S7.9.1 for additional requirements.



FIGURE 5.46: 40 South Montgomery Street
(Kearney Pattern Works and Foundry)

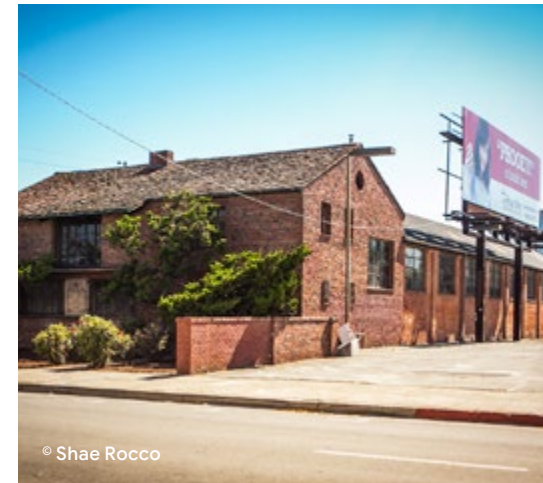


FIGURE 5.47: 150 South Montgomery Street
(Hellwig Ironworks)



FIGURE 5.48: Stephen's Meat Products sign

Lakehouse District Resources

The Lakehouse Historic District — a City of San José Landmark District — is located across the street from the VTA tracks, platform, and plaza along the southern Project boundary, south of West San Fernando Street. The Lakehouse Historic District is composed of Victorian-era single-family homes built circa 1885–1925. The buildings range from approximately 25 to 35 feet tall and 20 to 60 feet wide.

The Historic District includes a mix of individually eligible National and California Register, Lakehouse City Landmark Historic District Contributor, and non-historic structures.

Listed or eligible National and California Register structures within 200 feet of the Project:

- National and California Register
 - 396 West San Fernando Street
 - 398 West San Fernando Street
 - 416 West San Fernando Street
 - 454 West San Fernando Street
- Lakehouse City Landmark Historic District Contributor
 - 394 West San Fernando Street
 - 436 West San Fernando Street
 - 426 West San Fernando Street
 - 420 West San Fernando Street
- 410 West San Fernando Street
- 124 Delmas Avenue
- 117 Gifford Avenue
- 125 Gifford Avenue
- 131 Gifford Avenue
- 137 Gifford Avenue
- 149 Gifford Avenue
- 155 Gifford Avenue
- 163 Gifford Avenue
- 169 Gifford Avenue
- 119 Delmas Avenue
- 446 West San Fernando Avenue



FIGURE 5.49: Lakehouse District structures

Standards

S5.15.9 Lakehouse City Landmark Historic District relationship to new development. New development within the Project shall maintain a minimum separation of 100 feet from historic structures in the Lakehouse Historic District. South facades of block E2 and E3, across the street from the Lakehouse Historic District, shall establish an architectural height reference within 10 feet of the average height of adjacent resource(s) for a horizontal length greater than or equal to the adjacent resource(s). The architectural height reference is not required to be continuous, and the horizontal distance between references for a building shall not exceed 40 feet.

S5.15.10 Lakehouse District setback. New development on blocks E2 and E3 shall stepback all levels above 60 feet from grade an average of 20 feet from the property line for 50 percent of the linear frontage along the Lakehouse District. The average setback area is measured up to a 40-foot depth of the property line. The required location of setbacks facing the Lakehouse District and examples are illustrated in Figure 5.50 and Figure 5.51, respectively.

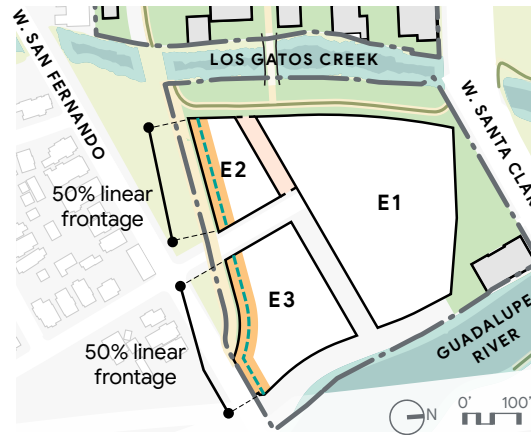


FIGURE 5.50: Lakehouse District setback

- 40-foot limit of measurement
- 20-foot offset from the property line

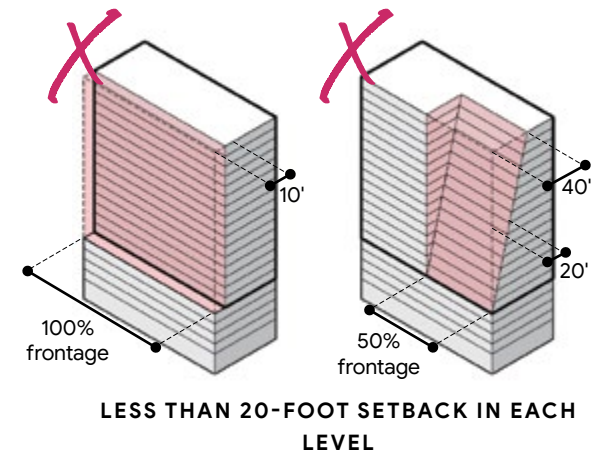
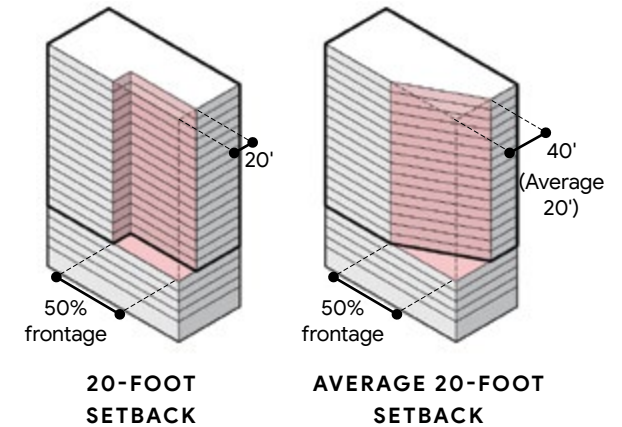



FIGURE 5.51: Examples of skyline level residential setback

NOTE:  Denotes a non-compliant condition

- Built area above setback height
- Built area reduction

S5.15.11 Lakehouse District height cap zone. New development on blocks E2 and E3 shall not exceed 150 feet in height (as measured to top of roof) within 200 feet across the street from any property within the Lakehouse Historic District as identified in Figure 5.52. Maximum height of blocks E2 and E3 are denoted in Section 5.6



FIGURE 5.52: Lakehouse District height cap

- Site area within 200 feet of properties within the Lakehouse Historic District
- Lakehouse Historic District

Southern Pacific Depot Historic District

The Southern Pacific Depot Historic District, immediately west of the Project site, is a grouping of mid-1930s-era railroad buildings and structures along Cahill Street and is National Register listed. The centerpiece of the district is Diridon Station. Southern Pacific's Cahill Station was designed by John H. Christie, who was the company's chief architect from 1924 to 1947. The station, constructed in the Italian Renaissance Revival Style, was completed in 1935 and renamed Diridon Station after rehabilitation efforts in 1994. Additional contributing resources include the Santa Clara underpass and car cleaners shack, located at the northern and southern end of the district respectively.

The Project does not include new development across Cahill Street from the Southern Pacific Depot — between West San Fernando Street and West Santa Clara Street. A view corridor along a pedestrian and bicycle shared-use path (see Section 4.10) and the VTA light rail corridor maintains a visual connection between the historic Southern Pacific Depot and Downtown.

The Project does include new development adjacent to or across the Santa Clara underpass and across the street from the car cleaners shack. However, because of their low heights, an architectural reference in new development to either structure is addressed through pedestrian level requirements of the ground floor as identified in Section 5.8, along with applicable standards and guidelines in DDG sections 4.2.4, 5.3.1.a, 5.3.1.b, and 5.3.2, which define a scale and rhythm in keeping with both resources.

Standards

S5.15.12 Southern Pacific Depot (Diridon Station) Historic District sightline.
New development shall not be permitted within 20 feet of the northern edge of the existing VTA tunnel along the Downtown to Diridon shared-use path (see S4.15.1, S4.16.1, and S4.17.1). Additionally, the Project shall maintain a minimum building separation of 60 feet between blocks D6 and D7 to preserve a sightline between the historic resource and Downtown. Landscape elements shall be permitted.

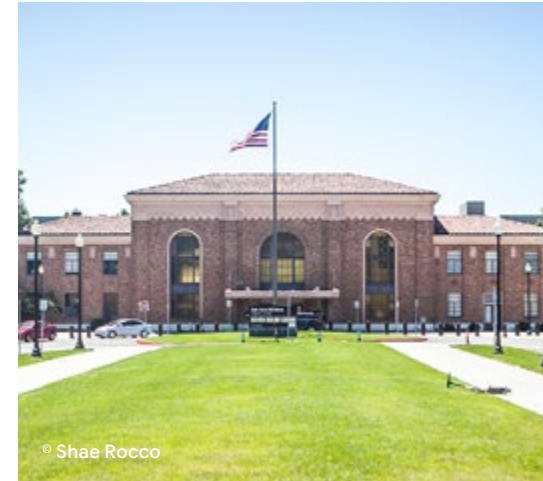


FIGURE 5.53: Southern Pacific Depot Historic District

160 North Montgomery Street

Standards

S5.15.13 160 North Montgomery Street height reference. The east facade of block C3 shall establish an architectural height reference within 10 feet of the historic resource's height for a horizontal length greater than or equal to the east facade width.

Block C3 shall be exempt from the above requirements should 160 North Montgomery Street be relocated.

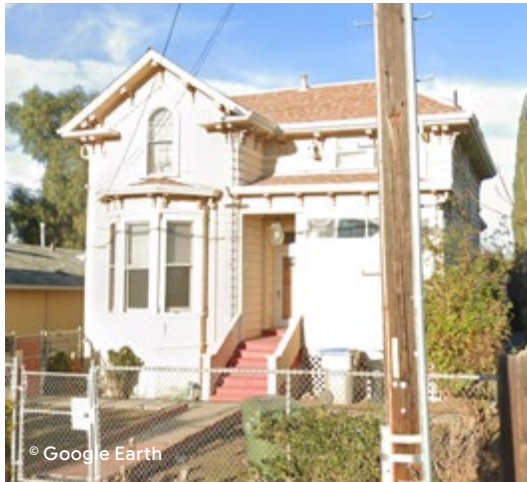


FIGURE 5.54: 160 North Montgomery

Additional Adjacent Resources

Additional resources were noted as part of the Project's CEQA analysis within a 200-foot radius of the Project. Historic resources along North Montgomery Street, Delmas Avenue, San Carlos Street, and Royal Avenue are Structures of Merit or Identified Structures that are across the street from but not adjacent to the Project. Historic resources along North Autumn Street and West Julian Street are neither across the street from or adjacent to the Project. The historic resources listed below contribute to the character of Downtown San José but do not require a massing or architecture relationships with the Project based on where they are located relative to new development.

As previously stated, standards and guidelines in *DDG Section 4.2.4: Historic Adjacency* (unless previously noted) apply to all historic resources — both Project and adjacent resources — including those listed on the previous pages and in the following list:

- National and California Register
 - 237 North Autumn Street – Eligible
- Candidate City Landmark
 - 195 North Autumn Street – Eligible
 - 199 North Autumn Street – Eligible
 - 203 North Autumn Street – Eligible
- Structure of Merit
 - 255 North Autumn Street – Listed
- 338 Royal Avenue Residence – Eligible
- 151 North Autumn Street – Eligible
- 263 North Autumn Street – Eligible
- 211 North Autumn Street – Eligible
- 210 North Montgomery Street – Eligible
- 270 North Montgomery Street – Eligible
- Identified Structure
 - 101 Delmas Avenue – Listed
 - 541 West Julian Street – Listed
 - 562–564 West San Carlos Street – Eligible

5.16 Low-rise Context

The standards in this section relate to new development adjacent to or across the street from single-family residential buildings as shown in Figure 5.55, superseding standards in DDG Section 4.2.2. Additionally, height limits described for block H1 in Section 5.6 and the massing reductions in response to the Lakehouse Historic District adjacency in Section 5.15 contribute to reducing the scale of new development adjacent to low-rise existing buildings.



FIGURE 5.55: Single-family residential height reference locations

- Existing single-family residential
- Height reference for existing single-family residential

Standards

S5.16.1 Architectural height reference for single-family residential. New development adjacent to or across the street from single-family residential shall establish an architectural height reference within the podium level of the building. Height references shall have a minimum depth of nine inches. Strategies include but are not limited to distinct fenestration lines, massing stepback, volumetric shift, or material change with a dimensional aspect.

New development shall be exempt from the above requirement should redevelopment of the adjacent or facing single-family residential be redeveloped with new development that exceeds 40 feet in height.

[DDG standard 4.2.2.a-c — superseded]

S5.16.2 Block H1 skyline level stepback. Block H1 shall not exceed 90 feet in height as measured to top of roof within 50 feet of the property line on the north and east edges of the block. The remainder of the block is capped in height by S5.6.3

S5.16.3 Blocks H3 and H4 skyline level stepbacks. Blocks H3 and H4 shall cumulatively stepback all levels above 90 feet from grade an average of 20 feet from the property line for 50 percent of the linear block frontage

along both Royal Avenue and Auzerais Avenue. The average setback area is measured up to a 40-foot depth of the property line. The required location of stepbacks as well as examples are illustrated in Figure 5.56 and Figure 5.51, respectively.

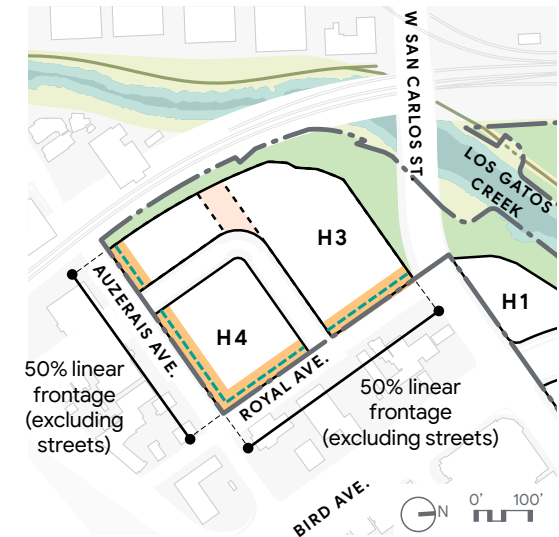


FIGURE 5.56: Blocks H3 and H4 built area setback fronting low-rise context

- 40-foot limit of measurement
- 20-foot offset from the property line

5.17 Los Gatos Creek and Open Space

To address the various building scales, programming, and habitat within the Project, standards and guidelines in this section address: massing and modulation along Los Gatos Creek; architectural elements to break down the scale at the ground floor; and shaping new development for sunlight access and environmental factors.

Relevant DDG standards and guidelines that apply to Los Gatos Creek and open space facades include DDG Section 3.4.1 unless superseded by the DWDSG.



FIGURE 5.57: Open space and Los Gatos Creek frontage locations

- Los Gatos Creek frontages
- Open space frontages (excluding mid-block passages)

NOTE: See Sections 5.5 and 5.6 for standards and guidelines applicable to Creekside Walk at Autumn Street (Blocks D8-D13).

Los Gatos Creek Frontage

The Project's open space design enhances ecological resources by providing physical and visual access to Los Gatos Creek while buffering the sensitive habitat from more active programming. The design intent along Los Gatos Creek is to create an ecological benefit while creating a biophilic pedestrian experience. Therefore, additional architectural requirements apply to facades facing Los Gatos Creek, see Figure 5.57, in addition to the project-wide standards.

Required massing strategies are specific to use along Los Gatos Creek and reference other standards within this chapter and *Chapter 4: Open Space*.

Standards

S5.17.1 Block H2 built area along Los Gatos Creek. Built area above 90 feet on block H2 shall not exceed one-third of the site area within the 100-foot setback from the riparian corridor edge, defined by the Top of Bank (TOB) or edge of existing riparian canopy, whichever is a greater distance from the creek extended at a consistent depth within the property line as shown in Figure 5.58 and Figure 5.59. Site area shall be measured in plan and is permitted to be consolidated or distributed such that the total complies.

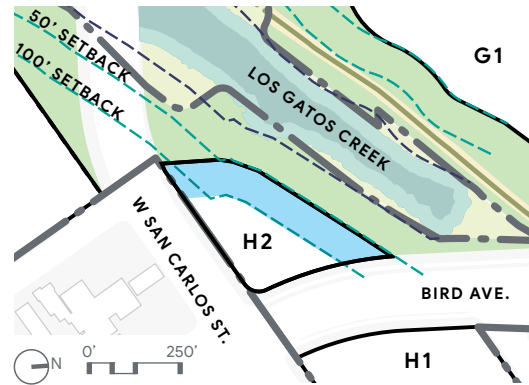


FIGURE 5.58: Setbacks from the Los Gatos Creek Riparian Corridor Edge at a consistent depth within the property line

- Los Gatos Creek Riparian Corridor Edge
- Setback from the Los Gatos Creek Riparian Corridor Edge
- Site area within 100-foot setback from the Los Gatos Creek Riparian Corridor Edge

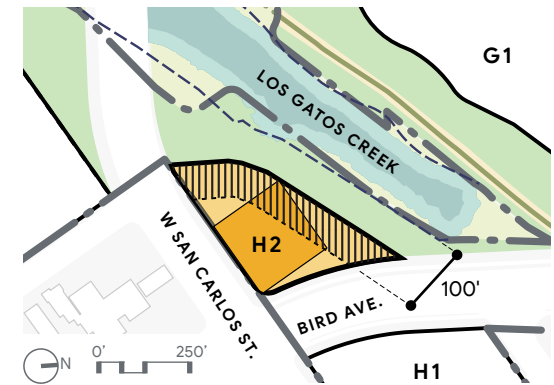
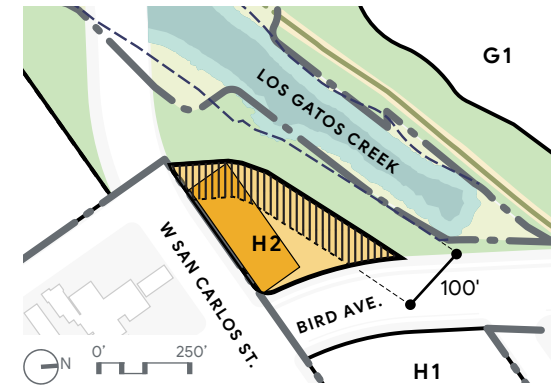


FIGURE 5.59: Examples of block H2 built area along the creek

- Site area within 100-foot setback from the Los Gatos Creek Riparian Corridor Edge
- Built area above 90 feet in height
- Built area above 90 feet in height within 100-foot setback from the Los Gatos Creek Riparian Corridor Edge
- Built area below 90 feet in height
- Property line

S5.17.2 Los Gatos Creek East average building setback. New development on blocks E1 and E2 shall cumulatively maintain an average building setback of 100 feet from the Los Gatos Creek Riparian Corridor, see Figure 5.60.

S5.17.3 Creekside built area reduction. New development on blocks E1 and G1 shall apply half of the 15 percent skyline level built area reduction (7.5 percent) that is required per S5.11.2 to the frontage within the 150-foot setback from the Los Gatos Creek Riparian Corridor Edge, defined by the Top of Bank (TOB) or edge of existing riparian canopy, whichever is a greater distance from the creek extended at a consistent depth within the property line as shown in Figure 5.60 and Figure 5.61.

The built area reduction is calculated as the sum of unenclosed or unbuilt area of each skyline level, within the 150-foot setback from the Los Gatos Creek Riparian Corridor Edge, divided by the total available area. The total available area is measured as the block square footage multiplied by the number of total built levels in the skyline level excluding roof structures.

For information on the overall built area reduction requirement for buildings with long facades, see S511.2.

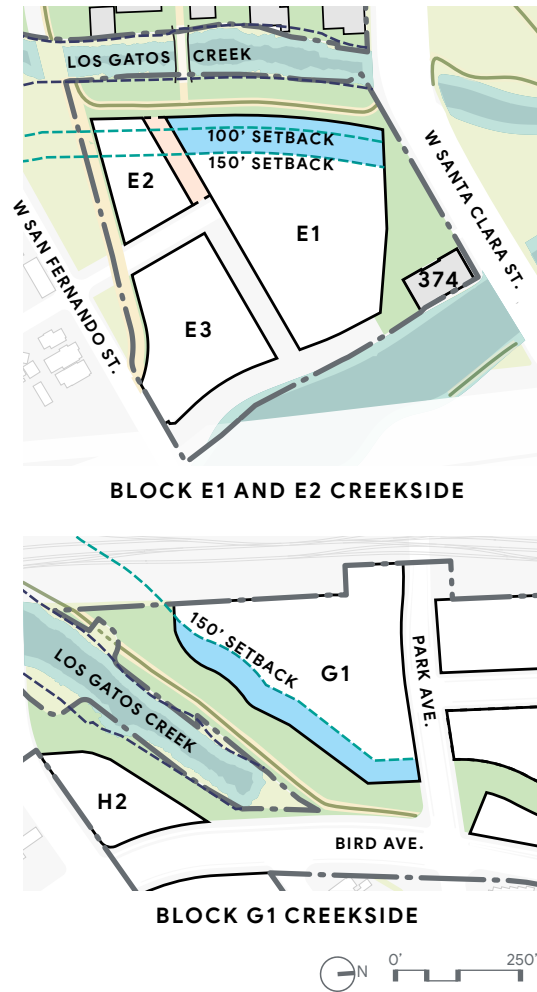


FIGURE 5.60: Setbacks from the Los Gatos Creek Riparian Corridor Edge along blocks E1, E2, and G1

- Los Gatos Creek Riparian Corridor Edge
- Setback from the Los Gatos Creek Riparian Corridor Edge
- Site area within 150-foot setback from the Los Gatos Creek Riparian Corridor Edge

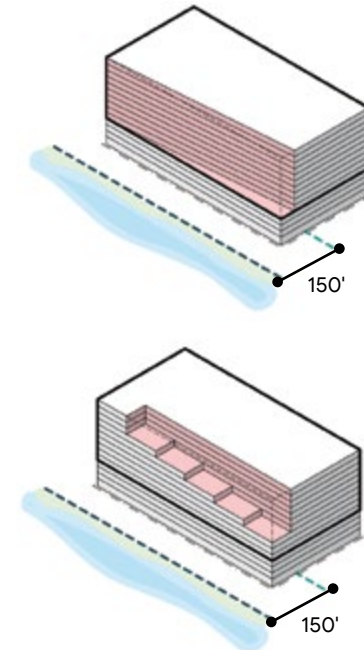


FIGURE 5.61: Examples of block E1 and G1 creekside built area reduction

- Los Gatos Creek Riparian Corridor Edge
- Setback from the Los Gatos Creek Riparian Corridor Edge
- Skyline level built area
- Skyline level built area reduction

Guidelines

G5.17.1 Modulation along blocks E2 and H2. Los Gatos Creek frontage on blocks E2 and H2 are encouraged to modulate the facade or apply vegetation strategies to increase the effective size of habitat areas and create biophilic experiences along the creek. Modulation strategies include but are not limited to balconies, bays, and massing recesses that vary facade depth. Vegetation strategies include but are not limited to planting of softscape and trees at the base of the building, outdoor terraces with softscape and trees, green walls, and vertical trellises.

G5.17.2 Vegetation along blocks E1 and G1. Los Gatos Creek frontage on blocks E1 and G1 are encouraged to incorporate vegetation into the massing and architectural design. Vegetation strategies include but are not limited to planting of softscape and trees at the base of the building, outdoor terraces with softscape and trees, green walls, and vertical trellises.

G5.17.3 Vegetation application continuity. Vertical and horizontal vegetation applications are encouraged to be as connected and continuous as possible. Strategies are encouraged to connect or minimize the distance from the ground plane vegetation and Los Gatos Creek Riparian Corridor Edge to increase the effective size of habitat areas.

G5.17.4 Supporting trees and shrubs. Irrigation and growing substrate for vegetated terraces/greenroofs are encouraged to support trees and shrubs instead of grasses and sedums.

Contextual Considerations

Connection to riparian landscapes. Buildings should consider using materials and treatments that reinforce connection to riparian landscapes, particularly in the Core and Southend. Strategies could include but are not limited to the use of natural materials such as wood and incorporating vegetation within facade systems.

Open Space Frontage

Downtown West open spaces will have a variety of sub-spaces that integrate multiple wind and solar optimization strategies to maximize comfort for different user groups and programming uses throughout the majority of the year. New development reinforces massing and architecture strategies that enhance the comfort and experience of open spaces and consider connection to materials and textures found within the open spaces. See Sections 4.9 – 4.19 for specific design and programming of open spaces within the Project.

Standards

S5.17.4 Pedestrian level horizontal elements. Facades facing open spaces shall incorporate horizontal architectural elements within the pedestrian level. Horizontal elements include:

- Horizontal projections, including bay windows and balconies
- Horizontal recesses
- Canopies
- Shading devices
- Awnings
- Expressed structural elements

Cumulative horizontal elements shall span a minimum of 20 percent of the facade's linear frontage. Requirements can be achieved through single or multiple horizontal elements.

Facades along mid-block passages and existing buildings are exempt from this standard.

Guidelines

G5.17.5 Buildings south of an open space.

All buildings south of an open space are encouraged to include built area reduction strategies as shown in Figure 5.62 and Figure 5.63. Building edges should be assessed based on adjacencies. Building shaping should be focused on the edges that have the most impact on the solar availability for open spaces.

For example, blocks with limited overshadowing from the west should consider reducing massing volume at north and northwest elevations.

Contextual Considerations

Ground floor facade materials. Ground floor facades facing open space should have highly tactile materials found within the open space designs.

Entries on open space. Pedestrian level design should enable indoor/outdoor functions, especially those fronting Los Gatos Creek and open spaces. Large openings and exposed architectural structures reflecting industrial uses in the surrounding area are encouraged.

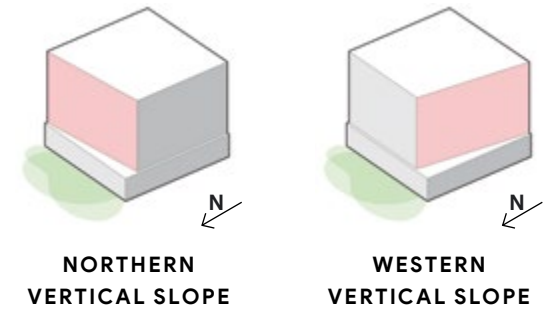


FIGURE 5.62: Examples of north-west massing strategies south of open space

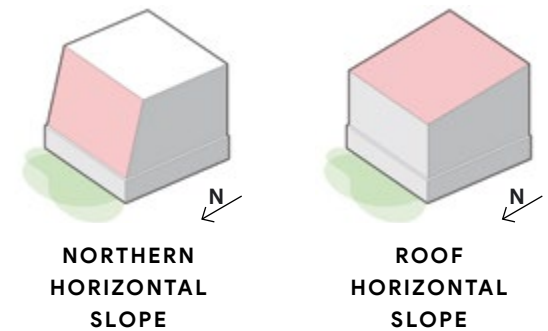


FIGURE 5.63: Examples of north upper-edge massing strategies south of open space

Multi-functional streets that prioritize people.

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6.c

