

Comments submitted by John Urban on 11-15-10

Envision 2040 Task Force  
200 East Santa Clara St  
San Jose, Ca 95113  
Attn: Planning Dept – Third Floor

Dear Members of the Envision 2040 Task Force:

Those who worked on the Envision 2040 Task Force should be complimented on their hard work over the past 36 months in trying to develop a comprehensive vision for a vibrant, livable future for San Jose. Their efforts have taken us a long way toward the ability to achieve that vision. Many of the goals of the plan are laudable, but all will require careful implementation practices to ensure they actually come to fruition. We offer the following comments in an effort to help the City realize its goal of protecting its existing Residential Neighborhoods, in the context of the growth envisioned for San Jose's future. The City's existing Residential Neighborhoods, especially those consisting of single-family homes built prior to 1950, are truly a special component of San Jose's attractiveness and livability. Today, they represent only a small fraction of the City's housing and are (obviously) irreplaceable. As we move forward and grow, these Neighborhoods have the potential to continue contributing to the City's overall desirability and health, but only if they, and the quality of life of their residents, are adequately protected. This reality was recognized by the City's Distinctive Neighborhood Initiative, a valiant effort that unfortunately had to succumb to the nasty budget realities our City now faces.

The following comments on the Draft Envision 2040 Plan are intended to ensure that the critical City goals of protecting and strengthening neighborhoods are realized. As currently written, the draft unfortunately contains numerous provisions which are either in direct contradiction to that goal or which will only serve to undermine it. To meet the goal, all such provisions need to be modified to ensure that the existing Residential Neighborhoods, and the quality of life for the residents thereof, does not suffer due to future development, regardless of type. Implementing the following standards will establish the framework necessary to ensure that development plans can be conceived and implemented in a way that will achieve that goal:

- Neighborhood input must be sought prior to developing any plans (Village Plans, PD Plans, Corridor Plans, etc.) that will govern any development near Residential Neighborhoods.

- The City must take a leadership role in protecting Residential Neighborhoods. This includes enforcing agreements reached during meetings between neighbor representatives, developers and/or the City. In addition, General Plan policies, standards and guidelines must be consistent with the goal of protecting the quality of life in Residential Neighborhoods. Also the City must adhere to the guidelines etc established in the General Plan and ensure they are carried through to all subsequent plans (i.e., General Plan, Village Plans, and Corridor Plans).

-Transition Areas must be established as a buffer between existing Residential Neighborhoods and any development, prior to any developer activity or City approval of any activity.

-In Transition Areas, the height, setback, mass, scale, and siting of new construction are the most critical factors to be considered

-A Residential Neighborhood may choose different, less restrictive standards than those submitted below, but shall not be forced to do so by the City or by any developer.

Below are changes to the Envision 2040 General Plan:

#### COMMUNITY DESIGN:

CD 1.13 “Use the Village Plan process to establish standards for Village architecture, height, and massing”

#### **should be:**

CD 1.13 “Use the Village Plan process to establish standards for Village architecture, height, **setbacks, building scale, siting** and massing as it relates to nearby affected development.”

CD 3.9 Minimize driveway entrances to enhance pedestrian safety and decrease the area of paved surfaces. Encourage shared vehicular access points that serve multiple uses and/or parcels, including shared access for commercial and residential uses. Avoid driveways that break up continuous commercial building frontages. Position vehicular access to minimize negative impacts to aesthetics and to pedestrian and bicycle safety.

#### **should be:**

CD 3.9 Minimize driveway entrances to enhance pedestrian safety and decrease the area of paved surfaces. Encourage shared vehicular access points that serve multiple uses and/or parcels, including shared access for commercial and residential uses. Avoid driveways that break up continuous commercial building frontages. Position vehicular access to minimize negative impacts to aesthetics and to pedestrian and bicycle safety. **Discourage use of local neighborhood streets as access points to parking lots/garage.**

CD 4.4 “In non-growth areas, new development and subdivisions should reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.”

#### **should be:**

C.D. 4.4 “In non-growth areas, new development (**including infill**) and subdivisions ~~should~~ **shall** reflect the **predominant character** of existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, **massing**, siting/setbacks, and building orientation. **The height of new**

**development shall be equal to or less than the height of the nearby, affected Residential Neighborhood homes; the setbacks of the new development shall be equal to or greater than the setbacks of the nearby, affected Residential Neighborhood. The equivalent FAR of new development shall be less than or equal to the nearby, affected Residential Neighborhood.**

CD 4.5 “For new development in transition areas between identified growth areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher intensity areas and that reduces potential shade, shadow, massing, viewshed, or other concerns”.

**should be:**

**For growth areas adjacent to non-growth areas, a Transition Area shall be established. Where new development is proposed adjacent to non growth areas, a part of the growth area land must be used to buffer lower intensity development from the higher density development. This Transition Area shall use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to buffer lower-intensity areas from higher intensity areas. The purpose of the Transition Area is to avoid impacting the quality of life of those in the nearby Residential Neighborhood, by avoiding reduction in views, privacy or sunlight or increasing noise pollution or artificial light trespass or other concerns. In addition, to preserve the character of the existing Residential Neighborhood and San Jose’s urban forest, any existing trees on Transition Areas large enough to provide any visual buffer between the new development and the existing Residential Neighborhood shall be retained, unless their removal is approved in writing by the affected residents of the Residential Neighborhood.”**

CD 4.9 “Consider the character of existing and planned context (including but not limited to scale, materials, and relationship to the street) and the neighborhood fabric in the surrounding area when designing new or revitalizing existing structures.”

**should be:**

CD 4.9 “Consider the character of existing and planned context (including but not limited to scale, materials, and relationship to *adjacent* **affected existing properties as well** as the street) and the **existing** neighborhood fabric in the surrounding area when designing new or revitalizing existing structures.”

CD 5.6 “Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City’s outdoor lighting policies in development review processes”.

**Should be:**

“Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. **Minimize artificial light trespass to existing affected residential properties.** Consider the City’s outdoor lighting policies in development review processes.

CD 7.2 “Designated Villages and Corridors should not be intensified with residential development until a Village Plan has been completed. Residential development that is purely ancillary to a primary employment use, such as penthouse residences in an office building, may be considered in advance of a Village Plan.”

**should be:**

CD 7.2 “Designated Villages and Corridors **shall** not be intensified with development until a Village Plan has been completed. **Input from the affected existing neighborhood shall form the basis of the Village and Corridor Plans for all elements affecting quality of life in those neighborhoods.**

CD 7.4 “Identify a vision for a consistent urban design character with development standards, including but not limited to building scale, relationship to the street, and setbacks, as part of the Village planning process. Accommodate all planned employment and housing growth capacity within each Village and consider how to accommodate projected employment growth demand by sector in each respective Village Plan. “

**should be:**

CD 7.4 “Identify a vision for a consistent urban design character with development standards, including but not limited to building scale, **height, relationship to, and impact upon, affected existing properties and the street, and setbacks,** as part of the Village planning process. Accommodate all planned employment and housing growth capacity within each Village and consider how to accommodate projected employment growth demand by sector in each respective Village Plan.”

CD 7.9 “Build new residential development within Village and Corridors areas at a minimum of four stories in height with the exception that a single row of 2-3 story development, such as townhouses, should be used when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation”

**Should be replaced with:**

**CD 7.9 “Where new development within Villages and Corridors shares a boundary or property line with existing Residential Neighborhood(s), all new structures must**

**have a setback from that shared property line(s) of at least one (1) foot for every one (1) foot of structure height with a minimum clear setback of twenty-seven (27) feet. That ratio (1 foot setback: 1 foot height) applies to every new structure. The first row of new construction next to an existing Residential Neighborhood shall be no more than two (2) stories tall, unless existing nearby Residential Neighborhood homes are all two (2) stories tall or taller. Height limits for new structures shall be measured from the average existing ground level of the Residential Neighborhood at the boundary line with the new development. Landscape plantings that include large trees and dense vegetation should be used to provide significant visual screening along the entire length of the shared property line.”**

CD 7.10 “Develop a Village Plan in cooperation with nearby communities and obtain City Council approvals of the plans prior to issuance of land use entitlements for any new residential development in Villages and Corridors other than residential uses that are purely ancillary to primary employment uses.”

**should be:**

CD 7.10 “Develop a Village Plan in cooperation with nearby **neighborhoods and** communities and obtain City Council approvals of the plans prior to issuance of land use entitlements for any new ~~residential~~ development in Villages and Corridors ~~other than residential uses that are purely ancillary to primary employment uses.”~~

CD-13.4 For properties subject to a Planned Development Zoning which makes reference to a General Plan height limit and/or do not specify a height limit, the allowable height is the greater of either 35 feet or the height that was allowed through the General Plan at the time of the adoption of the Planned Development Zoning.

**should be:**

CD-13.4 For properties subject to a Planned Development Zoning which makes reference to a General Plan height limit and/or do not specify a height limit, the allowable height is the greater of either 35 feet or the height that was allowed through the General Plan at the time of the adoption of the Planned Development Zoning. **If properties subject to a Planned Development Zoning are adjacent to a Residential Neighborhood, the Transition Area height limits, as well as all other attributes of the Transition Area, shall apply.**

CHAPTER 5 p 8-11

LAND USE POLICIES

The Land Use Goals, Policies, and Implementation Actions (Policies) guide the City’s growth and implement the Plan Vision. The Land Use Policies identify appropriate and

inappropriate uses in various areas of the City. They protect the integrity of some lands and provide additional flexibility for uses in other areas.

To reinforce the Greenline/Urban Growth Boundary, the Land Use Policies are broken into those for urban areas and those for non-urban areas. Urban Land Use Policies include criteria to support a balanced city, as well as address specific land uses, such as commercial, industrial, residential, and mixed-use. Historic Preservation Policies are included with Urban Land Use Policies. To provide further guidance, Urban Land Use Policies are provided for downtown, growth areas, private community gathering facilities, and urban agriculture.

Non-Urban Land Use Policies address rural agriculture and the Greenline/Urban Growth Boundary. The Land Use Policies should be reviewed and considered in conjunction with other policy sets in this document. Collectively, the Land Use Policies promote the fiscal stability of the City by protecting employment lands, particularly industrial lands, and by supporting an increase in the jobs to employed resident ratio. The Land Use Policies foster environmentally sustainable development by restricting growth in the hillsides, protecting open spaces, and targeting growth in Downtown and other identified growth areas where intensification will increase transit use. The Land Use Policies promote the creation of safe, livable, and complete neighborhoods where all daily activities can be accomplished within a short walking distance.

The Land Use Policies offer considerable flexibility for mixing uses, with particular emphasis on support for employment uses. Neighborhood-serving commercial uses are encouraged throughout the City, at locations close to the populations they serve. Downtown offers maximum flexibility in mixing of uses.

Unlike the San José 2020 General Plan, which provides considerable flexibility for residential development throughout the City, the *Envision San José 2040* General Plan focuses all growth to identified Growth Areas and precludes large-scale residential development from occurring on other sites that have not been allocated new growth capacity. Within Growth Areas, most new residential development is planned to occur at a density of at least 55 Dwelling Units / Acre, with some allowance for lower density projects of at least 30 Dwelling Units / Acre at interfaces with existing single-family neighborhoods. New housing growth outside of the identified Growth Areas is limited to small projects (projects of three units or less that fall under CEQA impact thresholds) in keeping with the overall intent of this General Plan to achieve specific Citywide targets for job and housing growth and the J/ER ratio. Projects with greater than three units would be limited to the planned Growth Areas, each of which would have a specific number of units available for new development projects, as noted in Table \_\_\_\_\_. Identified vacant or underutilized properties, which could be developed for residential use at densities consistent with the adjacent neighborhood, have been allocated a small number of housing units in the aforementioned growth capacity table.

## **General Land Use Policies**

### **Goal LU-1 – General Land Use**

Facilitate land uses that foster a more fiscally stable, environmentally sustainable, safe, and livable city.

#### Policies – General Land Use

**LU-1.1 Complete Community.** Foster development patterns that will achieve a complete community in San José, particularly with respect to increasing jobs and economic development and increasing the City’s jobs to employed resident ratio while recognizing the importance of housing and a resident workforce.

**LU-1.1 Encourage Walking.** Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

**LU-1.2 Parcel Consolidation.** Within Identified Growth Areas, where consolidation of parcels is necessary to achieve viable designated land uses or other objectives of this general plan, limit residential development of individual parcels that do not conform to approved Village Plans or further other plan objectives.

**LU-1.3 Locate Child Care Facilities Near Employment.** Encourage developers of large commercial and industrial projects to identify and appropriately address the potential need generated by these projects for child care facilities or services. The provision of on-site child care may be considered for a single tenant building in industrial areas primarily for use by employees of the industrial facility. Do not locate off-site, freestanding child care facilities within industrial areas, except for those areas that have been designated for such uses.

**LU-1.4 Comply with Current Land Use Standards.** With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.

**LU-1.5 Encourage Transit.** Encourage employee-intensive commercial uses and, where compatible with surrounding land uses, industrial uses to locate within walking distance of transit stops. Encourage public transit providers to provide or increase services to areas with high concentrations of residents, workers, or visitors.

**LU-1.6 Outside Agency Policies.** Collaborate with appropriate external agencies with land use authority or regulations in San José. Consider applicable Airport Land Use Commission, Santa Clara Valley Water District, Local Area Formation Commission, and other policies from outside agencies when reviewing new or expanded uses.

#### Actions – General Land Use

**LU-1.7 Update Title 20.** Review criteria in the Zoning Ordinance and update it as appropriate to reflect Land Use goals, policies, and implementation actions in this Plan.

**LU-1.8 Plant Master Plan.** Incorporate appropriate land use results of the Water

Pollution Control Plant Master Plan into this Plan to more clearly identify the distribution of jobs in that area.

### **Growth Areas**

A key strategy of this Plan is to focus new growth and intensification of land uses in specifically identified “Growth Areas,” while preserving the general character and density of other areas of the City that are predominantly established single-family residential neighborhoods.

This approach focuses new growth into relatively compact and centralized locations, thereby reducing environmental impacts, fostering transit use and walkability and preserving the character of San José established neighborhoods.

### **Goal LU-2 – Growth Areas**

Focus new growth into identified Growth Areas to protect the quality of existing neighborhoods, while establishing new mixed use neighborhoods with a compact and dense form that is attractive to the City’s projected demographics (i.e., an aging population), and that supports walking, provides opportunities to incorporate retail and other services in a mixed-use format, and facilitates transit use.

Change above paragraph as follows:

Focus new growth into identified Growth Areas to protect the quality of existing neighborhoods, while establishing new mixed use neighborhoods with a compact and dense form that is attractive to the City’s projected demographics (i.e., an aging population), and that supports walking, provides opportunities to incorporate retail and other services in a mixed-use format, and facilitates transit use.

### **Policies – Growth Areas**

LU-2.1 Provide significant job and housing growth capacity within strategically identified “Growth Areas” in order to maximize use of existing or planned infrastructure (including fixed transit facilities), minimize the environmental impacts of new development, provide for more efficient delivery of City services, and foster the development of more vibrant, walkable urban settings.

LU-2.2 Include within the General Plan Land Use / Transportation Diagram significant job and housing growth capacity within the following identified Growth Areas:

**Downtown** – The City’s Downtown Strategy plans for ambitious job and housing growth capacity in the Downtown area to reinforce its role as the City’s civic, cultural and symbolic center and to support key infrastructure investments, including the planned BART and High-Speed Rail systems.

**Specific Plan Areas** – The City’s Specific Plans provide significant residential growth capacity and opportunities for mixed-use development. The Alviso Master Plan and Rincon South Specific Plan areas also include significant amounts of planned job growth. The Water Pollution Control Plant lands, currently undergoing a separate master planning

process, have been identified as a significant opportunity within the City to add new employment land areas, and in particular to provide an opportunity for new light industry or manufacturing activity jobs.

**North San José** – Because of its importance as a job center, access to transit facilities and proximity to the San José Mineta International Airport, the North San José Area is planned to accommodate up to 100,000 new jobs and 32,000 new housing units. The North San José Area Development Policy includes a phasing plan and a Traffic Impact Fee which link job and housing growth and provide funding for transportation improvements. The North San José Neighborhoods Plan and North San José Urban Design Guidelines provide additional guidance for the development of this City region.

**Employment Lands** – The Plan supports significant intensification of employment activity within each of the City’s major employment districts (North San José, Monterey Corridor, Edenvale, Berryessa/International Business Park, Mabury, East Gish and Senter Road and North Coyote Valley). Within the North San José, Berryessa/International Business Park and Old Edenvale areas, a centralized sub-area with strong transit access has been designated as an Employment Center to support mid-rise or high-rise employment development. The Employment Center in the northeast corner of the Berryessa / International Business Park area is also classified as a BART station area due to its proximity to the planned Milpitas BART station and existing Capitol Avenue Light Rail stations.

**BART/Caltrain Villages** – To maximize utilization of the Caltrain and BART systems, support regional commuting and foster the City’s growth as a regional job center, significant new job growth capacity is planned for the each of the BART / Caltrain Villages. Significant job and housing growth capacity is planned for the Berryessa BART station area in order to support intensification of the station area as a regional employment destination and to achieve a level of density consistent with that planned for other BART and Light Rail station areas.

**Add the following language to the end of the paragraph: “BART/Caltrain Villages” will require a Village Plan, which will be subject to all the requirements stated herein for “Village Plans”.**

**Transit Villages and Corridors** – A large and balanced amount of job and housing growth capacity is planned for the Transit Villages and Corridors with the goal to maximize the opportunity for creating new mixed-use villages in these areas. While the BART area job capacity is planned primarily for mid-rise and high-rise offices, the Light Rail Villages provide more opportunity for retail and service jobs that benefit from close proximity to residential use. While the BART system serves as a regional transit line, bringing workers from throughout the region to employment centers within San José, the light rail system is more appropriate for shorter commute trips and is also less likely to generate land use compatibility concerns. Accordingly, it is appropriate to include more residential and retail growth capacity along the light rail system. The Oakridge Mall Light Rail station area is particularly of interest because of its size and high level of

unrealized potential to support a walkable, mixed-use community because of the amount and diversity of established commercial uses and other services already located within the area.

**Add the following language to the end of the paragraph: “Transit Villages and Corridors” will require a Village Plan, which will be subject to all the requirements stated herein for “Village Plans”.**

Commercial Centers – While the Commercial Centers are less directly connected to transit, they contain large parcels which may have greater potential for redevelopment and are generally located in areas with a high degree of accessibility which is advantageous for intensified commercial development. Providing residential growth capacity in the Commercial Center Growth Areas is a potential catalyst for spurring the redevelopment and enhancement of existing commercial uses while also transforming them into Village type environments. At the same time, their typically more suburban settings may create some challenge to such revitalization. The Commercial Centers with closer proximity to other Growth Areas and transit (e.g., North Bascom Avenue) or in proximity to established, more intense uses (e.g., De Anza Blvd.) may have greater near-term potential for transformation into Village settings. A modest and balanced amount of new housing and job growth capacity is planned for the Commercial Centers in order to support their intensification as both employment and housing centers, while also recognizing that transit-oriented sites should be given greatest priority.

Neighborhood Villages – To support the Envision goal of providing broad access to mixed use Villages for all areas of the City through the development of Neighborhood Villages, while also accommodating the General Plan’s strong jobs orientation, a small amount of housing growth capacity and a modest amount of job growth capacity is planned for the Neighborhood Village areas. Without more housing growth, it will be difficult to significantly enhance existing retail and service uses in the Neighborhood Village areas. It also will likely be difficult to attract Driving Industry type jobs to these locations given their relatively small scale and separation from other employment areas.

**Add the following language to the end of the paragraph above: “Neighborhood Villages” will require a Village Plan, which will be subject to all the requirements stated herein for “Village Plans”.**

CHAPTER 5 Page 11-13

## **Industrial Lands**

### **Goal LU-6 – Industrial Preservation**

Preserve and protect industrial uses to sustain and develop the City’s economy.

Policies – Industrial Preservation

**LU-6.1** Prohibit Industrial Conversions. Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be

converted to non-employment uses. As the only exception, lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses.

**LU-6.2 Prohibit Incompatible Uses.** Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional operational, and/or mitigation requirements on industrial users.

***Add the following at the end of LU-6.2: , unless mitigation requirements are needed to preserve and protect the quality of life (as defined previously) of residents of nearby, affected Residential Neighborhoods from negative impacts.***

**LU-6.3 Protect Existing Industrial Uses.** When new uses are proposed in proximity to existing industrial uses, incorporate within the new use measures to minimize negative impacts on existing nearby land uses, and the new use shall incorporate measures to promote the health and safety of individuals at the new development site.

**LU-6.4 Encourage Industrial Revitalization.** Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute patterns. Use Redevelopment tax increment financing to provide necessary public improvements as one means of encouraging this economic development and revitalization.

***Change above as follows:***

**LU-6.4 Encourage Industrial Revitalization.** Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute patterns~~-,~~ **unless such development or redevelopment would negatively affect the quality of life (as defined previously) of residents of nearby, affected Residential Neighborhoods.** Use Redevelopment tax increment financing to provide necessary public improvements as one means of encouraging this economic development and revitalization.

**LU-6.5 Viable Industrial Lands.** Maintain and create Light Industrial and Heavy Industrial designated sites that are at least one acre in size in order to facilitate viable industrial uses.

**LU-6.6 Monitor Industrial Lands.** Monitor the absorption and availability of industrial land, particularly land identified for light and heavy industrial uses, to ensure a balanced supply of available land for all sectors, including industrial suppliers and services.

**LU-6.7 Encourage Limited Support Uses.** Encourage supportive and compatible commercial and office uses in the industrial areas designated for those uses. In areas reserved for light and heavy industrial uses, only limited auxiliary and incidental commercial uses, such as small eating establishments, may be permitted when the uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.

**LU-6.8 Encourage Appropriate Incidental & Supportive Uses.** Reserve industrial areas for industrial and compatible support uses. Allow only non-industrial uses which are incidental to and totally compatible with primary industrial uses in exclusively industrial areas. Recognize that industrial uses come in a variety of types and forms. In industrial areas, consider allowing supportive, non-industrial activities, such as retail sales of materials manufactured or stored on site.

***Add the following at the end of LU-6.8: , only if such supportive uses would not negatively affect the quality of life (as defined previously) of residents of nearby, affected Residential Neighborhoods.***

**LU-6.9 Restrict Private Community Gathering Facilities.** Prohibit Private Community Gathering Facility uses in the interior of industrial park, light industrial, and heavy industrial areas. Consider these uses on the perimeter of such areas only in accordance with the Private Community Gathering Facility Goals & Policies in this Plan.

**LU-6.10 Maintain an Industrial Land Inventory.** Maintain an inventory of industrial lands and periodically assess the condition, type, and amount of industrial land available to meet projected demands.

### **Goal LU-7 – Attract New Industrial Uses**

Attract new industrial uses to expand the City's economy, stimulate employment, increase revenues to the City, and further environmental goals.

#### **Policies – Attract New Industrial Uses**

**LU-7.1 Retain/Expand Industrial Uses.** Encourage industrial supplier/service business retention and expansion in appropriate areas in the City.

**LU-7.2 Promote Environmentally Sustainable Industrial Uses.** Seek out industrial uses that are environmentally sustainable or create environmentally beneficial products in order to maintain a healthful environment and preserve natural resources.

**LU-7.3 Facilitate Recycling Operations.** Encourage the use of industrially-planned land to provide locations for various forms of recycling services (e.g., collection, handling, transfer, processing, etc.), for the support facilities required by these services (e.g., service yards, truck storage and service) and for

companies that manufacture new products out of recycled materials in order to support the City's Solid Waste Program.

***Add the following to the end of LU-7.3:* , only if such services and/or support facilities uses would not negatively affect the quality of life (as defined previously) of residents of nearby, affected Residential Neighborhoods.**

### **Goal LU-8 – Maintain Employment Lands**

Maintain Appropriately Designated Employment Areas for a Mix of Industrial and Compatible Commercial Uses

Policies – Maintain Employment Lands

**LU-8.1** Designate Mixed Industrial & Commercial Areas. In areas that are designated for mixed industrial and commercial uses, commercial uses that are compatible with industrial uses may be allowed. Non-employment uses are prohibited in these areas.

**LU-8.2** Support Large-Format Commercial. Encourage more large-format commercial uses in Combined Industrial/Commercial lands, since these development typologies are typically similar to the development scale of industrial development in the same area. Discourage small-scale and strip commercial shopping centers in the Combined Industrial/Commercial area.

## CHAPTER 5

### 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 are prescriptive, except when explicit exceptions are noted or when lower intensities are required in order to avoid significant aesthetic 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). Stated residential densities are often referenced as “up to” a certain number of dwelling units per acre, and policies in this 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.

### ***Residential Neighborhood***

**Density:** typically 8 DU/AC (Match existing neighborhood character); FAR up to 0.7 (1 to 2.5stories)

This designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of the City's developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, and neighborhood form and pattern. New infill development should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing, and where applicable extending or completing, the existing street network. The average lot size and orientation and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts on to a public street to be shared by the proposed new project. Existing development within this designation will typically have a density of approximately 8 DU/AC, but in some cases the designation may be applied to areas already developed at slightly higher or slightly lower densities. New infill development should conform to the General Plan design guidelines for Residential Neighborhoods and be limited to a density of 8 DU/AC or the prevailing neighborhood density, whichever is lower. For example, on a site bordered by development with a prevailing average density of 5 DU/AC, new development should include the number of units that would most closely match this density. An alternative density may be appropriate if it would result in an infill development that matches existing development along the same street from which the new houses take direct access. Only in cases where new development is completely separated from existing neighborhoods by freeways, major expressways, or a riparian corridor or other similar barrier, will it be permissible for the new development to establish a unique character as defined by density, lot size and shape.

Change Sentence 2 above as follows:

The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, **height as built**, lot size and shape, and neighborhood form and pattern.

Change Sentence 4 above as follows: New infill development should be integrated into the existing neighborhood pattern, continuing, and where applicable extending or completing, the existing street network, **except where such extension or completion would negatively affect the integrity of the nearby Residential Neighborhood.**

Change Sentence 5 above as follows:

The average lot size, **height, setbacks, mass, and** orientation and form of new structures for any new infill development must therefore ~~generally match~~ **mirror those of the typical lot size and building form of any adjacent nearby affected Residential Neighborhood** development, with particular emphasis given to maintaining consistency with other development that fronts on to a public street to be shared by the proposed new project.

Change Sentence 7 above as follows:

New infill development ~~should~~ **shall** conform to the **existing structures in the nearby General Plan design guidelines for Residential Neighborhoods** and be limited to a density of 8 DU/AC or the prevailing neighborhood density, whichever is lower.

Change Sentence 9 above as follows: An alternative density may be appropriate if it would result in an infill development that matches existing development along the same street from which the new houses take direct access, **provided that the result does not compromise the degree to which the new development mirrors the structures existing in the Residential Neighborhood in terms of height, density and mass.**

Page 5-10

Similarly, for infill projects where 50% or more of the development on the same block (both sides of the street) is developed at a density greater than 8 DU/AC, new development can match the prevailing density. For any new project to exceed 8 DU/AC, it is necessary that: (1) other policies in this Plan are met, (2) applicable design guidelines are met, and (3) development does not exceed 16 DU/AC. For example, on a site bordered by development with a prevailing average density of 12 DU/AC, new development should include the number of units that would most closely match this density, provided that it would also meet the applicable design guidelines and other General Plan policies.

To reinforce the Update's Growth Area Strategy to direct intensified development to areas with better access to services and transit, some areas currently developed with a mix of single-family and duplex uses are designated as Residential Neighborhood to discourage their further intensification. This designation supports the development of new commercial uses within established residential neighborhoods if located on busier streets or at street intersections. Hospitals and other healthcare facilities may potentially be located within such areas provided that any potential land use impacts can be mitigated. New commercial uses are discouraged on small existing streets unless it can be clearly demonstrated that the commercial use can integrate with the existing residential neighborhood without creating adverse impacts. The latter typically will be limited to home occupations or similar home-based commercial activities unlikely to create a nuisance within the established Residential Neighborhood setting.

Change Sentence 1, Paragraph 1 above as follows:

Similarly, for infill projects where 50% or more of the development on the same block

(both sides of the street) is developed at a density greater than 8 DU/AC, new development can match the prevailing density, **provided that the height, setbacks and mass of the new development's structures do not exceed those of the existing nearby Residential Neighborhood, as currently built.**

Change Sentence 2, Paragraph 1 above as follows:

For any new project to exceed 8 DU/AC, it is ~~necessary~~ **necessary** that: (1) ~~other policies in this Plan are met,~~ (2) ~~applicable design guidelines are met,~~ and (3) ~~development does not exceed 16 DU/AC;~~ **and (2) that the height, setbacks and mass of the new development's structures do not exceed those of the existing nearby Residential Neighborhood, as currently built.**

Change Sentence 3, Paragraph 1 above as follows:

For example, on a site bordered by development with a prevailing average density of 12 DU/AC, new development should include the number of units that would most closely match this density, provided that it would also meet the ~~applicable design guidelines and other General Plan policies.~~ **two (2) requirements enumerated in the previous sentence. In addition, to preserve the character of the existing Residential Neighborhood and San Jose's urban forest, any existing trees on infill sites large enough to provide any visual buffer between the infill development and the existing Residential Neighborhood shall be retained, unless their removal is approved in writing by the affected residents of the Residential Neighborhood.**

Change Sentences 2 and 3, Paragraph 2 above as follows:

This designation supports the development of new commercial uses within established residential neighborhoods if located on busier streets or at street intersections, **provided that such development does not negatively affect the quality of life (as defined herein) of residents of existing Residential Neighborhoods.** Hospitals and other healthcare facilities may potentially be located within such areas provided that any potential land use impacts **upon the quality of life (as defined herein) of residents of nearby Residential Neighborhoods** can be **fully** mitigated.

Change Sentences 4 and 5, Paragraph 2 above as follows:

New commercial uses are discouraged on small existing streets unless it can be clearly demonstrated that the commercial use can integrate with the existing residential neighborhood without creating adverse impacts **upon the residents of the nearby Residential Neighborhood.** The latter typically will be limited to home occupations or similar home-based commercial activities ~~that will not unlikely~~ to create a nuisance within the established Residential Neighborhood setting.

## CHAPTER 5

### Land Use and Transportation

## **Land Use Policies**

The Land Use Goals, Policies, and Implementation Actions (Policies) guide the City's growth and implement the Plan Vision. The Land Use Policies identify appropriate and inappropriate uses in various areas of the City. They protect the integrity of some lands and provide additional flexibility for uses in other areas. To reinforce the Greenline/Urban Growth Boundary, the Land Use Policies are broken into those for urban areas and those for non-urban areas. Urban Land Use Policies include criteria to support a balanced city, as well as address specific land uses, such as commercial, industrial, residential, and mixed-use. Historic Preservation Policies are included with Urban Land Use Policies. To provide further guidance, Urban Land Use Policies are provided for downtown, growth areas, private community gathering facilities, and urban agriculture. Non-Urban Land Use Policies address rural agriculture and the Greenline/Urban Growth Boundary. The Land Use Policies should be reviewed and considered in conjunction with other policy sets in this document.

Collectively, the Land Use Policies promote the fiscal stability of the City by protecting employment lands, particularly industrial lands, and by supporting an increase in the jobs to employed resident ratio. The Land Use Policies foster environmentally sustainable development by restricting growth in the hillsides, protecting open spaces, and targeting growth in Downtown and other identified growth areas where intensification will increase transit use. The Land Use Policies promote the creation of safe, livable, and complete neighborhoods where all daily activities can be accomplished within a short walking distance. The Land Use Policies offer considerable flexibility for mixing uses, with particular emphasis on support for employment uses. Neighborhood-serving commercial uses are encouraged throughout the City, at locations close to the populations they serve. Downtown offers maximum flexibility in mixing of uses.

Unlike the San José 2020 General Plan, which provides considerable flexibility for residential development throughout the City, the Envision San José 2040 General Plan focuses all growth to identified Growth Areas and precludes large-scale residential development from occurring on other sites that have not been allocated new growth capacity. Within Growth Areas, most new residential development is planned to occur at a density of at least 55 Dwelling Units / Acre, with some allowance for lower density projects of at least 30 Dwelling Units / Acre at interfaces with existing single-family neighborhoods. New housing growth outside of the identified Growth Areas is limited to small infill projects that match the prevailing neighborhood character so that they represent a limited amount of housing growth capacity, in keeping with the overall intent of this General Plan to achieve specific Citywide targets for job and housing growth and the J/ER ratio. The majority of housing growth is limited to the planned Growth Areas, each of which would have a specific number of units available for new development projects, as noted in Table \_\_\_\_\_. Identified vacant or underutilized properties, which could be developed for residential use at densities consistent with the adjacent neighborhood, have been allocated a small number of housing units in the aforementioned growth capacity

Change Sentence 2, Paragraph 3 above as follows:

Within Growth Areas, most new residential development is planned to occur at a density of at least 55 Dwelling Units / Acre, ~~with some allowance for lower density projects of at least 30 Dwelling Units / Acre at interfaces with existing single-family neighborhoods.~~

**Where new development will affect existing Residential Neighborhoods, a Transition Area will be established between the new growth and the existing Residential Neighborhood and all new development in the Transition Area will conform to the standards, rules and policies contained herein for Transition Areas.**

Change Sentence 3, Paragraph 3 above as follows:

New housing growth outside of the identified Growth Areas is limited to small infill projects that **must** match the prevailing neighborhood character **and must not affect the integrity of the nearby Residential Neighborhood, or the quality of life (as defined herein) of the residents of the nearby Residential Neighborhood,** so that they represent a limited amount of housing growth capacity, in keeping with the overall intent of this General Plan to achieve specific Citywide targets for job and housing growth and the J/ER ratio.

Change Sentence 5, Paragraph 3 above as follows:

Identified vacant or underutilized properties, which could be developed for residential use at densities consistent with the ~~adjacent~~ **nearby affected Residential Neighborhood neighborhood,** have been allocated a small number of housing units in the aforementioned growth capacity

### Village Planning

Development of vibrant, walkable, mixed-use urban communities, or Villages, at strategic locations throughout the City is key to achieving the City's planned jobs and housing growth in a form consistent with the Vision of this General Plan. When new jobs and housing are concentrated within specific Village areas, important density is established and provides an opportunity for a mix of uses, with retail, services and other commercial uses in close proximity to both residents and worker populations. Villages allow people to walk rather than drive to shops and services, providing greater mobility for the expanding senior and youth segments of the population, and reducing traffic and other environmental impacts.

### Goal IP-5 – Village Planning

Use new proposals for residential, mixed use, or employment development to help create walkable and bicycle-friendly "Villages" at strategic locations throughout the City, and to enhance established neighborhoods. In new Village development, integrate a mix of uses including retail shops, services, employment opportunities, public facilities and services, housing, places of worship, and other cultural facilities, parks and public gathering places.

## Policies – Village Planning

IP-5.1 Prepare a comprehensive Village Plan prior to the issuance of entitlements for residential development within any of the identified Growth Areas, to clearly address:

### ***Change above to:***

IP-5.1 Prepare a comprehensive Village Plan prior to the issuance of entitlements for **any residential** development within any of the identified Growth Areas, to clearly address:

1. Job growth capacity: Identify suitable areas for retail and other employment uses, giving careful consideration to existing and future demand for retail space, the appropriate location and design of retail spaces, opportunities for large-scale and small-scale retail uses, and adequate and appropriate sites for other employment uses consistent with the total planned job capacity for the particular Growth Area.

2. Village Boundaries and Land Uses: Identify potential adjustments to the identified Village Boundaries and potential modifications to the Land Use / Transportation Diagram as necessary to best utilize existing land use growth capacity, address neighborhood context, and promote economic development through the identification of optimal sites for retail and other employment uses.

### ***Change above to:***

2. Village Boundaries and Land Uses: Identify potential adjustments to the identified Village Boundaries and potential modifications to the Land Use / Transportation Diagram as necessary to best utilize existing land use growth capacity, address neighborhood context, and promote economic development through the identification of optimal sites for retail and other employment uses. **Village Boundaries may not be changed if the affect is to in any way negatively impact (now or in the future) a Residential Neighborhood property, unless and until full eminent domain compensation has been paid to the affected owner(s).**

3. Building Heights and Densities: Identify for specific properties within the Village Planning area minimum and maximum thresholds for building heights and densities. These standards should fall within the broader ranges established in the Land Use / Transportation Diagram and be consistent with the planned job and housing growth capacity for the Village area. These standards should be implemented through the Zoning process prior to the development of new residential or mixed-use, residential projects.

***Add the following sentence to Item 3: Any standards or thresholds established must comply with those established for a Transition Area.***

4. Infrastructure: Identify locations for parks, plazas and other public and quasi-public open spaces, and sites to potentially incorporate libraries, public safety facilities and other public uses. A Village Plan should also consider the adequacy of public and private utilities to serve the planned growth capacity.

5. Urban Character: Include streetscape and building frontage design, pedestrian facility improvements and other urban design actions necessary to successfully implement the Village concept.

***Add the following at the end of Item 5: , provided that all such improvements and actions do not negatively affect the nearby Residential Neighborhood, or the quality of life (defined above) of its residents.***

6. Financing: Consider special financing mechanisms which could be needed to potentially deliver the increased level of amenities envisioned within the Village concept.

IP-5.2 Develop and use a Village Planning process so that each Village Plan can be successfully completed within approximately six months. Preparation of a Village Plan is not necessary for the Downtown, North San José and Specific Plan Areas which have plans and strategies previously developed through a community planning process.

IP-5.3 Prepare and implement Village Plans carefully, with sensitivity to concerns of the surrounding community, and property owners and developers who propose redevelopment of properties within the Village areas. Proceed generally in the order of the following timeline, although some steps may be taken concurrently:

***Add the following to IP-5-3: It is recognized that affected Residential Neighborhoods nearby the Village area are key stakeholders in the Village Plan. Thus, their input will form the prime basis for aspects of the Village Plan affecting the Residential Neighborhood and the quality of life (as defined above) of its residents, especially in the development of the standards defining all Transition Areas for the Village.***

1. City Council approves commencement of the Plan growth Horizon which includes the Village Area during a Major General Plan Review.
2. The City completes preparation and Council approval of a Village Plan.

***Add the following to Item 2.: A Village Plan may not be approved unless the nearby Residential Neighborhood(s) agree(s) with the definition (including but not limited to the standards, rules, guidelines, maximums and minimums) of the Transition Areas established for the Village. If no Transition Areas have been included in the Village Plan, the Village Plan may not be approved, unless all Residential Neighborhoods affected by the Plan have agreed, in writing, to forgo establishment of a Transition Area.***

3. The City or private property owners initiate rezoning for specific properties within the Village as needed to implement the Village Plan. Because most Village sites initially have commercial zoning, rezoning will be necessary to provide for redevelopment and intensification with residential or residential mixed use projects.

4. Private property owners or developers propose individual site designs and building architecture to be reviewed and determined through a Development Permit process.

***Add the following to both Items 3 and 4: The rules, including but not limited to all policies, guidelines, rules, maximums and minimums, established for a Transition Area may not be altered via any Development Permit, Zoning, Re-Zoning or other City process, order, document, rule, or any other means or methods whatsoever, unless such changes are specifically agreed by the affected Residential Neighborhood in writing.***

IP-5.4 Plan land uses within Village Areas, through the Village Planning process, to include adequate capacity for the full amount of planned job growth, including the identification of optimal sites for new retail development and careful consideration of appropriate minimum and maximum densities for residential and employment uses to insure that the Village Area will provide sufficient capacity to support the full amount of planned job growth. Limit medium density residential development, such as townhouses, to residential sites immediately adjacent to single-family residential properties that have a Residential Neighborhood designation to insure that adequate capacity is provided for all of the job and housing growth planned in the Village Area.

***Add the following to IP-5.4:***

**For those Village areas share a boundary with a nearby affected Residential Neighborhood, establish a Transition Area wherein the new construction will be designed in a manner that will not negatively affect the quality of life (defined as not reducing the views, privacy or sunlight of those in the Residential Neighborhood and as not increasing the noise pollution or artificial light trespass discernible on the Residential Neighborhood properties) of those living in the nearby, affected Residential Neighborhood. Ensure that the rules and guidelines established, with the input and consent of the affected Residential Neighborhood, are fully implemented within the Transition Area.**

IP-5.5 Update the Land Use / Transportation Diagram for the Village area upon completion of a Village Plan to depict the major land use features established within the Village Plan, such as parks, residential mixed-use, commercial mixed-use and employment uses, and replace the Village Overlay designation with the Village designation to indicate that the Village Plan process has been completed.

Action – Village Planning

IP-5.6 Develop Village Plans for Village areas identified for housing growth in the current Horizon proactively, ahead of developer demand to begin residential development within each Village area. Actively pursue outside funding opportunities for the Village planning process.