

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS REQUIRED BY CALIFORNIA PUBLIC UTILITIES CODE SECTION 21676 THAT PROPOSED GENERAL PLAN AMENDMENT AND CONFORMING REZONING OF PROPERTIES WITHIN APPROXIMATELY 262 GROSS ACRES EXTENDING APPROXIMATELY ONE MILE FROM NORTH TO SOUTH, AND GENERALLY BOUNDED BY: LENZEN AVENUE AND THE UNION PACIFIC RAILROAD TRACKS TO THE NORTH; THE GUADALUPE RIVER AND STATE ROUTE 87 TO THE EAST; INTERSTATE 280 TO THE SOUTH; SUNOL STREET AND THE DIRIDON STATION COMMUTER RAIL TO THE WEST, IS CONSISTENT WITH THE PURPOSES SET FORTH IN CALIFORNIA PUBLIC UTILITIES CODE SECTION 21670 AND OVERRULING THE SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION'S (ALUC) DETERMINATION THAT THE PROPOSED GENERAL PLAN AMENDMENT AND CONFORMING REZONING IS INCONSISTENT WITH CERTAIN ALUC NOISE AND HEIGHT POLICIES AS DEFINED BY THE COMPREHENSIVE LAND USE PLAN FOR SAN JOSE INTERNATIONAL AIRPORT

FILE NOS. GP20-007 AND C20-002

WHEREAS, pursuant to the provisions of Section 21676 of the California Public Utilities Code ("Section 21676"), the City made a referral of the General Plan Amendment (File No. GP20-007) and Conforming Rezoning (File No. C20-002) to the Airport Land Use Commission of Santa Clara County ("ALUC") for a determination of consistency with the ALUC's plans to the extent that the area covered by the amended Diridon Station Area Plan falls within the ALUC's Airport Influence Area surrounding Mineta San José International Airport ("SJC"); and

WHEREAS, the proposed City-initiated General Plan Amendment amending the Diridon Station Area Plan, is to add development capacity and update sections on land use, design, transportation, and public spaces, and the Conforming Rezoning is in response

to Senate Bill (SB) 1333 to bring the existing site's Zoning Districts into conformance with the existing and amended Diridon Station Area Plan on approximately 262 gross acres in the area generally bounded by Lenzen Avenue and the Union Pacific Railroad tracks to the north; the Guadalupe River and State Route 87 to the east; Interstate 280 to the south; and Sunol Street and the Diridon Station Commuter Rail to the west; and

WHEREAS, on December 16, 2020, the ALUC, acting pursuant to its authority under Section 21676, determined that the General Plan Amendment (File No. GP20-007) was inconsistent with ALUC noise and height policies, as defined in the "Comprehensive Land Use Plan for San José International Airport" ("CLUP"); and

WHEREAS, the ALUC found the General Plan Amendment would potentially allow development in conflict with Table 4-1 and Noise Policy N-4 in the CLUP and also potentially allow development to exceed 300 people per acre as prescribed within the Outer Safety Zone; and

WHEREAS, according to Table 4-2 of the SJC CLUP, the Outer Safety Zone allows non-residential uses to a maximum density of 300 people per acre with 20% of the gross area required as Open Space and provides that if non-residential uses are not feasible in the Outer Safety Zone, residential infill is allowed up to the existing density, and no regional shopping centers, theaters, meeting halls, stadiums, schools, large day care centers, hospitals, nursing homes or similar activities are allowed; and

WHEREAS, on December 16, 2020, the ALUC requested the City modify the General Plan Amendment to include language limiting development in the area covered by the amended Diridon Station Area Plan within the Outer Safety Zone, such as to a maximum density of 300 people per acre with 20 percent of the gross area required as Open Space or the Open Space requirement could also be achieved on the adjacent park land, Guadalupe River Park and Gardens, as well as State Route 87, so the General Plan

Amendment to be consistent and comply with the Safety Zone Compatibility policies contained in the CLUP; and

WHEREAS, as part of this override, the General Plan Amendment will include an Outer Safety Zone Overlay with language limiting development in the area covered by the amended Diridon Station Area Plan within the Outer Safety Zone to a maximum density of 300 people per acre with 20 percent of the gross area required as Open Space to comply with the Safety Zone Compatibility Policies in the CLUP; and

WHEREAS, ALUC noted the Open Space requirement could also be achieved on the adjacent park land, Guadalupe River Park and Gardens, as well as State Route 87; and

WHEREAS, on February 24, 2021, the ALUC, acting pursuant to its authority under Section 21676, determined that the Conforming Rezoning (File No. C20-002) was inconsistent with ALUC noise and height policies, as defined in the CLUP; and

WHEREAS, the Outer Safety Zone overlay is both applicable to and enforced in the amended Diridon Station Area Plan and Zoning Districts, and therefore the General Plan Amendment and Conforming Rezoning would not conflict with any of the Safety Zone Compatibility policies contained in the CLUP; and

WHEREAS, in both referral determinations, the ALUC found the General Plan Amendment and Conforming Rezoning would be inconsistent with the CLUP Noise Policy N-4 and Table 4-1 because a portion of the area covered by the amended Diridon Station Area Plan would permit residential outdoor patios or outdoor activity areas within the ALUC CLUP's 65 A-weighted decibels (dBA) Community Noise Equivalent Level (CNEL) noise contour boundaries, and the ALUC CLUP discourages residential uses with outdoor patios or outdoor activity areas within the 65 dBA CNEL noise contour boundaries; and

WHEREAS, in both referral determinations, the ALUC found the General Plan Amendment and Conforming Rezoning would also be inconsistent with the CLUP H-1 height policy, as development in the area covered by the amended Diridon Station Area Plan would allow building heights that exceed Federal Aviation Regulation Part 77 Civil Airport Imaginary Surfaces. The CLUP height policy uses FAR Part 77 Surfaces as a height restriction boundary to determine compatible land uses in the Airport Influence Area; and

WHEREAS, the ALUC made its Land Use Plan inconsistency determination prior to the issuance by the Federal Aviation Administration (FAA) of any “No Hazard” determination for future development in the area covered by the amended Diridon Station Area Plan; and

WHEREAS, if future development exceeds FAR Part 77 Civil Airport Imaginary Surfaces but receives an FAA “Determination of No Hazard” following, an FAA aeronautical study, CLUP Policy H-1 provides that the FAA determination shall prevail; and

WHEREAS, the ALUC found the proposed General Plan Amendment and Conforming Rezoning to be consistent with the CLUP except for noise and height as described above; and

WHEREAS, pursuant to the provisions of Section 21676 the City may after a public hearing on the matter overrule a determination by the ALUC by a two-thirds vote of the quorum of the City Council so long as the City Council makes specific findings that a proposed action is consistent with the purposes set forth in Section 21670 of the California Public Utilities Code (“Section 21670”); and

WHEREAS, Section 21670 provides that the purpose of these sections of the California Public Utilities Code is to protect public health, safety, and welfare by ensuring the orderly

expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and

WHEREAS, the City notified the ALUC and California Department of Transportation Division of Aeronautics, in writing, of the City's proposed override of the ALUC's determination and provided a copy to the ALUC of the City's proposal to overrule their findings in a manner consistent with applicable State law; and

WHEREAS, on April 15, 2021, Caltrans submitted written comments to the City on the proposed overrule findings ("Caltrans letter") and a copy of the Caltrans letter is attached hereto as Exhibit "A," and incorporated by this reference; and

WHEREAS, ALUC submitted written comments to the City on the proposed overrule findings in a letter dated April 20, 2021 ("ALUC letter") and a copy of the ALUC letter is attached hereto as Exhibit "B," and incorporated by this reference; and

WHEREAS, the Caltrans letter and the ALUC letter are advisory to the City Council under Section 21676, and

WHEREAS, the ALUC considered and commented on the City's draft resolution for the proposed override of the ALUC's determination, which this City Council has received and considered; and

WHEREAS, the City Council heard and considered all testimony and other evidence presented and submitted, including a memorandum dated [REDACTED], from the Department of Planning, Building and Code Enforcement, related to this item; and

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

SECTION 1. California Public Utilities (CPUC) Section 21676 authorizes a local governmental body to overrule the ALUC's determination if it makes specific findings that the proposed local government body's action is consistent with the purposes of CPUC Section 21670. The City Council hereby makes the following findings to overrule the ALUC's determination of inconsistency with noise and height policies listed in the CLUP:

- A. The recitals above are incorporated herein as findings.
- B. The purpose of Section 21670 is to protect public health, safety and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the public airports to the extent that these areas are not already devoted to incompatible uses.
- C. With respect to safety, the amended Diridon Station Area Plan (DSAP) will include an Outer Safety Zone overlay with language limiting new developments in the area covered by the DSAP within the outer safety zone overlay to a maximum density of 300 people per acre with 20 percent of the gross area required as Open Space. The Open Space requirement could also be achieved on the adjacent park land, Guadalupe River Park and Gardens, as well as State Route 87. The Outer Safety Zone overlay is both applicable to and enforced in the DSAP and Zoning Districts. Therefore, the General Plan Amendment and Conforming Rezoning would not conflict with any of the Safety Zone Compatibility policies contained in the CLUP.
- D. Consistent with the purposes of CPUC Section 21670, the City's General Plan, development review process and methodology ensure that future development within the Airport Influence Area in the area covered by the DSAP would minimize the public's exposure to excessive noise and that a building will only be constructed if its heights and other characteristics result in an FAA Determination of No Hazard to Air Navigation following completion of an aeronautical study.
- E. ALUC Policy N-4 provides no residential or transient lodging construction shall be permitted within the 65 dBA CNEL (CNEL measurement is the same as DNL but adds a 5 dB penalty between 7pm and 10pm) contour boundary unless it can be demonstrated that a) the resulting interior sound levels will be less than 45 dBA DNL (DNL is the Day-Night Average Sound Level over a 24-hour time weight

energy average noise level, with a 10 dB penalty between 10pm to 7am to account for the higher sensitivity to noise at night due to lower background noise) and b) there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed-use residential project. The City's analysis shows that the Year 2027 65 dBA CNEL noise contour extends into several blocks in the area covered by the DSAP and that the DSAP would allow for residential or hotel use (see Figure 11 of the Initial Study/Addendum to the Downtown Strategy 2040 EIR for the DSAP Amendment). Although the DSAP would allow the above type of development in the 65 dBA CNEL noise contour, the DSAP is consistent with CPUC Section 21670 for the reasons stated below:

1. Consistent with Goal EC-1 of the Envision San José General Plan 2040, with the California Building Code, and with ALUC Policy N-4, interior noise levels in residences and hotel rooms will not exceed 45 dBA DNL. Future entitlements in the area covered by the DSAP would be conditioned to conform to the California Building Code, and with ALUC N-4 interior noise level requirements.
2. General Plan Transportation Policy TR-14.4 requires dedication of aviation easements to protect airport operations. Such easements will be required as conditions of approval for development in the area covered by the DSAP that falls within the ALUC's Airport Influence Area surrounding Mineta San José International Airport, establishing consistency with CLUP Policies G-5 and O-1, which call for aviation easements within the Airport Influence Area.
3. Consistent with CLUP's Noise Compatibility Policy N-5, "all property owners within the Airport Influence Area who rent or lease their property for residential use shall include in their rental/lease agreement with the tenant, a statement advising that they (the tenants) are living within an exterior aircraft noise exposure area designated by the ALUC as greater than the 65 dBA CNEL in a manner that is consistent with current state law including AB2776 (2002)." The policy will be enforced through a condition of approval for future development in the area covered by the DSAP that falls within an exterior aircraft noise exposure area of greater than 65 dBA CNEL.
4. The Envision San José 2040 General Plan identifies outdoor noise environments of 60-75 dBA DNL as "conditionally acceptable" for residential and hotel uses, as long as interior noise levels are mitigated to 45 dBA DNL. The residential outdoor activities areas in the area covered by the DSAP are located both in the environs of the Mineta San José International Airport and in Downtown. These areas are exempt from the 60 dBA DNL exterior noise limit the City applies in other residential areas.

5. Residential exterior spaces such as apartment balconies and ground-floor common areas within the 65 dBA DNL noise contour would be consistent with orderly development of the Mineta San José International Airport. These spaces would be consistent with the recently adopted Airport Master Plan, whose noise analysis provides that residential uses within the 65 dBA DNL contour are considered compatible with airport operations because interiors are sound insulated. Exterior spaces do not preclude such residences from being considered compatible with airport operations.
6. Existing noise conditions in portions of the DSAP exceed 65 dBA CNEL, but these conditions are primarily due to highway, rail and street noise rather than aircraft. Vehicle traffic along I-280 and State Route 87 are the primary contributors to ambient noise levels in the DSAP area.
7. The benefits of access to outdoor spaces, including for multifamily residents, are well documented. The City encourages private outdoor space in multifamily developments. With the required notice, future residents will have the option of living in less urban areas further from the flight path; but in choosing to live in an urban area, they may have the option of spending time in their private balconies and communal outdoor spaces despite the potential annoyance of aircraft overflights. The purpose of the State Aeronautics Act would not be violated by allowing these options.
8. The Mineta San José International Airport maintains a webpage, <https://www.flysanjose.com/noise/noise-complaint>, through which it collects written noise complaints. Both the airport website and the County of Santa Clara website refer readers to this page. The City has examined the resulting records of noise complaints for a 10-year period and found that of 445,000 complaints received through the webpage, 1,505 (0.34 percent), originated in a ZIP code that includes any portion of Downtown San José (95110, 95112, 95113, 95126, and 95192). This ratio reflects a longstanding pattern of more frequent airport noise complaints from less urbanized areas and fewer from downtown areas. To explore specifically whether construction of multifamily residential buildings with outdoor patios and/or outdoor activity areas results in significant noise complaints, the City identified six such existing buildings in Downtown within the 65 dBA CNEL airport noise contour boundary. The addresses were reviewed against the Airport's database. The review shows that in the last ten years, five of these multifamily residential buildings reported no noise complaints and one building nearer to the airport reported a total of twelve complaints. This level of complaint is not considered significant and is consistent with the pattern that Downtown San José generates few airport noise complaints compared

to less urbanized neighborhoods, even from residential buildings that include outdoor activity areas.

- F. ALUC CLUP Policy H-1 provides: “Any structure or object that penetrates the Federal Aviation Regulations Part 77, *Objects Affecting Navigable Airspace* (FAR Part 77) Surfaces, as illustrated in Figure 6 [of FAA Regulations Part 77], is presumed to be a hazard to air navigation and will be considered an incompatible land use, except in the following circumstance. If the structure or object is above the FAR Part 77 surface, the proponent may submit the project data to the FAA for evaluation and air navigation hazard determination, in which case the FAA’s determination shall prevail.” General Plan Transportation Policy TR14.2 requires project proponents to submit this data to the FAA for evaluation and determination.

The DSAP and Conforming Rezoning is in compliance with General Plan Transportation Policy TR14.2 in that if the City Council approves the General Plan Amendment and Conforming Rezoning, future development will require a “Determination of No Hazard” to Air Navigation be issued by the FAA for all buildings prior to issuance of any building permits.

- G. The Caltrans letter is summarized as follows, with responses in italics:

1. The Caltrans letter states; “On December 16, 2020, the SCCALUC [Santa Clara County ALUC] found the proposed GPA and Rezoning inconsistent with the policies of safety, height and noise contained within the SJC CLUP.”

The ALUC did not find the General Plan Amendment or Rezoning inconsistent with any CLUP safety policy; the ALUC considered their consistency with the CLUP policies for safety, height and noise, but found inconsistencies only with specific noise and height policies.

2. The Caltrans letter found the City’s existing General Plan, Rezoning and the City’s proposed resolution are inconsistent with CLUP Noise Policies, Table 4-1 and Policy N-4.

Although there are inconsistencies with CLUP Noise Policies, the City requires compliance with the cited Building Code maximum interior noise standards, regularly imposes Standard Condition of Approval NO-2 to ensure compliance for residential and hotel development, and requires acoustical analysis for residential type structures in areas that exceed 65 dB CNEL or DNL.

3. The Caltrans letter also addresses residential and hotel exterior use spaces within the 65 dBA CNEL noise contour boundaries, concluding some of the findings in the City's Resolution are individually insufficient to support the City's Conclusion that provision of these spaces would not cause inconsistency with the purposes of the Aeronautics Act.

This resolution does not rely on any single finding to support this conclusion, but rather on all the findings taken together; these findings include not only benefits of exterior spaces and minimal airport noise complaints from Downtown residents within the 65 dBA CNEL noise contour boundaries who have outdoor spaces, but all six other findings, including requirements for aviation easements and pre-contract notices to residential buyers and tenants.

4. Regarding building heights, Caltrans differs with the City's reliance on the FAA's regulatory process to ensure that heights of buildings that will be proposed for development under the General Plan Amendment and Rezoning will be studied by the FAA as required by federal regulation and receive a determination of no hazard as a condition for issuing a building permit.

The FAA is the only authoritative source on airspace utilization. FAR Part 77 and its imaginary airspace surfaces are used by the FAA to identify structures requiring aeronautical studies and airspace determinations. If a proposed building exceeds Part 77 surfaces, then the FAA is required to determine the potential aeronautical effect. The FAA's studies account for all known and proposed structures in the airport environment and consider both project-specific and cumulative effect.

5. The Caltrans letter emphasizes the importance of the San José International Airport and expresses concern that the building heights permitted by the project would reduce the operating utility or constrain future Airport development.

City policy also emphasizes the importance of the Airport, and the City Council has concluded that a vital Downtown and local economy are important to protecting the Airport's future. In addition, the City's Airport Department has been actively engaged in reviewing the General Plan Amendment and Rezoning and considers them to be consistent with Airport planning, safety and economic interests.

H. The ALUC letter is summarized as follows, with response in italics:

1. ALUC acknowledges that the City of San José has prescribed the density for the area within the Outer Safety Zone to be in compliance with the 300 people per acre maximum through the General Plan Amendment and Rezoning.

Accordingly, ALUC's ground for its finding of inconsistency based on the potential for the General Plan Amendment to allow future development to exceed 300 people per acre as prescribed within the outer safety zone is no longer accurate as the General Plan Amendment is consistent.

2. The ALUC letter states that the ALUC believes a settlement agreement providing for the ALUC to modify the CLUP "to include no outdoor residential space within the 65 dBA noise contour or greater" would be violated by allowing the General Plan Amendment and Rezoning to move forward.

The statement that the adoption of the Envision San José 2040 General Plan "included a court order settlement agreement" is incorrect. Instead, in 2011, the City and the ALUC settled the City's CEQA challenge to the 2010 version of the CLUP. The ALUC's statement that the settlement agreement provided for modification of the CLUP "to include no outdoor residential space within the 65 dBA CNEL noise contour" is also incorrect. The settlement agreement listed changes to other CLUP provisions, but none pertaining to outdoor patios or any noise issue. In addition, the settlement agreement could not, and did not purport to, divest the City of its statutory right, and obligation under appropriate circumstances, to overrule an ALUC determination of CLUP inconsistency under Section 21676.

3. The ALUC letter states that resolution findings regarding the consistency between City General Plan, City of San José Master Plan and Diridon Station Plan are not relevant to the decision-making responsibility of the ALUC.

This statement is accurate, but the resolution is for consistency with the purpose of the Aeronautics Act. The findings that cite the City's General Plan and Master Plan are relevant to airport land use issues of safety, height and noise, and are relevant to the City Council decision to overrule the ALUC's determination under Section 21676.

4. The ALUC letter states "Also, on January 13, 2021, the Federal Aviation Administration ("FAA") published, in the Federal Register, Vol. 86, No. 8,

Docket No. FAA-2021-0037 a noise analysis of impacts to receptors adjacent to airports. The ALUC notes regarding noise that document has direct applicability to the subject project and would be inconsistent with it.”

As stated in the Federal Register, the FAA has only released the cited document for public comments; accordingly, the document has no direct applicability to any project. The Federal Summary States: “The FAA is releasing a summary to the public of the research programs it sponsors on civil aircraft noise that could potentially inform future aircraft noise policy. The FAA invites public comment on the scope and applicability of these research initiatives to address aircraft noise. The FAA will not make any determination based on the findings of these research programs for the FAA’s noise policies, including any potential revised use of the Day-Night Average Sound Level (DNL) noise metric, until it has carefully considered public and other stakeholder input along with any additional research needed to improve the understanding of the effects of aircraft noise exposure on communities.”

5. The ALUC letter states that the ALUC uses FAA Part 77 Surfaces as a height restriction boundary. It further states that the General Plan Amendment would also allow building heights in conflict with FAA Part 77 Surfaces by using TERP surfaces to define future building heights.

This comment does not take into consideration the fact that any building proposed under the General Plan Amendment with a height that conflicts with FAA Part 77 Surfaces will be required to obtain a determination of no hazard from the FAA before any building permits will be issued. Accordingly, all buildings that will be proposed for development under the General Plan Amendment and Rezoning in conflict with Part 77 surfaces will be studied by the FAA as required by federal regulation and receive a determination of no hazard as a condition of development and therefore the use of TERP surfaces in the General Plan Amendment does not create a conflict. In addition, see response above to Caltrans letter regarding FAA Part 77 Surfaces.

6. ALUC incorporates Caltrans April 15, 2021 letter by reference.

Please see responses to Caltrans letter dated April 15, 2021, in Section 1.G., above.

SECTION 2. Therefore, based upon the findings set forth above, the City Council hereby finds that the General Plan Amendment (File No. GP20-007) and Conforming Rezoning (File No. C20-002) are not in conflict with and would be consistent with the purposes set forth in California Public Utilities Code Section 21670, regarding protection of public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports, to the extent that these areas are not already devoted to incompatible uses.

SECTION 3. Based upon all of the foregoing findings and conclusions, the City Council hereby overrules the ALUC determination of nonconformance of General Plan Amendment (File No. GP20-007) and Conforming Rezoning (File No. C20-002) with the noise and height polices within the CLUP.

ADOPTED on this ____day of _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT “A”

Caltrans Letter dated 4/15/2021

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

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a California Way of Life.*

April 15, 2021

Mr. José Ruano, Planner II
Building and Code Enforcement
Department of Planning
City of San José
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1705

Electronically Sent
Jose.ruano@sanjoseca.gov

Dear Mr. Ruano:

The California Department of Transportation (Caltrans), Division of Aeronautics (Division) received a proposed overrule by the city of San José (City) on March 16, 2021. Pursuant to California Public Utilities Code (PUC) section 21676(a)¹, an overrule may be proposed by the City after the Santa Clara County Airport Land Use Commission (SCCALUC) finds a general or specific plan, including amendments, inconsistent with the Comprehensive Land Use Plan (CLUP)² for Norman Y. Mineta San José International Airport (SJC).

The proposed overrule involves a General Plan Amendment (GPA) and Conforming Rezoning, City File Nos. GP20-007 and C20-002, also known as the Diridon Station Area Plan³. These proposed land use actions were submitted to the Santa Clara County Airport Land Use Commission (SCCALUC) for a consistency determination with the SJC Comprehensive Land Use Plan (CLUP). On December 16, 2020, the SCCALUC found the proposed GPA and Rezoning inconsistent with the safety, height, and noise policies contained within the SJC CLUP.

In response to the SCCALUC's inconsistency finding, the City prepared a resolution with draft findings in support of the GPA and Rezoning. The Division has reviewed the City's proposed findings and has determined the proposed findings are not consistent with the declaration and purposes of the statutes set forth in PUC section 21670⁴ and with the foundational principles contained in the California Airport Land Use Planning Handbook (Handbook)⁵

The SCCALUC found the GPA and Rezoning inconsistent with the SJC CLUP noise policies, Table 4-1 and Policy N-4. The Table shows residential uses are "Generally Unacceptable" between the 65-70 decibel (dB) Community Noise Equivalent Level (CNEL) Noise Contours. Further, Policy N-4 of the SJC CLUP states, "that no

residential or transient lodging construction shall be permitted within the 65 dB CNEL contour boundary unless the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas.” The City’s resolution includes a finding that states, “Although the project is proposing residential type development in the 65-70 dB CNEL noise contour, the City finds the project consistent with Section 21670.” This finding is inconsistent with PUC section 21670 in that it does not promote the overall objectives of the California airport noise standards pursuant to PUC section 21669 and prevent the creation of new noise problems. It is also inconsistent with the Handbook Table 4B that shows 65 dB CNEL is generally not acceptable for most new development.

The finding pertaining to Goal EC-1 of the Envision San José General Plan 2040 (General Plan) is not consistent with the Handbook, which references the California Building Code (Building Code)⁶ section 1207.11. The Building Code establishes a maximum interior noise of 45 dB CNEL⁷. The Division cautions the City that if interior noise exposure exceeds 45 dB, then the City may be liable for future retrofits. Further, the Building Code requires a general plan that includes an airport’s noise contours. According to the Building Code, if residential type structures exceed 60 dB CNEL or DNL, per the Noise Element, then an acoustical analysis is required.

The Division finds that the City’s General Plan policies regarding outdoor noise limits within the environs of SJC and in downtown San Jose inconsistent with PUC section 21670, 21674.7(b), and PUC section 21675(a).

- The City’s General Plan does not discourage incompatible land uses near existing airports (PUC section 21674.7)
- Proposed buildings are not guided by the noise criteria compatible with airport operations (PUC section 21674.7); and
- The GPA does not safeguard the inhabitants within the vicinity of airports (PUC section 21675(a)).

The finding regarding exterior spaces being consistent with the SJC Airport Master Plan is not consistent with PUC section 21670(a), and PUC section 21676(a)⁸. Further, the SJC Master Plan noise analysis does not supersede SJC CLUP policies (PUC section 21676(c)).

The finding regarding the largest contributing factor to 65-70 dB CNEL noise measures is from highways, streets, and rail systems is not supported.

The Division finds that the City’s noise complaint tracking system indicating minimal noise complaints from existing development is not consistent with PUC section 21670. This finding does not account for future conditions and does not prevent new noise problems.

The City's resolution states that "the ALUC made its Land Use Plan inconsistency determination prior to the Federal Aviation Administration's issuance of any "No Hazard" determination for the subject project and that CLUP Policy H-1 provides that the FAA determination shall prevail." Federal Aviation Administration (FAA) aeronautical studies are typically conducted upon submission of Code of Federal Regulations (CFR), Part 77, Form 7460-1⁹, which pertains to specific structures, objects, or natural features. FAA aeronautical studies do not typically consider broad policies and standards applicable to a general or specific plan or a cumulative number of future buildings, objects, or natural features as proposed with the GPA and Rezoning. If the FAA has made a "Determination of No Hazard," it was not submitted with the proposed resolution and findings

Further, the Legislature enacted PUC sections 21402¹⁰ and 21659(a)¹¹ for airspace protection purposes. According to the California State Aeronautics Act, CFR Part 77 (Part 77) is used as the primary airspace protection standard for the State. In addition, the provisions of PUC section 21670 (inclusive) reference Part 77 for ALUCs' use in airport land use compatibility planning and policy formation. FAA Determinations on an Airspace Study is a finding relative to Part 77 surfaces surrounding an airport. If a local agency proposes policies with respect to building heights that cover large areas, a cumulative number of future buildings, several objects, or swaths of natural features, then Part 77 is the appropriate standard for establishing building height maximums. The SCCALUC adopted their policies consistent with the Handbook's foundational principles.

The City resolution also includes a finding that states, "the project is in compliance with General Plan Transportation Policy TR14.2." The City's finding is not consistent with PUC section 21670 because it requires future determinations by the FAA for individual buildings, objects, or specific natural features. It does not demonstrate that cumulative future conditions would ensure the orderly development of SJC or maintain protection of SJC airspace. Such consequences may reduce the operating utility of SJC. Ultimately, it may be more appropriate for the City to seek the FAA's assistance in conducting an aeronautical study that evaluates all potential development scenarios to best protect SJC and SJC's airspace.

Development encroachment upon an airport is likely to constrain an airport's vital contribution to the community, region, and State, and exposes people to safety hazards and excessive noise. In addition, SJC provides economic stimulus, generates on and off airport jobs, and is a hub for domestic and international commerce and tourism.

Caltrans concurs with SCCALUC's inconsistency determination because SJC is important to the California Aviation System Plan.

If you have questions or need further assistance, please contact me at (916) 654-5314 or via email at robert.fiore@dot.ca.gov.

Sincerely,

Original signed by

ROBERT FIORE
Aviation Planner

c: Ryan Sheelen, C.M., Airport Planner III, Planning and Development Division
San José International Airport; rsheelen@sjc.org

Laurie Suttmeier, FAA, SFO; laurie.suttmeier@faa.gov

Mark Connolly, Program Manager, Santa Clara County Airport Land Use
Commission; Mark.Connolly@PLN.SCCGOV.ORG

ENDNOTES

¹PUC section 21676(a), each local agency whose general plan includes areas covered an airport land use compatibility plan must submit a copy of its plan or specific plan to the airport land use commission (ALUC).

²PUC section 21675(a): Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general.

³The proposed City-initiated General Plan Amendment amending the Diridon Station Area Plan, is to add development capacity and update sections on land use, design, transportation, and public spaces, and the Conforming Rezoning is in response to Senate Bill (SB) 1333 to bring the existing site's Zoning Districts into conformance with the existing and amended Diridon Station Area Plan on approximately 262 gross acres.

⁴PUC section 21670(a): The Legislature hereby finds and declares that: (1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems. (2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

⁵PUC section 21674.7

⁶ California Code of Regulations, Title 24

⁷ The Building Code states that "interior noise levels shall not exceed 45 (dB) for either the Day-Night Average Sound Level (DNL) or the CNEL. The worst-case noise level of existing or 10 years in the future shall be used." The City's resolution does not provide the General Plan noise contours and analysis regarding a future worst-case scenario for residential type uses as required by the Building Code.

⁸PUC 21676(c): Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission.

⁹ Title 14, Code of Federal Regulations (CFR) Part 77, "*Safe, Efficient Use and Preservation of the Navigable Airspace.*"

¹⁰The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403. No use shall be made of such airspace which would interfere with such right of flight; provided, that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

¹¹No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, Subpart C, unless the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation.

EXHIBIT “B”

Airport Land Use Commission Letter dated 4/20/20

April 20, 2021

Jose Ruano, Planner II
City of San José | 200 E. Santa Clara St. 3rd Floor San José, CA 95113
Department of Planning, Building and Code Enforcement

RE: ALUC comments on Overrule findings proposed by the City San Jose for the for the Diridon Station Area Plan Amendment (City of San Jose file number GP20-007 and C20-002), affecting lands within the San Jose International Airport Influence Area (AIA).

Dear Mr. Ruano:

The ALUC considered the City's proposed overrule of Diridon Station Area Plan Amendment at its March 24, 2021 meeting and concluded that the proposed overrule is not consistent with the purposes of Article 3.5 of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, sections 21670 through 21679.5, which are to protect public health, safety and welfare by, among other things, ensuring the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. The specific reasons for the ALUC's determination are provided below.

In general, the ALUC finds that the overrule findings made by the City of San Jose are insufficient and not factual, as well as inconsistent with the purposes of the CLUP.

The ALUC acknowledges that despite the project being located partially within the Outer Safety Zone, the City of San Jose has prescribed the density for this area to be in compliance with 300 people per acre through the Diridon Station Area Plan (General Plan) and referenced Rezoning.

Although the SJC Masterplan is an operational document for SJC, not an ALUC CLUP document, the Overrule resolution states on page 7, among other citations, that the Diridon Station Area Plan Amendment is consistent with the SJC Masterplan. The Diridon Station Area Plan uses TERP surfaces to dictate future building height. Using TERP surfaces creates a conflict with the SJC Masterplan and the City General Plan because both use Part 77 surfaces. Also, only the SJC CLUP is used by the ALUC to make their consistency determinations.

Unless and until the City pursues the appropriate means to propose CLUP amendments, Federal Aviation Administration(FAA) Part 77 Surfaces are the guiding surfaces for height restriction boundaries for the San Jose International Airport AIA. Applying TERP surfaces in the proposed Diridon Station Area Plan Amendment is both inconsistent with the SJC Airport Masterplan and the ALUC SJC CLUP.

Regarding noise; The Envision San Jose 2040 General Plan adoption by the City, included a court order settlement agreement, accepted by the City and ALUC, that the San Jose International Land Use Plan (CLUP) would be modified to include no outdoor residential space within the 65 dBA noise contour or greater. The ALUC believes that allowing the project to

move forward as proposed would be in violation of the settlement agreement and inconsistent with the SJC CLUP.

Also, on January 13, 2021, the Federal Aviation Administration (“FAA”) published, in the Federal Register, Vol. 86, No. 8, Docket No. FAA-2021-0037 a noise analysis of impacts to receptors adjacent to airports. The ALUC notes regarding noise that the document has direct applicability to the subject project and would be inconsistent with it.

The April 15th Cal Trans division of Aeronautics letter from Bob Fiore, transmitted to the City of San Jose, is incorporated by reference, which strongly supports the ALUC’s decision.

The ALUC wishes to reiterate the following were the grounds under which the ALUC found the project **Inconsistent**:

The ALUC considered the above referral for consistency with the policies of safety, height and noise contained within the San Jose International Airport Comprehensive Land Use Plan (SJC CLUP), at their December 16, 2020 Meeting.

The proposed General Plan Amendment would allow development in conflict with Table 4-1 and Noise policy N-4 of the SJC CLUP.

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

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.) “

The General Plan Amendment would potentially allow future development to exceed 300 people per acre as prescribed within the outer safety zone (OSZ).

An approximate eight (8) acres of the plan area would allow an approximate population density of 2,400 people per acre. The proposed General Plan designations in this area would be Downtown and Downtown Commercial.

The Downtown land use designation would allow a very broad range of uses up to 800 dwelling units per acre and an FAR of 30.

The Downtown Commercial land use designations would allow a floor area ratio FAR of 15.0.

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, the proposed density and height would likely allow an exceedance of 300 people per acre for the sites within the Outer Safety Zone.

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.

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. However, no specific development is proposed with the project.

The proposed General Plan Amendment would also allow building heights in conflict with FAA Part 77 Surfaces by using TERP surfaces to define future building heights. The ALUC uses FAA Part 77 Surfaces as a height restriction boundary.

If you have any questions, please feel free to contact ALUC staff, Mark Connolly, at 408-299-5786, or via e-mail at mark.connolly@pln.sccgov.org.

Sincerely,



Mark J. Connolly
Senior Planner / ALUC Program Manager

Cc: John Tu; Supervising Planner, City of San Jose

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS REQUIRED BY CALIFORNIA PUBLIC UTILITIES CODE SECTION 21676 THAT THE PROPOSED GENERAL PLAN AMENDMENT AND REZONING OF APPROXIMATELY 80 GROSS ACRES EXTENDING APPROXIMATELY ONE MILE FROM NORTH TO SOUTH, AND GENERALLY 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, BARACK OBAMA BOULEVARD, AND ROYAL AVENUE TO THE EAST; AUZERAIS AVENUE TO THE SOUTH; AND THE CALTRAIN RAIL CORRIDOR AND CAHILL STREET TO THE WEST, IS CONSISTENT WITH THE PURPOSES SET FORTH IN CALIFORNIA PUBLIC UTILITIES CODE SECTION 21670 AND OVERRULING THE SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION (ALUC) DETERMINATION THAT THE PROPOSED PROJECT IS INCONSISTENT WITH CERTAIN ALUC NOISE AND HEIGHT POLICIES AS DEFINED BY THE "COMPREHENSIVE LAND USE PLAN FOR SAN JOSE INTERNATIONAL AIRPORT"

FILE NOS. GP19-009 AND PDC19-039

WHEREAS, pursuant to the provisions of Section 21676 of the California Public Utilities Code, the City made a referral of the General Plan Amendment (File No. GPA19-009) and Planned Development Rezoning (File No. PDC19-039) to the Airport Land Use Commission of Santa Clara County (ALUC) for a determination of consistency with the ALUC's plans to the extent that the area covered by the Downtown West project falls within the ALUC's Airport Influence Area surrounding Mineta San José International Airport; and

WHEREAS, the project is for a General Plan Amendment (Envision San José 2040 and Diridon Station Area Plan) and rezoning to a DC(PD) Planned Development Zoning District to bring forward a plan that reflects the objectives represented by the City,

stakeholders, and residents of San José in an inclusive and extensive public process; and consists of up to 5,900 residential units; up to 7,300,000 gross square feet (GSF) of office space; up to 500,000 GSF of active uses such as retail, cultural, arts, civic etc.; up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to two event and conference centers totaling up to 100,000 GSF; up to two central utility plants totaling approximately 130,000 GSF; logistic/warehouse(s) totaling approximately 100,000 GSF and approximately 15 acres of open space, all on approximately 80-gross acres in the area generally 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, Barack Obama Boulevard, and Royal Avenue to the East; Auzerais Avenue to the South; and the Caltrain Rail Corridor and Cahill Street to the West; and

WHEREAS, on December 16, 2020, the ALUC, acting pursuant to its authority under Public Utilities Code Section 21676, determined that GP19-009 and PDC19-039 were inconsistent with ALUC noise and height policies, as defined in the “Comprehensive Land Use Plan for San José International Airport” (CLUP); and

WHEREAS, ALUC found the rezoning and general plan amendment would be inconsistent with the CLUP Noise Policy N-4 and Table 4-1 because a portion of the site would permit residential outdoor patios or outdoor activity areas within the CLUP’s 65 A-weighted decibels (dBA) Community Noise Equivalent Level (CNEL) noise contour, and the ALUC CLUP discourages residential uses with outdoor patios or outdoor activity areas within the 65 dba CNEL noise contour; and

WHEREAS, ALUC found the proposed rezoning and general plan amendment were also inconsistent with the CLUP H-1 height policy, as the project may propose building heights that exceed FAR Part 77 Surfaces. The CLUP height policy references FAR Part 77 Surfaces to determine compatible land uses in the Airport Influence Area; and

WHEREAS, the ALUC made its Land Use Plan inconsistency determination prior to the FAA's issuance of any "No Hazard" determination for the subject project; and

WHEREAS, if a project exceeds FAR Part 77 surfaces but receives an FAA "Determination of No Hazard" following an FAA aeronautical study, CLUP Policy H-1 provides that the FAA determination shall prevail; and

WHEREAS, the ALUC found the proposed project to be consistent with the CLUP except for noise and height as described above; and

WHEREAS, the ALUC determined that the subject site is located outside of the outer safety zone (OSZ) and none of the safety policies contained within the CLUP are applicable to this proposed project; and

WHEREAS, pursuant to the provisions of Public Utilities Code Section 21676 the City may, after a public hearing on the matter, overrule a determination by the ALUC by a two-thirds vote of the City Council so long as the City Council makes specific findings that a proposed action is consistent with the purposes set forth in Public Utilities Code Section 21670; and

WHEREAS, on May 25, 2021, the City Council heard and considered all testimony and other evidence presented and submitted, including a memorandum dated 7/7/2021, from the Department of Planning, Building and Code Enforcement, related to this item; and

WHEREAS, on February 19, 2021, the City notified the ALUC and California Department of Transportation Division of Aeronautics, in writing, of the City's proposed override of the ALUC's determination and provided a copy to the ALUC of the City's proposed override findings in a manner consistent with applicable State law; and

WHEREAS, on March 23, 2021, Caltrans submitted written comments to the City on the proposed overrule findings ("Caltrans letter") and on April 15, 2021, the ALUC submitted written comments to the City on the proposed overrule findings ("ALUC letter"), and copies of the Caltrans letter and the ALUC letter are attached hereto and incorporated by this reference; and

WHEREAS, the Caltrans letter and the ALUC letter are advisory to the City Council under Public Utilities Code Section 21676; and

WHEREAS, the ALUC considered and commented on the City's draft resolution for the proposed override of the ALUC's determination, which this City Council has received and considered; and

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

SECTION 1. Public Utilities Code Section 21676 provides that a local governmental body may overrule the ALUC's determination if it makes specific findings that the proposed local government body's action is consistent with the purposes of Section 21670. The City Council hereby makes the following overriding findings with regard to the ALUC's determination of inconsistency with noise and height policies listed in the CLUP:

- A. The recitals above are incorporated herein as findings.
- B. The first purpose of Section 21670 is to provide for the orderly development of each public use airport in the state and the area surrounding these airports so as to promote the overall goals and objectives of California airport noise standards and prevent the creation of new noise and safety problems. The second purpose of Section 21670 is to protect public health, safety and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the public airports to the extent that these areas are not already devoted to incompatible uses.

- C. With respect to safety, the subject property is not located within any of the Safety Zones for the Mineta San José International Airport. Therefore, none of the CLUP safety policies are applicable to the proposed project.
- D. Consistent with the purposes of Section 21670, the City's General Plan development review process and methodology ensure that future development within the Airport Influence Area on the project site would minimize the public's exposure to excessive noise and that buildings will be constructed only if their heights and other characteristics result in FAA Determinations of No Hazard to Air Navigation.
- E. ALUC Policy N-4 provides that no residential or transient lodging construction shall be permitted within the 65 dBA CNEL (CNEL measurement is the same as DNL but adds a 5 dB penalty between 7pm and 10pm) contour boundary unless it can be demonstrated that a) the resulting interior sound levels will be less than 45 dBA DNL (DNL is the Day-Night Average Sound Level over a 24 hour time weight energy average noise level, with a 10 dB penalty between 10pm to 7am to account for the higher sensitivity to noise at night due to lower background noise) and b) there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed-use residential project. The City's analysis shows that the Year 2027 65 dBA CNEL noise contour extends into several blocks on the project site that the Downtown West Project would designate for residential or hotel use. Although the project is proposing the above type of development in the 65 dBA CNEL noise contour, the project is consistent with Section 21670 for the reasons stated below:
 - 1. Consistent with Goal EC-1 of the Envision San José General Plan 2040, with the California Building Code, and with ALUC Policy N-4, interior noise levels in residences and hotel rooms will not exceed 45 dBA DNL. See project EIR Mitigation NO-3, which will be a condition of approval of the project's Planned Development Permit.
 - 2. General Plan Transportation Policy TR-14.4 requires dedication of aviation easements to protect airport operations. Such easements will be required as conditions of approval of the project's Planned Development Permit, establishing consistency with CLUP Policies G-5 and O-1, which call for aviation easements within the Airport Influence Area.
 - 3. Consistent with CLUP's Noise Compatibility Policy N-5, "all property owners within the Airport Influence Area who rent or lease their property for residential use shall include in their rental/lease agreement with the tenant, a statement advising that they (the tenants) are living within an exterior

aircraft noise exposure area designated by the ALUC as greater than the 65 dBA CNEL in a manner that is consistent with current state law including AB2776 (2002)." The policy will be enforced through a condition of approval to the project's Planned Development Permit.

4. The Envision San José 2040 General Plan identifies outdoor noise environments of 60-75 dBA DNL as "conditionally acceptable" for residential and hotel uses, as long as interior noise levels are mitigated to 45 dBA DNL. The residential outdoor activities areas at Downtown West Blocks E3 and C3 are located both in the environs of the Mineta San José International Airport and in Downtown. These areas are exempt from the 60 dBA DNL exterior noise limit the City applies in other residential areas.
5. Residential exterior spaces such as apartment balconies and ground-floor common areas within the 65 dBA DNL noise contour would be consistent with orderly development of the Mineta San José International Airport. These spaces would be consistent with the recently adopted Airport Master Plan, whose noise analysis provides that residential uses within the 65 dBA DNL contour are considered compatible with airport operations because interiors are sound insulated. Exterior spaces do not preclude such residences from being considered compatible with airport operations.
6. Existing noise conditions in portions of Block E3 and C3 exceed 65 dBA CNEL, but these conditions are primarily due to highway, rail and street noise rather than aircraft. (Downtown West Mixed Use Project DEIR Table 3.10-1).
7. The benefits of access to outdoor spaces, including for multifamily residents, are well documented. The City encourages private outdoor space in multifamily developments. With the required notice, future residents will have the option of living in less urban areas further from the flight path; but in choosing to live in an urban area, they may have the option of spending time in their private balconies and communal outdoor spaces despite the potential annoyance of aircraft overflights. The purpose of the State Aeronautics Act would not be violated by allowing these options.
8. The Mineta San José International Airport maintains a webpage, <https://www.flysanjose.com/noise/noise-complaint>, through which it collects written noise complaints. Both the airport website and the County of Santa Clara website refer readers to this page. The City has examined the resulting records of noise complaints for a 10-year period and found that of 445,000 complaints received through the webpage, 1,505 (0.34 percent), originated in a ZIP code that includes any portion of Downtown San José

(95110, 95112, 95113, 95126, and 95192). This ratio reflects a longstanding pattern of more frequent airport noise complaints from less urbanized areas and fewer from downtown areas. To explore specifically whether construction of multifamily residential buildings with outdoor patios and/or outdoor activity areas results in significant noise complaints, the City identified six such existing buildings in Downtown within the 65 dBA CNEL airport noise contour. The addresses were reviewed against the Airport's database. The review shows that in the last ten years, five of these multifamily residential buildings reported no noise complaints and one building nearer to the airport reported a total of twelve complaints. This level of complaint is not considered significant and is consistent with the pattern that Downtown San José generates few airport noise complaints compared to less urbanized neighborhoods, even from residential buildings that include outdoor activity areas.

- F. ALUC CLUP Policy H-1 provides: "Any structure or object that penetrates the Federal Aviation Regulations Part 77, *Objects Affecting Navigable Airspace* (FAR Part 77) surfaces, as illustrated in Figure 6, is presumed to be a hazard to air navigation and will be considered an incompatible land use, except in the following circumstance. If the structure or object is above the FAR Part 77 surface, the proponent may submit the project data to the FAA for evaluation and air navigation hazard determination, in which case the FAA's determination shall prevail." General Plan Transportation Policy TR14.2 requires project proponents to submit this data to the FAA:

The project is in compliance with General Plan Transportation Policy TR14.2 in that if the City Council approves the proposed rezoning and general plan amendment, a condition of approval will be included in the Planned Development Permit requiring a "Determination of No Hazard" to Air Navigation be issued by the FAA for all buildings prior to issuance of any building permits.

- G. The Caltrans letter is summarized as follows, with responses in *italics*:
1. The Caltrans letter states; "On December 16, 2020, the SCCALUC found the proposed GPA and Rezoning inconsistent with the policies of safety, height and noise contained within the SJC CLUP."
The ALUC did not find the Project inconsistent with any CLUP safety policy; the ALUC considered the Project's consistency with the CLUP policies for safety, height and noise, but found inconsistencies only with specific noise and height policies.

2. The Caltrans letter states that both the City's existing General Plan and the City's proposed resolution are inconsistent with noise provisions of the California Building Code limiting interior residential noise to 45 dBA CNEL and requiring acoustical analysis for residential type structures in areas that exceed 60 dB CNEL or DNL.

As stated in the Environmental Impact Report for the Project, the City requires compliance with the Cited Building Code noise standards (p. 3.10-17), regularly imposes Standard Condition of Approval NO-2 to ensure compliance for residential and hotel development (p. 3.10-24) and includes Project-specific Mitigation Measure NO-3 to ensure the Project meets these standards in relation to airport noise (p. 3.10-52). The EIR's analysis is based on the same 2027 noise contours as are used in the CLUP.

3. The Caltrans letter also addresses residential and hotel exterior use spaces within the 65 dBA CNEL noise contour, stating that two of the findings in the City's Resolution are individually insufficient to support the City's Conclusion that provision of these spaces would not cause inconsistency with the purposes of the Aeronautics Act.

This resolution does not rely on any single finding to support this conclusion, but rather on all the findings taken together; these findings include not only benefits of exterior spaces and minimal airport noise complaints from Downtown residents within the 65 dBA CNEL noise contour who have outdoor spaces, but all six other findings, including requirements for aviation easements and pre-contract notices to residential buyers and tenants.

4. Regarding building heights, Caltrans differs with the City's reliance on the FAA's regulatory process to ensure that building heights have been studied by the FAA as required by federal regulation and received a determination of no hazard.

The FAA is the only authoritative source on airspace utilization. FAR Part 77 and its imaginary airspace surfaces are used by the FAA to identify structures requiring aeronautical studies and airspace determinations. If a proposed building exceeds Part 77 Surfaces, then the FAA is required to determine the potential aeronautical effect. The FAA's studies account for all known and proposed structures in the airport environment and consider both project-specific and cumulative effect.

5. The Caltrans letter emphasizes the importance of the San José International Airport and expresses concern that the building heights permitted by the project would constrain future Airport development.

City policy also emphasizes the importance of the Airport, and the City Council has concluded that a vital Downtown and local economy are important to protecting the Airport's future. In addition, the City's Airport Department has been actively engaged in reviewing the Project and considers the Project consistent with Airport planning, safety and economic interests.

H. The ALUC letter is summarize as follows, with response in italics:

1. The ALUC letter states that the City's proposed resolution should amend or delete the following: "WHEREAS, the ALUC found the proposed project to be consistent with the CLUP except for noise and height as described above; and to; WHEREAS, the project was proposed outside of all ALUC safety zones for SJC; and"

The first finding is accurately quoted by the second is not quoted correctly. The ALUC letter does not explain why the ALUC believes these findings should be deleted or amended. These findings are accurate, are directly relevant to expressly stated purposes of the Aeronautics Act to prevent the creation of new safety problems and minimize the public's exposure to safety hazards, and match findings in previous overrule resolutions.

2. The ALUC letter states that the ALUC believes a settlement agreement providing for the ALUC to modify the CLUP "to include no outdoor residential space within the 65 dBA noise contour or greater" would be violated by approval of the Project.

The statement that the adoption of the Envision San José 2040 General Plan "included a court order settlement agreement" is incorrect. Instead, in 2011 the City and the ALUC settled the City's CEQA challenge to the 2010 version of the CLUP. The ALUC's statement that the settlement agreement provided for modification of the CLUP "to include no outdoor residential space within the 65 dBA CNEL noise contour" is also incorrect. The settlement agreement listed changes to other CLUP provisions, but none pertaining to outdoor patios or any noise issue. In addition, the settlement agreement could not, and did not purport to, divest the City of its statutory right, and obligation under appropriate circumstances, to overrule an ALUC determination of CLUP inconsistency under Section 21676.

3. The ALUC letter questions why the General Plan exempts residential uses Downtown and in the environs of the Airport from the 60 dBA CNEL noise limit that applies in other residential areas in the City.

The City exempted these areas from the 60 dBA DNL noise limit applied to quieter parts of the City because areas near the Airport and in Downtown were already subject to noisier conditions. The City's General Plan and noise ordinance are consistent with the "conditionally acceptable" limits described for residential and hotel uses in these areas. As stated above, the City allows this condition as long as interior noise levels are mitigated to 45 dBA CNEL, and will enforce this condition through Standard Condition of Approval NO-2 and Project Mitigation Measure NO-3.

4. The ALUC letter states that there would be no need for residential property owners to provide notice to prospective tenants of 65 dBA CNEL noise conditions "if the Project were consistent with CLUP policies."

This notice requirement is itself a CLUP policy; CLUP Policy N-5 expressly requires notices for all rental residential properties that are within an Airport Influence Area and where exterior aircraft noise exceeds 65 dBA CNEL. The City will require compliance with CLUP Policy N-5.

5. The ALUC letter states that resolution findings regarding Project Consistency with certain General Plan policies are not relevant to the decision-making responsibility of the ALUC.

This statement is accurate, but the resolution is for consistency with the purpose of the Aeronautics Act. The findings that cite the City's General Plan are relevant to airport land use issues of safety, height and noise, and are relevant to the City Council decision to overrule the ALUC's determination under Public Utilities Code Section 21676.

6. The ALUC letter states that the Project's consistency with the San José International Airport Master Plan is irrelevant because an airport master plan, unlike the CLUP, is not a land use document.

Public Utilities Code Section 21675 requires that the CLUP be updated to conform to the Airport Master Plan; the ALUC has not yet done so for the Airport Master Plan adopted by the City and Airport Layout Plan approved by the FAA in 2020, specifically in regard to the Airport Master Plan Amendment's updated noise contours.

7. The ALUC letter states “Also, on January 13, 2021, the Federal Aviation Administration (“FAA”) published, in the Federal Register, Vol. 86, No. 8, Docket No. FAA-2021-0037 a noise analysis of impacts to receptors adjacent to airports. The ALUC notes regarding noise that document has direct applicability to the subject project and would be inconsistent with it.”

As stated in the Federal Register, the FAA has only released the cited document for public comments; accordingly, the document has no direct applicability to any project. The Federal Summary States: “The FAA is releasing a summary to the public of the research programs it sponsors on civil aircraft noise that could potentially inform future aircraft noise policy. The FAA invites public comment on the scope and applicability of these research initiatives to address aircraft noise. The FAA will not make any determination based on the findings of these research programs for the FAA’s noise policies, including any potential revised use of the Day-Night Average Sound Level (DNL) noise metric, until it has carefully considered public and other stakeholder input along with any additional research needed to improve the understanding of the effects of aircraft noise exposure on communities.”

8. The ALUC Letter states that ALUC uses FAA Part 77 Surfaces as a height restriction boundary.

See response above (Section 1.G.4) to Caltrans letter regarding FAA Part 77 Surfaces.

9. The ALUC letter states that the City has been unwilling to engage in dialogue with the ALUC and urges the City, if it disagrees with portions of the CLUP, to try to amend the CLUP rather than to overrule ongoing inconsistencies.

The City has expressed its substantive differences with CLUP Policy N-4, Table 4-1, and Policy H-1. The ALUC’s responses to those differences are available in the staff reports for and videos of recent ALUC public hearings.

SECTION 2. Therefore, based upon the findings set forth above, the City Council hereby finds that the development proposed under Planned Development Rezoning File No. PDC19-039 and General Plan Amendment GP19-009 is not in conflict with and would be

consistent with the purposes set forth in California Public Utilities Code Section 21670, regarding protection of public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports, to the extent that these areas are not already devoted to incompatible uses.

SECTION 3. Based upon all of the foregoing findings and conclusions, the City Council hereby overrules the ALUC determination of nonconformance of Planned Development Rezoning File No. PDC19-039 and GP19-009 with the noise and height polices within the CLUP.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

ATTEST:

SAM LICCARDO
Mayor

TONI J. TABER, CMC
City Clerk

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. # 40

1120 N STREET

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Making Conservation
a California Way of Life.**EXHIBIT "A"**

March 23, 2021

Mr. Tong (John) Tu, Supervising Planner
Planning, Building and Code Enforcement
Planning Division
City of San Jose
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1705

Electronically Sent
john.tu@sanjoseca.gov

Dear Mr. Tu:

The California Department of Transportation (Caltrans), Division of Aeronautics (Division) received a proposed overrule by the city of San Jose (City), in accordance with California Public Utilities Code (PUC) section 21676(a), on February 19, 2021. In accordance with PUC section 21676(a)ⁱ, an overrule may be proposed by the City after the Santa Clara County Airport Land Use Commission (SCCALUC) finds a general or specific plan, including amendments, inconsistent with the Comprehensive Land Use Plan (CLUP)ⁱⁱ for Norman Y Mineta San Jose International Airport (SJC). In accordance with PUC section 21675, the SJC CLUP contains height restrictions on buildings, specifies use of land, and determines building standards, including soundproofing adjacent to airports, within the airport influence area.

The proposed overrule involves a General Plan Amendment (Envision San José 2040 and Diridon Station Area Plan) and rezoning to a DC(PD) Planned Development Zoning Districtⁱⁱⁱ. This involves the City processing a proposed General Plan Amendment (GPA) and Planned Development Rezoning File Nos. GP19-009 and PDC19-039 to the Santa Clara County Airport Land Use Commission

ⁱ PUC section 21676(a), each local agency whose general plan includes areas covered an airport land use compatibility plan must submit a copy of its plan or specific plan to the airport land use commission (ALUC).

ⁱⁱ PUC section 21675(a): Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general.

ⁱⁱⁱ The project consist of 5,900 residential units; ~7,300,000 square feet of office space; ~500,000 GSF square feet of retail, cultural, arts, and civic type uses; ~300 hotel rooms; ~800 rooms of limited-term accommodations; event and conference centers of ~100,000 GSF; ~approximately 15 acres of open space; and other accessory uses.

(SCCALUC) for a consistency determination with policies contained in the SJC CLUP.

On December 16, 2020, the SCCALUC found the proposed GPA and Rezoning inconsistent with the policies of safety, height, and noise contained within the SJC CLUP. The GPA and Rezoning were determined to be inconsistent with the SJC CLUP policies, Table 4-1, Policy N-4 and Policy H-1.

In response to the SCCALUC's inconsistency finding, the City prepared a resolution with draft findings in support of the GPA and Rezoning. The Division has reviewed the City's proposed findings relevant to the SCCALUC's specific inconsistency determination and has determined the proposed findings are not consistent with the declaration and purposes of the statutes set forth in PUC section 21670 and with the foundational principles contained in the California Airport Land Use Planning Handbook (Handbook)^{iv}

The City's resolution includes a finding that pertains to SJC CLUP Policy N-4. The City's finding states that "analysis shows that the Year 2027 65 decibels (dB) Community Noise Level Equivalent (CNEL) noise contour extends into several blocks on the project site that the Downtown West Project would designate for residential or hotel use." "Although the project is proposing the above type of development in the 65 dB CNEL noise contour, the City finds the project is consistent with Section 21670." In support of their noise finding, the City listed reasons why the noise finding is consistent with PUC section 21670.

The Division finds that Goal EC-1 of the Envision San José General Plan 2040 is not consistent with the California Building Code and with ALUC Policy N-4. The California Building Code (Building Code) section 1207.11 (California Code of Regulations, Title 24) states that interior noise levels shall not exceed 45 (dB) for either the Day-Night Average Sound Level (DNL) or the CNEL. The worst-case noise level of existing or 10 years in the future shall be used. Further, the Building Code states that a Noise Element be included as part of the local general plan and noise contours are to be included. The City's resolution does not provide the General Plan noise contours and analysis regarding a future worst-case scenario for residential type uses as required by the Building Code. According to the Building Code, if residential type structures exceed 60 dB CNEL or DNL, per the Noise Element, then an acoustical analysis is required. In any case, an acoustical analysis for residential type uses prior to building permit issuance should be included as a condition of approval.

^{iv}PUC section 21674.7

The Division finds that the Envision San José 2040 General Plan, which identifies outdoor noise environments of 60-75 dBA DNL as "conditionally acceptable" for residential and hotel uses, if interior noise levels are mitigated to 45 dBA DNL, is not consistent with PUC section 21670. The City's Envision San José 2040 General Plan is inconsistent with PUC section 21674.7(b)^v, PUC section 21675(a), the Handbook's foundational principles and CLUP policy. The City's finding does not discourage incompatible land uses near existing airports (PUC section 21674.7); proposed buildings are not guided by the noise criteria compatible with airport operations (PUC section 21674.7); safeguard the inhabitants within the vicinity of airports (PUC section 21675(a)); the Building Code that establishes 65 dB CNEL as the maximum acceptable noise level for county designated noise-problem airports; and SJC CLUP Policy N-4, which states that "no outdoor patios or outdoor activity areas associated with the residential portion of a mixed use residential project or a multi-unit residential project.

The Division finds that residential exterior spaces within the 65 dBA DNL noise contour would be inconsistent with orderly development of SJC. The City's finding is not consistent with the intent and declaration by the California Legislature in PUC section 21670(a)^{vi}, and PUC section 21676(a)^{vii}. The City's finding does not provide for the orderly development of SJC (PUC section 21670(a)) because the SJC Master Plan noise analysis is not consistent with the SJC CLUP policies (PUC section 21676(a)).

The Division finds that the benefits of exterior spaces and where a person chooses to live is not a sufficient finding. It is the intent of the State Aeronautics Act (Act)

^v It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, to the extent that the criteria has been incorporated into the plan prepared by a commission pursuant to Section 21675.

^{vi} PUC section 21670(a): The Legislature hereby finds and declares that: (1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems. (2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

^{vii} PUC 21676(a): Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan.

to ensure the orderly growth of airports and prevent new noise and safety problems, regardless of the benefits of exterior spaces and when people choose to live near an airport.

The Division finds that the City's noise complaint tracking system indicating minimal noise complaints from existing development is not consistent with PUC section 21670. This reason does not account for future conditions and does not prevent new noise and safety problems.

The City's resolution states that "the ALUC made its Land Use Plan inconsistency determination prior to the Federal Aviation Administration's issuance of any "No Hazard" determination for the subject project and that CLUP Policy H-1 provides that the FAA determination shall prevail." The Division finds that FAA aeronautical studies are typically conducted upon submission of Title 14, Code of Federal Regulations (CFR) Part 77, "*Safe, Efficient Use and Preservation of the Navigable Airspace*" (Part 77), Form 7460-1, which pertains to specific structures, objects or natural features. FAA aeronautical studies do not typically consider broad policies and standards applicable to a general or specific plan or a cumulative number of future buildings, objects or natural features as proposed with the GPA and Rezoning. If the FAA has made a "Determination of No Hazard" for the proposed GPA and Rezoning policies and standards, it was not submitted with the proposed resolution and findings.

The City's resolution includes a finding that pertains to ALUC CLUP Policy H-1: "Any structure or object that penetrates the Federal Aviation Regulations Part 77, *Objects Affecting Navigable Airspace* (FAR Part 77) surfaces, as illustrated in Figure 6, is presumed to be a hazard to air navigation and will be considered an incompatible land use, except..., the proponent may submit the project data to the FAA for evaluation and air navigation hazard determination, in which case the FAA's determination shall prevail." The Legislature enacted PUC sections 21402^{vii} and 21659(a)^{ix} for airspace protection purposes. According to the Act, CFR Part 77 is used as the primary airspace protection standard for the State. CFR Part 77 provides a static, evenly applied, and "mappable" basis for determining

^{vii}The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403. No use shall be made of such airspace which would interfere with such right of flight; provided, that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

^{ix}No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, Subpart C, unless the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation.

height compatibility of structures or objects near an airport. The FAA regulates navigable airspace and established the CFR Part 77 process that requires project sponsors to inform FAA about proposed construction that could affect navigable airspace. FAA Determinations on an Airspace Study does not constitute an approval of a proposed project. Rather, it is a finding relative to CFR Part 77 surfaces surrounding an airport. Further, the provisions of PUC section 21670 (inclusive) reference CFR Part 77 for ALUCs use in airport land use compatibility planning and policy formation. CFR Part 77 is incorporated as part of the SJC Airport Master Plan, on which ALUC policies must be based (PUC Section 21675(a)*). The SCCALUC adopted their policies consistent with the Handbook's foundational principles.

The City resolution also includes a finding that states, that "the project is in compliance with General Plan Transportation Policy TR14.2." The City's finding is not consistent with PUC section 21670 because it requires future determinations by the FAA for individual buildings, objects or natural features. It does not demonstrate that cumulative future conditions would ensure the orderly development of SJC or at a minimum maintain protection of SJC airspace. Such consequences may reduce the operating utility of SJC. It may be more appropriate for the FAA to conduct an aeronautical study that evaluates all potential development scenarios to best protect SJC and SJC's airspace.

The Division would like to reiterate the importance of protecting SJC. Development encroachment upon an airport is likely to constrain an airport's vital contribution to the community, region and State, and exposes people to safety hazard and excessive noise. In addition, SJC provides economic stimulus, generates on and off airport jobs and is a hub for domestic and international commerce and tourism. Caltrans concurs with SCCALUC's inconsistency determination because SJC is important to the California Aviation System Plan.

*The commission's airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years.

Mr. Tong (John) Tu
March 23, 2021
Page 6

If you have questions or need further assistance, please contact me at (916) 654-5314 or via email at robert.fiore@dot.ca.gov.

Sincerely,

Original signed by

ROBERT FIORE
Aviation Planner

c: Ryan Sheelen, C.M., Airport Planner III, Planning and Development Division
San José International Airport; rsheelen@sjc.org

Laurie Suttmeier, FAA, SFO; laurie.suttmeier@faa.gov

Mark Connolly, Program Manager, Santa Clara County Airport Land Use
Commission; Mark.Connolly@PLN.SCCGOV.ORG

EXHIBIT "B"

April 15, 2021

James Han

Planner | Planning Division | PBCE

City of San José | 200 E. Santa Clara St. 3rd Floor San José, CA 95113

RE: ALUC comments on Overrule findings proposed by the City San Jose for the Downtown West General Plan Amendment and Rezoning (City of San Jose file numbers GP19-009, PDC19-039), affecting lands within the San Jose International Airport Influence Area (AIA).

Dear Mr. Han:

The ALUC considered the City's proposed overrule of Downtown West General Plan Amendment and Rezoning at its March 24, 2021 meeting and concluded that the proposed overrule is not consistent with the purposes of Article 3.5 of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, sections 21670 through 21679.5, which are to protect public health, safety and welfare by, among other things, ensuring the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. The specific reasons for the ALUC's determination are provided below.

In general, the ALUC finds that the overrule findings made by the City of San Jose are insufficient and not factual, as well as inconsistent with the purposes of the CLUP.

The following resolution language should be either be deleted, or amended:

WHEREAS, the ALUC found the proposed project to be consistent with the CLUP except for noise and height as described above; and

To;

WHEREAS, the project was proposed outside of all ALUC safety zones for SJC; and

Regarding draft resolution items D and E(4); The Envision San Jose 2040 General Plan adoption by the City, included a court order settlement agreement, accepted by the City and ALUC, that the San Jose International Land Use Plan (CLUP) would be modified to include no outdoor residential space within the 65 dBA noise contour or greater. The ALUC believes that allowing the project to move forward as proposed would be in violation of the settlement agreement.

Also, item E(4) States:

The Envision San José 2040 General Plan identifies outdoor noise environments of 60-75 dBA DNL as "conditionally acceptable" for residential and hotel uses, as long as interior

noise levels are mitigated to 45 dBA DNL. The residential outdoor activities areas at Downtown West Blocks E3 and C3 are located both in the environs of the Mineta San José International Airport and in Downtown. These areas are exempt from the 60 dBA DNL exterior noise limit the City applies in other residential areas.

The ALUC questions why are these areas exempt from the 60 dBA DNL noise limit? The CLUP does not have any exemption clauses for this area. Also, the City's General Plan and noise ordinance would reinforce the CLUP noise policies.

Item E(3) includes a statement regarding residents living with exterior noise and discussion of a property notice to those residents. The ALUC provides the City with a consistency determination to avoid the need for notices for unreasonable, adverse noise impacts. If the project were consistent with the SJC CLUP policies, there would be no need to use that notice.

The draft resolution includes many statements in Section 1 regarding project consistency with the City's General Plan. The ALUC notes that these are not relevant to the decision-making responsibility the ALUC, which is to provide a consistency determination with the policies of safety, height and noise.

Likewise, project consistency with the SJC Airport Master Plan is irrelevant and inaccurate in some cases, because the Airport Master Plan is an Airport operation document, not a surrounding land use document. The ALUC's responsibility for a project referral is to evaluate the project against the CLUP policies of safety height and noise, for which the project was found inconsistent with the height and noise policies.

Also, on January 13, 2021, the Federal Aviation Administration ("FAA") published, in the Federal Register, Vol. 86, No. 8, Docket No. FAA-2021-0037 a noise analysis of impacts to receptors adjacent to airports. The ALUC notes regarding noise that the document has direct applicability to the subject project and would be inconsistent with it.

The ALUC wishes to reiterate the following were the grounds under which the ALUC found the project Inconsistent at their December 16th, 2020 meeting:

The ALUC found the referral **Inconsistent** with the noise and height policies as defined in the San Jose International Airport Comprehensive Land Use Plan (SJC CLUP).

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

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.) “

The proposed General Plan Amendment and Rezoning would also allow building heights in conflict with FAA Part 77 Surfaces by using TERP surfaces to define future building heights. The ALUC uses FAA Part 77 Surfaces as a height restriction boundary.

The ALUC wished to point out that nobody from the City of San Jose was willing to engage in a dialogue with ALUC at the time of the referral.

The ALUC urges the City of San Jose, if they disagree with portions of the SJC CLUP, they should engage in the appropriate paths to try and amend the CLUP, rather than to Overrule ongoing inconsistencies.

Last, the timing of Overrule notification by the City of San Jose made it impossible for the ALUC to comment within the 30-day period. The Overrule was transmitted to the ALUC on February 19, 2021 at 3:33 PM. Which was prior to the February meeting, but 30 days would expire before the March 24th, 2121 regular meeting.

Please note that ALUC staff wishes to be noticed and included in the City Council action pursuant to the Public Resources Code 21670, which requires a 2/3 vote of the entire body of the City of San Jose City Council. Also, that the Cal Trans Division of Aeronautics comments shall also be included.

If you have any questions, please feel free to contact ALUC staff, Mark Connolly, at 408-299-5786, or via e-mail at mark.connolly@pln.sccgov.org.

Sincerely,

A handwritten signature in black ink, reading "Mark J. Connolly". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark J. Connolly
Senior Planner / ALUC Program Manager

Cc: John Tu; Supervising Planner, City of San Jose

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO AMEND THE “PLANNED JOB CAPACITY AND HOUSING GROWTH AREAS BY HORIZON” TABLE IN APPENDIX 5, AND AMENDING THE DIRIDON STATION AREA PLAN, A COMPONENT OF THE GENERAL PLAN, TO MODIFY THE LAND USE/TRANSPORTATION DIAGRAM FOR CERTAIN PROPERTIES WITHIN THE BOUNDARIES OF THE DIRIDON STATION AREA PLAN AND TRANSPORTATION STREET TYPOLOGY DESIGNATIONS, EXPAND THE DIRIDON STATION AREA PLAN BOUNDARY, AND IMPLEMENT OTHER TEXT AMENDMENTS AND AMENDMENTS TO DIAGRAMS RELATED TO THE DIRIDON STATION AREA PLAN

**Spring 2021 General Plan Amendment Cycle (Cycle 1)
File No. GP20-007**

WHEREAS, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San José (“City”); and

WHEREAS, on November 1, 2011, the City Council adopted the General Plan entitled, “Envision San José 2040 General Plan, San José, California” by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the “General Plan”); and

WHEREAS, on June 24, 2014, the City adopted the Diridon Station Area Plan (“DSAP”), which is a component of the General Plan and implements the goals and policies of the General Plan within the DSAP area while also addressing issues that are unique to the development of the DSAP area; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all general plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, on April 28, 2021, the Planning Commission held a public hearing to consider the following proposed Diridon Station Area Plan Amendment and associated General Plan Amendment, and at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed plan and amendment:

- A. The General Plan Amendment consists of amending the “Planned Job Capacity and Housing Growth Areas by Horizon” table in Appendix 5 (Exhibit A-1), the Land Use/Transportation Diagram showing land use designations on certain properties within the boundaries of the Diridon Station Area Plan (Exhibit A-2) and the Transportation Street Typology designations and the Transportation Network Diagram (Exhibit A-3 and Exhibit A-4), and expanding the Diridon Station Area Plan Boundary as shown on the Vicinity Map (Exhibit A-5) and the Planned Growth Areas Diagram (Exhibit A-6), File No. GP20-007, all as specified collectively in Exhibit “A” attached hereto and incorporated herein by this reference; and
- B. The Diridon Station Area Plan Amendment, which includes other text amendments and amendments to diagrams for the Diridon Station Area Plan, to reflect the updates to the DSAP including the addition of equity as a critical component, increases in maximum building height limits, transportation network changes, changes to parks and open space and infrastructure in the Plan areas, updated design guidelines, implementing of Climate Smart San José and updated

Greenhouse Gas Emissions Reduction Strategy and Parking strategy, all as attached hereto and incorporated herein by this reference as Exhibit “B.”

These amendments described above and reflected in Exhibit “A” and Exhibit “B” are collectively “General Plan Amendment GP20-007” and are hereinafter collectively referred to as “General Plan Amendment”; and

WHEREAS, at the conclusion of the Public hearing, the Planning Commission transmitted its recommendation to the City Council on the proposed General Plan Amendment; and

WHEREAS, on May 25, 2021, the Council held a duly noted noticed public hearing; and

WHEREAS, copies of the proposed General Plan Amendment are on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration, and available to the public on the Planning Department website; and

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on May 25, 2021 at 1:30 p.m. the Council would hold a virtual public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment; and

WHEREAS, prior to making its determination on the General Plan Amendment, the Council reviewed and considered the Initial Study/Addendum to the Downtown Strategy 2040 Final Environmental Impact Report and addenda thereto, in accordance with the California Environmental Quality Act (“CEQA”); and

WHEREAS, the City Council is the decision-making body for the proposed General Plan Amendment;

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

SECTION 1. The City Council determination regarding the General Plan Amendment (File No. GP20-007) is specified and set forth in Exhibit "A," and Exhibit "B," attached hereto and incorporated herein by reference.

SECTION 2. This Resolution shall take effect thirty (30) days following the adoption of this Resolution.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

Dated: _____

DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

EXHIBIT “A”
GENERAL PLAN AMENDMENT

File No. GP20-007. The Envision San José 2040 General Plan is hereby amended as follows:

1. The “Planned Job Capacity and Housing Growth Areas by Horizon” table in Appendix 5 of the Envision San José 2040 General Plan is hereby amended as indicated in Exhibit A-1 attached hereto and incorporated herein by this reference.
2. The Land Use/Transportation Diagram is hereby amended for certain properties within the boundaries of the Diridon Station Area Plan area as shown on the Revised General Plan Land Use Designations Diagram attached hereto and incorporated herein by this reference in Exhibit A-2.
3. The Transportation Network Diagram is hereby amended as shown on the General Plan Transportation Street Typology Designations Diagram attached hereto and incorporated herein by this reference in Exhibit A-3.
4. The Transportation Network Diagram is hereby amended as shown on the Envision San José 2040 General Plan Transportation Network Diagram attached hereto and incorporated herein by this reference in Exhibit A-4.
5. The Diridon Station Area Plan boundary is hereby amended as shown on the Vicinity Map attached hereto and incorporated herein by reference as Exhibit A-5.

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6. The Planned Growth Areas Diagram is hereby amended as shown on the Envision San José 2040 General Plan Planned Growth Areas Diagram attached hereto and incorporated herein by this reference in Exhibit A-6.

Exhibit A-1: Planned Job Capacity and Housing Growth Areas by Horizon

Planned Job Capacity and Housing Growth Areas by Horizon (3 Horizons)							
751,450 Jobs and 429,350 Dwelling Units; 1.1 J/ER							
Existing 2008 Development: 369,450 Jobs & 309,350 DU							
Growth Above Existing: 382,000 Jobs & 120,000 DU							
	CAPACITY			TRACKING			
	Gross Acres	Planned Job Capacity	Planned Housing Yield (DU)	Base	Planned DU Growth Capacity for Growth Areas and Urban Villages by Horizon (Timeframe)		
				Already Entitled	Horizon 1	Horizon 2	Horizon 3
							Phases 2-4
Total Plan Growth Capacity		382,000	120,000	38,787	41,943	9,547	6,177
Downtown							
Downtown (including Diridon Station Area Plan) (v)	943	105,809	27,779	10,705	17,074		
Downtown Sub-Total		105,809	27,779	10,705	17,074		
Specific Plan Areas							
Communications Hill Specific Plan	942	1,700	2,775	2,775			
Jackson-Taylor Residential Strategy	109	100	1,190	656	534		
Martha Gardens Specific Plan	145	0	1,760		1,760		
Midtown Specific Plan	125	841	800	0	800		
Tamien Station Area Specific Plan	149	600	1,060	189	861		
Alviso Master Plan (v)	10,730	18,700	70		70		
Evergreen Specific Plan (not including V55)	879	0	25	25			
Specific Plan Sub-Total		21,941	7,680	3,625	4,055		
Employment Land Areas							
Monterey Business Corridor (v)	453	1,095	0				
New Edenvale	735	10,000	0				
Old Edenvale Area (Bernal)	474	15,000	780	780			
North Coyote Valley	1,722	0	0				
Evergreen Campus Industrial Area	368	10,000	0				
North San José (including Rincon South)	4,382	100,000	32,640	9,094			23,546
VT1 - Lundy / Milpitas BART	167	18,350	0				
Berryessa / International Business Park (v)	497	4,583	0				
Maury (v)	290	2,265	0				
East Gish (v)	495	2,300	0				
Senter Road (v)	361	2,275	0				
VT5 - Santa Clara / Airport West (FMC)	94	1,600	0				
VT7 - Blossom Hill / Monterey Rd	24	1,940	0				
VT25 - W. Capitol Expy / Monterey Rd	35	100	0				
VR16 - S. Capitol Av / Capitol Expy	2	100	0				
VR24 - Monterey Hwy / Senter Rd	35	100	0				
VR26 - E. Capitol Expy / McLaughlin Dr	16	100	0				
VR27 - W. Capitol Expy / Vistapark Dr	15	100	0				
C42 - Story Rd (v)	223	1,823	0				
C45 - County Fairgrounds	184	100	0				
Employment Land Sub-Total		168,831	33,420	9,874			23,546
Regional Transit Urban Villages							
VT2 - Berryessa BART / Berryessa Rd / Lundy Av (v)	270	22,100	4,814	1,416	3,398		
VT3 - Five Wounds BART	74	4,050	845			845	
VT4 - The Alameda (East)	46	1,610	411	177	234		
VT6 - Blossom Hill / Hitachi	142	0	2,930	2,930			
Regional Transit Villages Sub-Total		27,760	9,000	4,523	3,632	845	

Local Transit Urban Villages (Existing LRT)						
VR8 - Currier Light Rail / Caltrain (v)	69	500	496 506	61	435 445	
VR9 - Race Street Light Rail (v)	123					
A (west of Sunoli)		2,000	1,937	532	1,405	
B (Reed & Graham Site)		1,200	675		675	
VR10 - Capitol / 87 Light Rail (v)	56	650 266	731 4026		731 4026	
VR11 - Penitencia Creek Light Rail	24	0	384 666		384 666	
VR12 - N. Capitol Av / Hostetter Rd (v)	25	500	628 646		628 646	
VR13 - N. Capitol Av / Berryessa Rd (v)	54	1,000	870 4466		870 4466	
VR14 - N. Capitol Ave / McMurtry Rd	5	100	276 666		276 666	
VR15 - N. Capitol Av / McKee Rd (v)	92	1,000	1,074 4666	188	886 4666	
VR17 - Oakridge Mall and Vicinity (v)	380					
A (Cambrian / Pioneer)		3,375	1,650 3643		1,650 3643	
B (Edensvale)		5,715	2,160 3606		2,160 3606	
VR18 - Blossom Hill Rd / Cahalan Av	30	500	533 666		533 666	
VR19 - Blossom Hill Rd / Snell Av	64	500	364 666	155	209 404	
CR20 - N. 1st Street	132	2,520	1,678	448	1,230	
CR21 - Southwest Expressway (v)	170	750	3,007	330	2,668	
Local Transit Urban Villages (Existing LRT) Sub-Total		20,310 30446	16,403 24336	1,723	5,978	8,702 43636
Local Transit Urban Villages (Planned BRT/LRT)						
VR22 - Arcadia / Eastridge (potential) Light Rail (v)	78	1,150	250	250		
VR23 - E. Capitol Expy / Silver Creek Rd	73	450	165 964			165 964
CR26 - E. Santa Clara Street						
A (West of 17th Street)	74	795	850	86	764	
B (Roosevelt Park)	51	605	650	80	570	
CR29 - Alum Rock Avenue						
A (Little Portugal)	18	100	310	71	239	
B (Alum Rock)	72	670	1,010	187	823	
C (East of 680)	61	650	1,175		1,175	
CR30 - The Alameda (West)	21	200	400			400
CR31 - W. San Carlos Street		980	1,245	395	850	
CR32 - Stevens Creek Boulevard	269	4,500	3,860	508	3,352	
Local Transit Urban Villages (Planned BRT/LRT) Sub-Total		10,300	9,915 40444	1,577	7,773	565 294
Commercial Corridor & Center Urban Villages						
C34 - Tully Rd / S. King Rd	102	900	217 446			217 446
C35 - Santana Row/Valley Fair and Vicinity (v)	185	8,500	2,835	1,788	867	
C36 - Paseo de San Joaquin and Vicinity	174	1,500	1,314 4626			1,314 4626
C37 - Santa Teresa Bl / Bernal Rd	75	850	183 666			183 666
C38 - Winchester Boulevard	300	2,000	2,200	441	1,759	
C39 - S. Bascom Avenue (North)	215	1,000	1,560	756	805	
C40 - S. Bascom Avenue (South) (v)	117	500	353 366	74		279 366
C41 - Saratoga Avenue (v)	159	1,500	725	391		334
C43 - S. De Anza Boulevard (v)	84	2,140	596	45		553
C44 - Camden / Hillsdale Avenue	108	2,000	494			484
Commercial Corridor & Center Urban Villages Sub-Total		20,890	18,269 46226	3,474	3,431	3,364 2625
Neighborhood Villages						
V47 - Landess Av / Morill Av	16	100	67 463			67 463
V48 - Piedmont Rd / Sierra Rd	11	100	62 96			62 96
V49 - McKee Rd / Toyon Av	25	100	86 426			86 426
V50 - McKee Rd / White Rd (v)	19	100	88 433	7		81 434
V52 - E. Capitol Expy / Foxdale Dr	14	100	19 96			19 96
V53 - Quimby Rd / S. White Rd	19	100	120 466			120 466
V54 - Aborn Rd / San Felipe Rd	37	100	145 666			145 666
V55 - Evergreen Village	49	0	0 666		0 666	
V57 - S. 24th St / William Ct (v)	52	100	217	67		150
V58 - Monterey Rd / Chynoweth Rd	37	100	96			96
V59 - Santa Teresa Bl / Cottle Rd (v)	48	500	122			122
V60 - Santa Teresa Bl / Snell Av	11	100	85			85
V61 - Bollinger Rd / Miller Av	13	100	113 426			113 426
V62 - Bollinger Rd / Lawrence Expy	11	100	50 96			50 96
V63 - Hamilton Av / Meridian Av	53	500	219 666			219 666
V64 - Alameda Expy / Hillsdale Av	49	400	128 348			128 348
V65 - Foxworthy Av / Meridian Av	16	100	140 466	55		85 96
V67 - Branham Ln / Meridian Av	18	100	66 426			66 426
V68 - Camden Av / Branham Ln	21	200	154 326			154 326
V69 - Kooser Rd / Meridian Av	34	200	113 648			113 648
V70 - Camden Av / Kooser Rd (v)	49	100	131 644			131 644
V71 - Meridian Av / Redwood Av	16	100	96			96
Neighborhood Villages Sub-Total		3,400	2,377 3749	129	0 336	2,248 3366
Other Identified Growth Areas						
Vacant Lands	558	1,759	1,460	1,460		
Entitled & Not Built	513	0	1,607	1,607		
Other Identified Growth Areas Sub-Total		1,759	3,157	3,157		
Notes:						
DU = Dwelling Units (Occupied and Vacant)						
Projected DU Growth by Horizon (Timeframe) = The planned number of new dwelling units within each growth area based upon the availability of Housing Growth Areas designated on the General Plan Land Use Diagram being made available in phases over time.						
Base = Existing entitled residential units (Citywide) plus the capacity for new residential units planned within Specific Plan areas.						
Vacant Lands = Potential development capacity based upon the current General Plan designation for sites identified as being currently vacant or significantly underutilized in respect to the current General Plan projected capacity. These lands are identified in the Vacant Land Inventory most recently updated by the City in 2007. Growth Areas that incorporate Vacant Land capacity are indicated with a (v).						

Exhibit A-2a: Former General Plan Land Use Designations Diagram

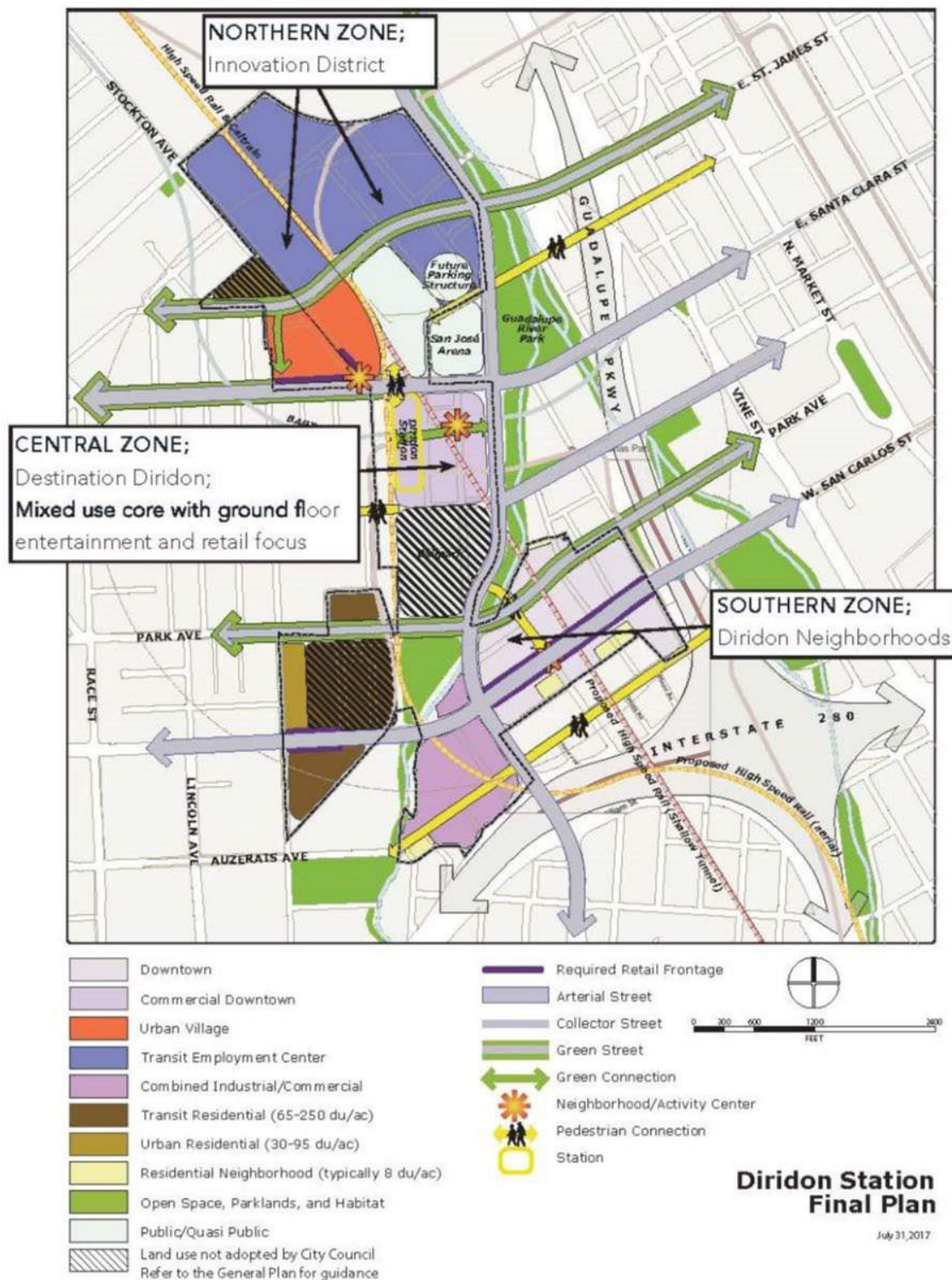


Exhibit A-2b: Revised General Plan Land Use Designations Diagram

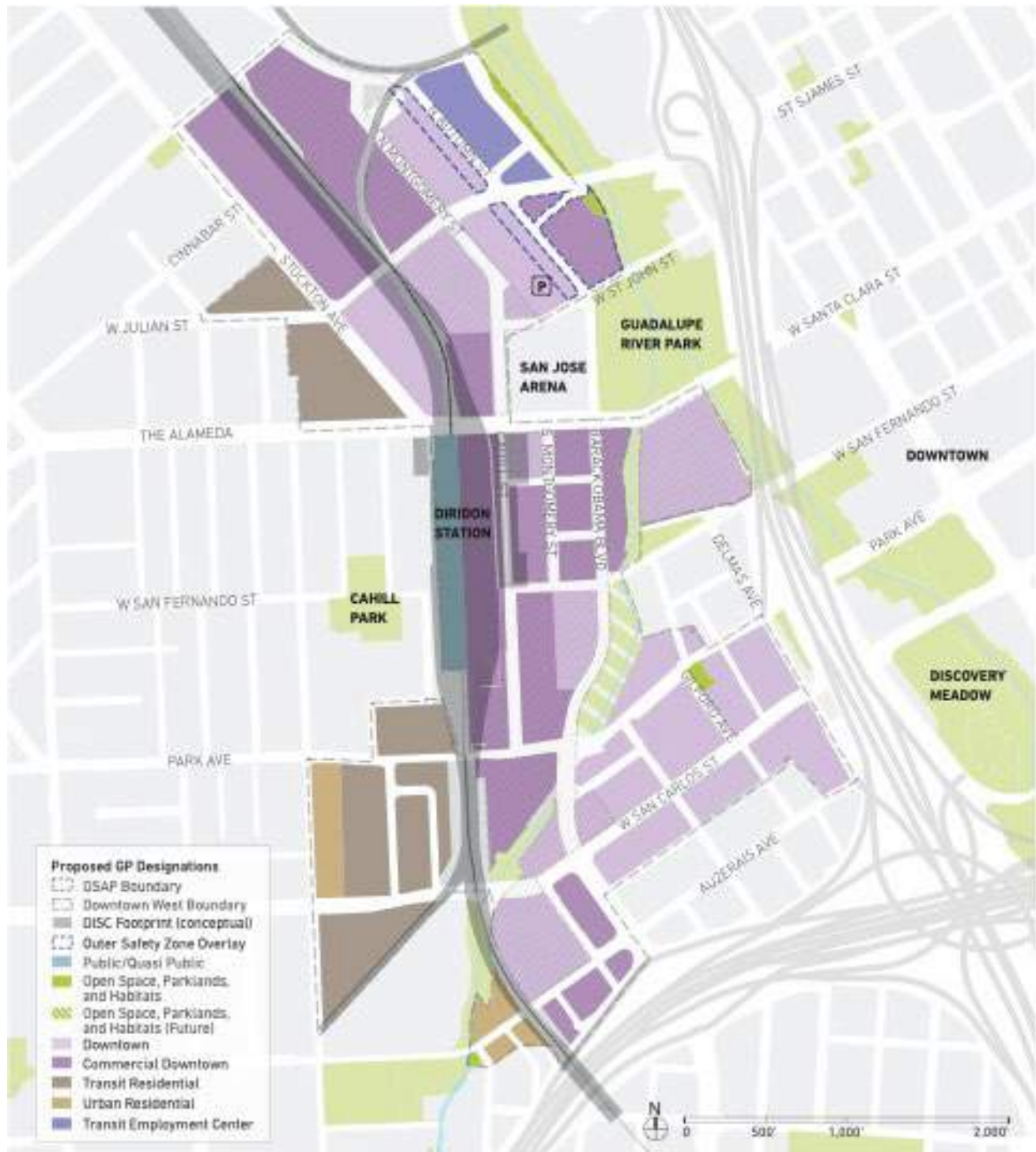


Exhibit A-3a: Former General Plan Transportation Street Typology Designations Diagram

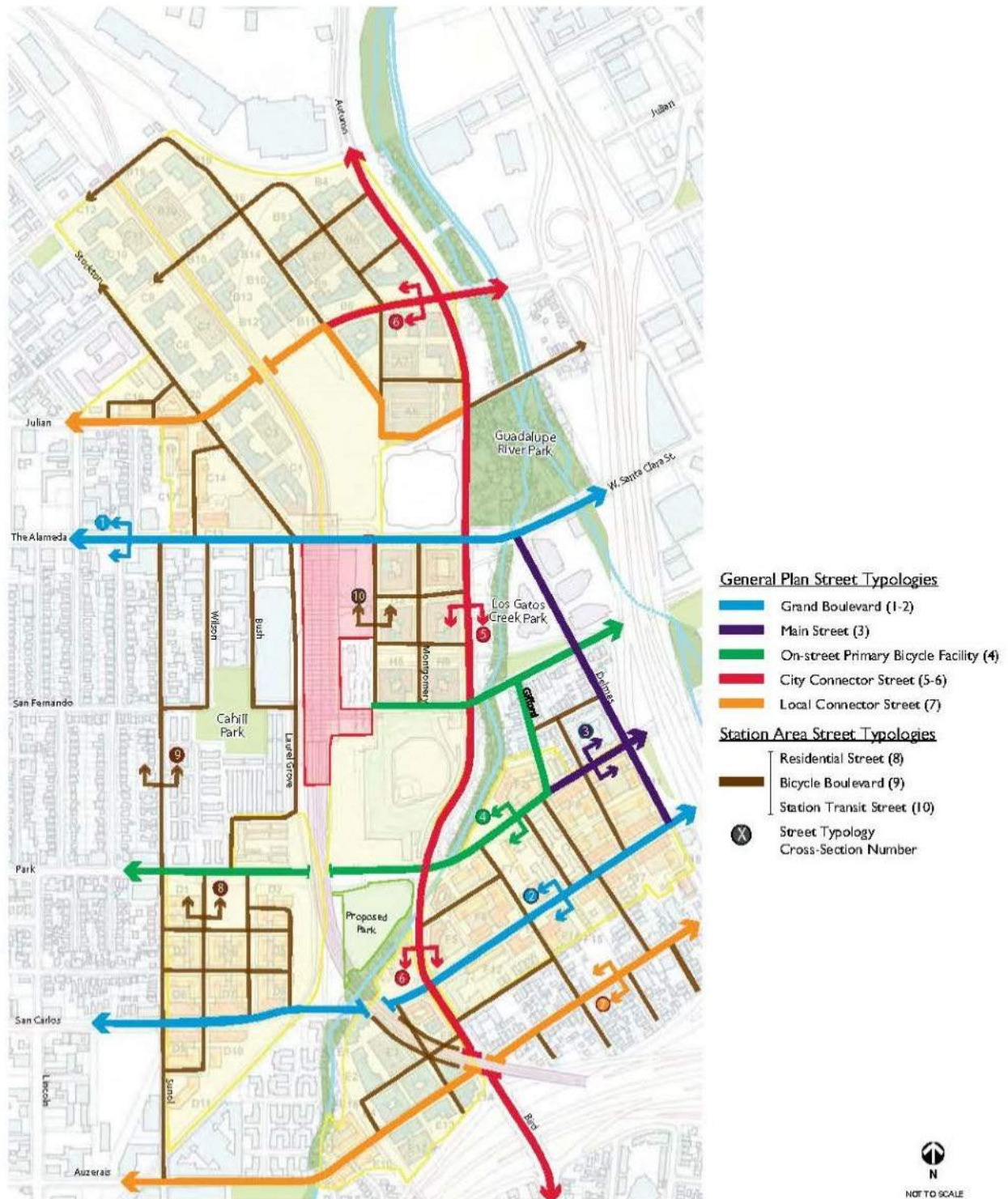


Exhibit A-3b: Revised General Plan Transportation Street Typology Designations Diagram

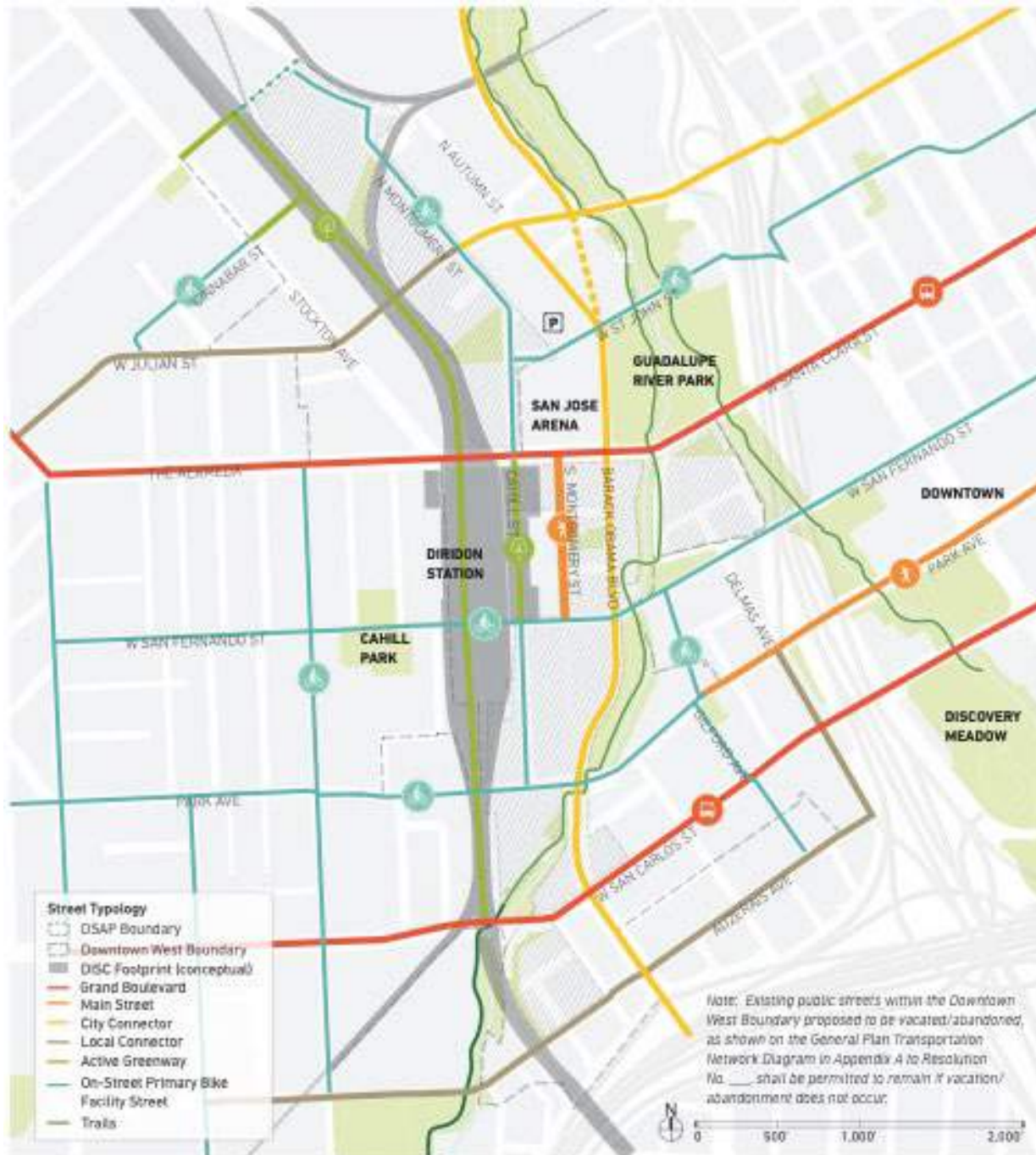


Exhibit A-4: Envision San José 2040 General Plan Transportation Network Diagram



Exhibit A-5: Vicinity Map

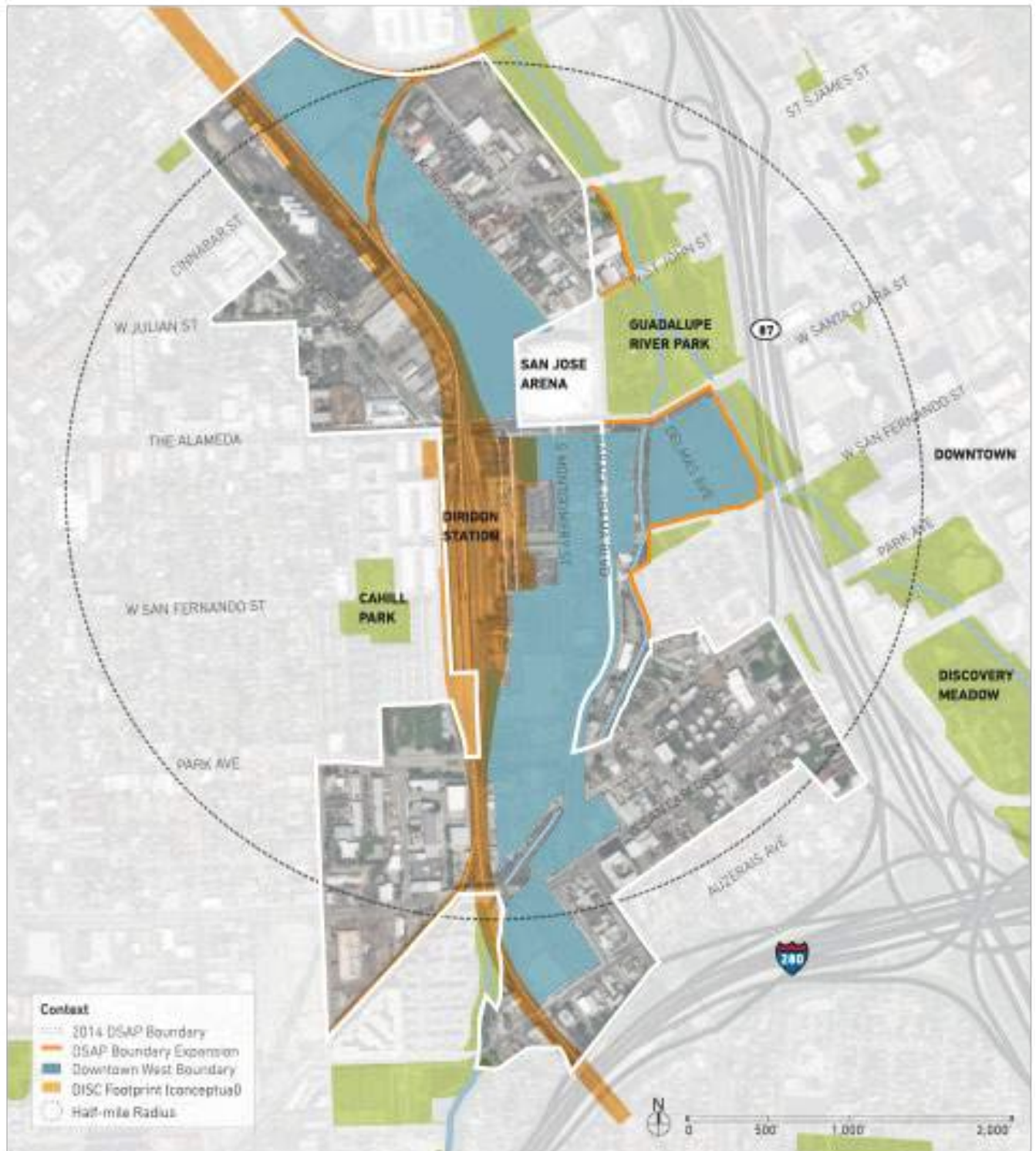


Exhibit A-6: Envision San José 2040 General Plan Planned Growth Areas Diagram

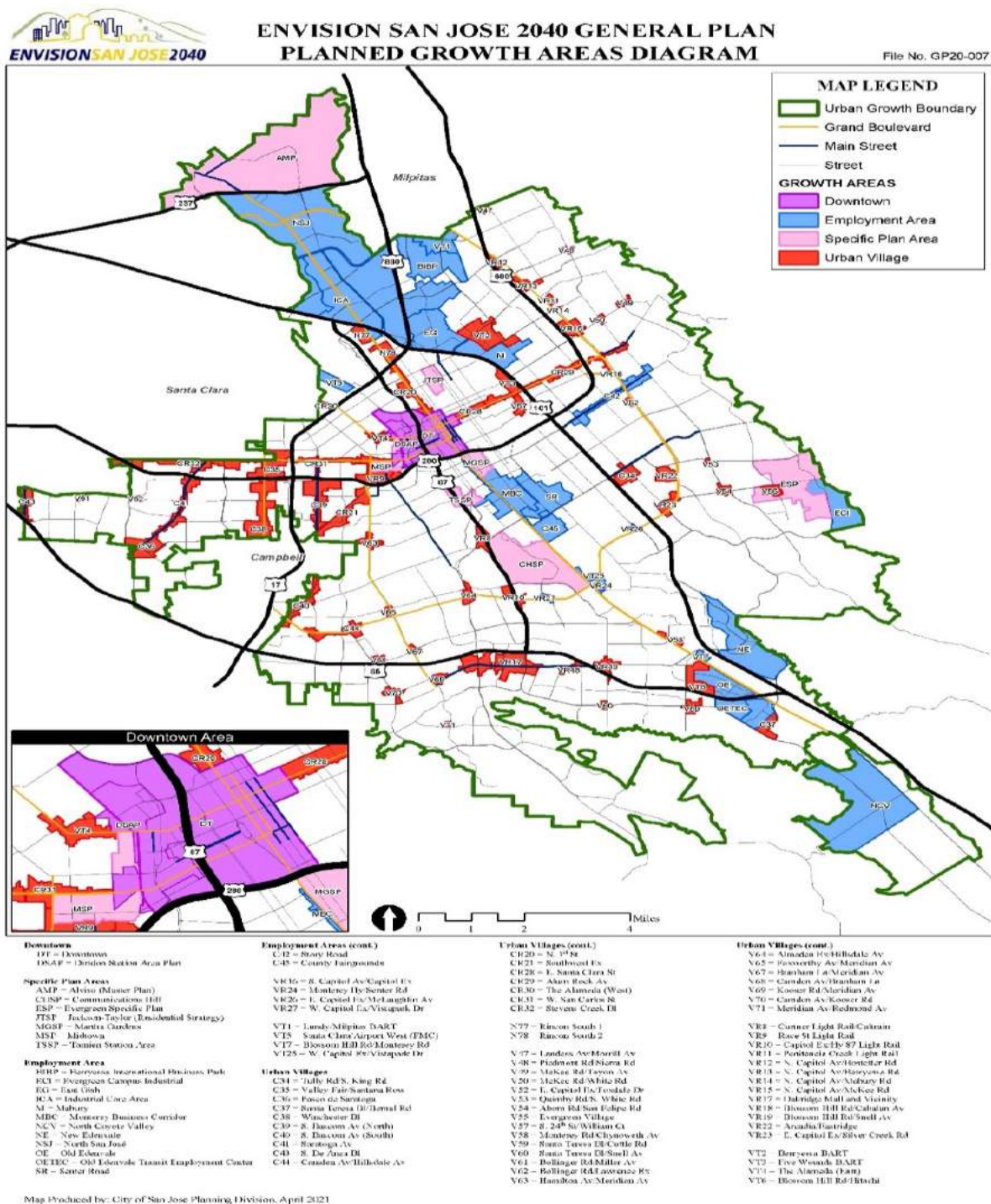


EXHIBIT “B”

AMENDED DIRIDON STATION AREA PLAN



DIRIDON STATION AREA PLAN

Cover Image © SOM

DRAFT | MAY 2021

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

20-007)

DRAFT

DIRIDON STATION AREA PLAN

DRAFT | May 2021

For The City of San José

PREPARED BY

Skidmore, Owings & Merrill | SWA Group

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

20-007)



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- B.1 City of San Jose: Diridon Station Area Community Engagement Report 2019-2021
- B.2 City of San Jose: Diridon Station Area Civic Engagement Report 2018*

Appendix C – Companion Documents (not included in May 2021 draft)

- C.1 Diridon Station Area Amendment Initial Study/Addendum to the Downtown Strategy 2040 Environmental Impact Report
- C.2 Diridon Affordable Housing Implementation Plan

Acknowledgements

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COMMUNITY GRANT PARTNER ORGANIZATIONS

African American Community Service Agency (AACSA)
Catalyze SV
Friends of Caltrain
Latino Business Foundation
San José Jazz
SOMOS Mayfair
Trinity Episcopal Cathedral

OTHER ORGANIZATIONS

Caltrain
Diridon Area Neighborhood Group (DANG)
California High-Speed Rail Authority
San Jose Park Advocates
Silicon Valley at Home (SV@Home)
Santa Clara Valley Transportation Authority

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1 | INTRODUCTION

1.1 EXECUTIVE SUMMARY

In 2014, the City of San José adopted the Diridon Station Area Plan (referred to in this document as the 2014 Plan) in anticipation of major transportation investments and a major league ballpark. The 2014 Plan set forth a blueprint for development in the approximately 250-acre area. The 2014 Plan was formulated with numerous stakeholders, including individuals, businesses, agencies, institutions, and many private and public entities over a five-year period.

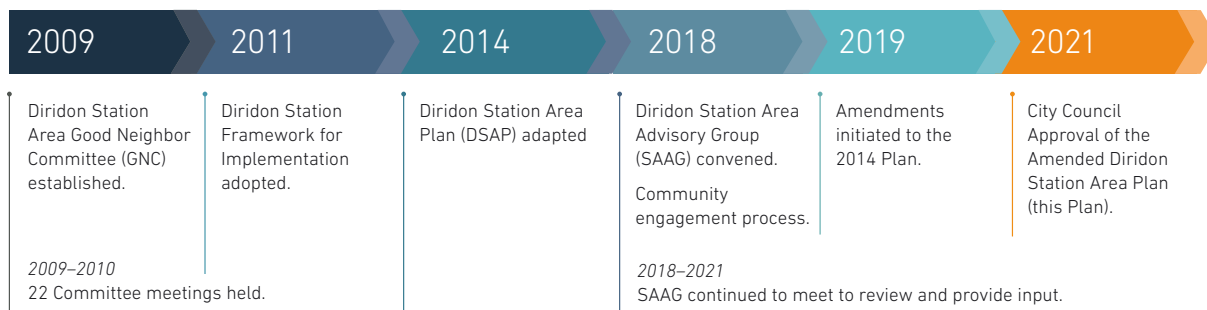
In 2009, the City Council and Redevelopment Agency Board established the Diridon Station Area Good Neighbor Committee (GNC) to provide a forum for neighbors to work collaboratively in solving problems in the neighborhood arising from development in the Diridon Station Area. The 31-member committee met 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 2011¹. 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. In addition, three public community workshops and a considerable number of community events by related groups contributed to the creation of the 2014 Plan.

The City convened the Diridon Station Area Advisory Group (SAAG) in January 2018. It includes 38 member organizations appointed by the City Council. The primary purpose of the SAAG is to provide input to the City

Administration on land use, development, transportation, and construction plans affecting the Diridon Station Area.

In 2018, the City held a community engagement process that centered on the SAAG and culminated in a comprehensive Diridon Station Area Civic Engagement Report (2018). From 2019 to 2021, the SAAG continued to meet to review and provide input on transportation, planning and affordable housing in the Diridon Station Area, as well as community benefits associated with Google's Downtown West Mixed-Use Plan. During this time, the City continued to conduct outreach and engagement with the general public and stakeholders as well.

In 2019, the City initiated amendments to the 2014 Plan to reflect major changes that had occurred since its adoption. This amended Diridon Station Area Plan (referred to in the document as this Plan) adapts the 2014 Plan to current conditions and reflects the City's goals of advancing equity as development and investment occurs in the area. Major changes include expanding the 2014 Plan boundary, adding development capacity, increasing building height limits, and updating sections on land use, urban design, open space, and mobility. In addition, the City initiated separate, detailed areawide studies and implementation plans on affordable housing and parking, which contributed greatly to the development of this Plan and are summarized in the relevant sections. The City will also prepare a separate infrastructure financing study following the adoption of this Plan.



¹ <https://www.diridonsj.org/s/FINAL-DiridonStationAreaCivEngagementReport10312018.pdf>

The City of San José and the greater Bay Area region have the unique opportunity to build an internationally prominent transportation hub and to develop a world-class destination within the area around Diridon Station. This Plan presents an overview, a direction, and critical aspects for the successful future of an equitable Diridon Station Area. This Plan integrates land uses, urban design, open spaces, and mobility to enhance Downtown San José, while respecting existing surroundings. This plan weaves new ideas and new development possibilities within existing city fabric and strong neighborhoods. Large proposals, such as the Diridon Integrated Station Concept Plan (DISC) and Google's Downtown West Mixed-Use Plan, are reflected in this Plan. In addition, proposals are made to strengthen existing features of the area, such as Los Gatos Creek, and enhance connectivity to surrounding neighborhoods.

This Plan proposes ideas for twenty years or more into the future for the Diridon Station Area. It establishes a bold framework for development, while also being flexible for change within that framework. This Plan sets large physical realities while acknowledging that it is impossible to predict the future with assurance. Development actions will occur in different forms as markets and other circumstances evolve over the coming decades. This Plan proposes the largest ideas for the Diridon Station Area that are founded on many guiding principles and physical design concepts for the future.

Beginning with the project vision, this Plan describes the many guiding principles of the area, as well as the planning process and schedule. Diridon Station Area Development follows, which is a tool to guide the future implementation of this Plan by public and private development. This Plan then describes the area's open space and public life, and mobility. Finally, this Plan discusses the next steps in the planning implementation process, including environmental analysis and actions for implementation.

This Plan has several companion documents. Related documents are referenced in the Appendices and when printed, are separate reports. The related documents include:

- Diridon Station Area Amendment Initial Study/Addendum to the Downtown Strategy 2040 Environmental Impact Report
- Diridon Affordable Housing Implementation Plan

San José is poised to create a model urban transportation hub within an exciting and livable downtown environment. This Plan is a vital step on the way toward the creation of an equitable and innovative urban place, a place which has the potential to serve as a model for the United States and the world.



1.2 PROJECT VISION

INTRODUCTION

In November 2008, California voters approved Proposition 1A to fund the initial stages of developing a High-Speed Rail (HSR) system linking Northern and Southern California. Diridon Station in San José was identified as one of the stations along the route, thus eventually establishing this location as one of the best-connected multi-modal transit hubs in the Western United States.

In 2014, the City adopted the Diridon Station Area Plan (2014 Plan) to guide development in an approximately 250-acre area around Diridon Station. The 2014 Plan envisioned the transformation of the station area—an area which has been dominated by parking lots and old industrial buildings—into a dynamic mixed-use urban neighborhood anchored by a world-class transportation hub and the SAP Center.

The City began the process of amending the 2014 Plan in November 2019, informed by an extensive public outreach process for the broader Diridon Station Area that began in early 2018. The purpose of the amendment is to align the 2014 Plan with current circumstances, complement other adopted and ongoing plans, and support Plan implementation through facilitating private development and public investments.

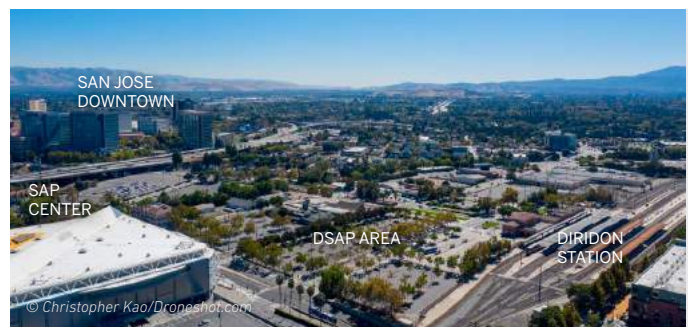
This Plan establishes new General Plan designations and allowable building heights to support the preferred development framework, along with design standards and guidelines that build on the Downtown Design Guidelines and Standards (DDG) adopted in 2019 to assist the City with subsequent development review and implementation. The DDG applies generally to the General Plan Downtown Growth Area, including the Diridon Station Area, with exception of properties within Google's Downtown West Mixed-use Plan, which are required to comply with the Downtown West Design Guidelines and Standards (DWDSG) and the DDG Standards that are not superseded by the DWDSG.

This Plan analyzes the expansion of the 2014 Diridon Station Area and the development of land uses within the amended 262-acre plan boundary surrounding the station. This Plan's boundary is illustrated in **Figure 1-2-1**.

The goal is to develop a sustainable and equitable plan around Diridon Station that capitalizes on an anticipated possible build-out of new transit-oriented development to allow for more urban vitality and economic activity, to act as a catalyst for similar development in surrounding neighborhoods, and to obtain environmental clearance under the California Environmental Quality Act (CEQA).

Changes in circumstances since the 2014 Plan was adopted include 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
- The Downtown Transportation Plan was initiated
- Google submitted the Downtown West Mixed-Use Plan development proposal at the core of the Diridon Station Area.



Diridon Station Area

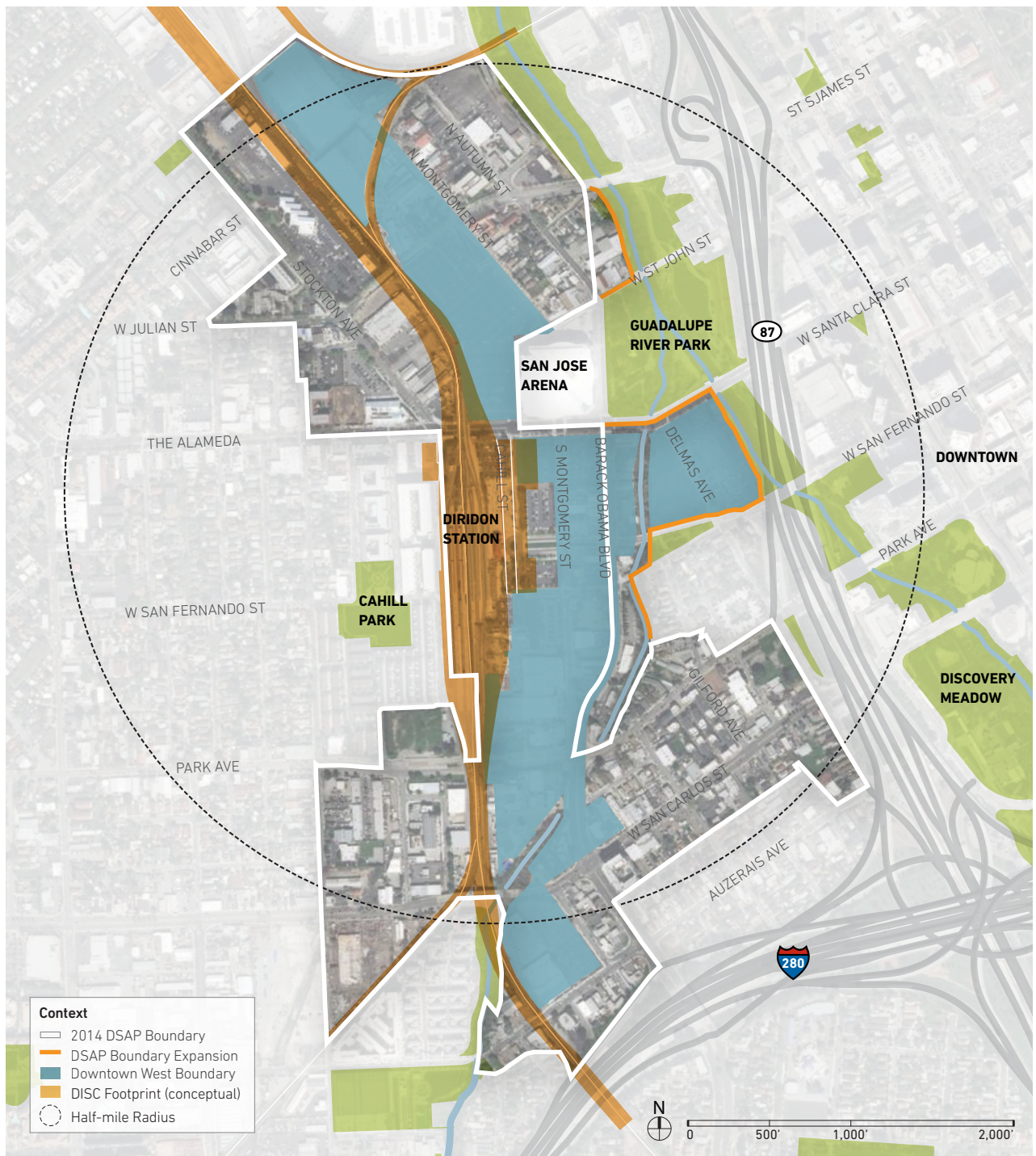


Figure 1-2-1: Diridon Station Area In Context

GUIDING PRINCIPLES

The following guiding principles reconfirm and adapt the 2014 Plan's objectives, themes and goals to include input received through the broader Diridon Station Area outreach process in 2018-21. The 2014 themes and goals were based on the collective input received during the Existing Conditions Report phase of the project, to gain consensus on the primary goals and objective established in the 2014 Plan.

This Plan includes the following guiding principles that embody the overall spirit and characteristics the community indicated are important to include in this Plan. They can also be used as a basis for ongoing evaluation and subsequent detailed planning projects, a framework for policies in the Diridon Station Area, and for review of planning applications for individual projects as they come forward.

Area-Wide

- A.1 Consider social equity throughout implementation of this Plan.
- A.2 Consider the effects on climate change throughout the implementation of the Plan.
- A.3 Ensure the area is accessible and welcoming to all.
- A.4 Promote a healthy, safe neighborhood environment that is resilient in the face of natural disasters, public health emergencies, and economic cycles.
- A.5 Advance economic opportunities by supporting small/ local businesses, entrepreneurship, and living wage jobs, education, and job training.
- A.6 Establish Diridon Station and the surrounding area as a local, citywide, and regional destination where all residents and visitors, regardless of race, ethnicity, age, gender identity, physical ability, and income level can live, work, and play.
- A.7 Preserve and build upon existing cultural assets, reflect the city's cultural diversity, and honor the history of the Ohlone people and other indigenous peoples.
- A.8 Understand and respond to local context and community needs.
- A.9 Educate and inform the public about the area planning process and Equitable Transit-Oriented Development (eTOD) concepts.
- A.10 Practice community engagement that utilizes clear, consistent communication and inclusive strategies for involving historically marginalized communities and that builds trust, relationships, and capacity over time.
- A.11 Foster connection between community members through design, programming, and civic engagement.

Diridon Station Area Development

- D1. Prepare a program-level environmental compliance document which anticipates a maximum build out to facilitate subsequent project-level environmental review, possible changes to existing policy/regulatory documents, capital improvement projects, and private development proposals.
- D2. Establish a land use plan and policy framework that will guide future development and redevelopment toward land uses that support housing opportunities for people of all incomes, low-cost, low-impact transportation modes, equitable economic development, and a world-class cultural destination.
- D3. Develop strategies to produce new affordable housing units, preserve the affordability of the neighborhoods for lower income residents, and protect vulnerable residents from displacement to ensure low-income residents benefit from new development.
- D4. Enhance the existing neighborhoods and add high-density residential-commercial mixed-use development to allow for more urban vitality and, economic activity, and to act as a catalyst for similar developments in surrounding areas.
- D5. Provide a variety of commercial and mixed-use development opportunities, ranging from large-scale corporate or institutional sites to smaller infill development sites to create opportunity-rich neighborhoods.
- D6. Create a pedestrian-focused mixed-use urban district with buildings that maximize height potential to allow for more urban vitality and economic activity, with appropriate transitions to surrounding lower-density residential neighborhoods.
- D7. Develop and implement urban design standards that promote walkable, livable, and business-supportive places.

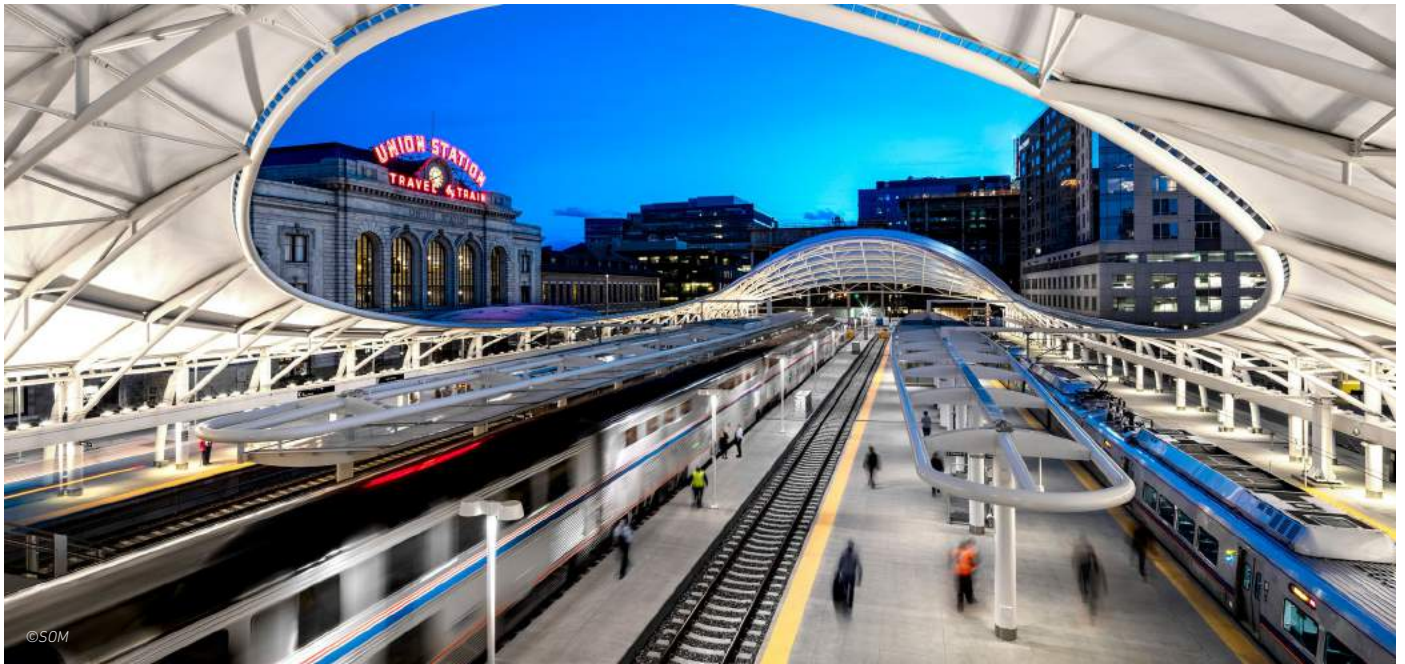
Open Space and Public Life

- 01. Enhance the open space network to provide accessible, flexible, and well-maintained amenities, support the area's natural environment, and ensure recreation, active transportation, education, and cultural benefits to all residents and visitors alike.
- 02. Create a variety of open spaces including neighborhood parks, plazas, trails and the Los Gatos Creek throughout the Diridon Station Area that serve as nodes of public life, establish an identity unique to the Diridon Station Area, and meet the variety of community needs.
- 03. Provide equity in the quality and style of park amenities and spaces regardless of ownership.
- 04. Activate the streets, parks, station, and other public spaces with art that build on the identity of the area, that engages visitors and residents alike, and is integrated into infrastructure to humanize and enliven standard features.
- 05. Consider design, maintenance, and management strategies that facilitate stewardship of open space to create safe, clean and active green spaces.
- 06. Provide for future open spaces and trail connections after elevation of the train tracks planned in the Diridon Station Integrated Concept Plan, particularly bicycle and pedestrian connections from West San Carlos to Diridon Station.
- 07. Provide access to nature and educational opportunities by providing parkland along Los Gatos Creek.
- 08. Complete the Los Gatos Creek Trail from Auzerais Avenue to the Guadalupe River Trail at Arena Green West through off-road routes.
- 09. Make the plazas around Diridon Station focal points of public life by encouraging uses that foster social connections.
- 010. Develop community space to provide services to existing and future residents of all ages and socioeconomic status.

Mobility

- M1. Establish a mobility network that brings people together, is environmentally and economically sustainable, fosters community development, social interaction among people, and public life, and promotes social and economic equity.
- M2. Create a highly active, safe, and lively pedestrian and bicycle friendly environment with excellent connectivity to Downtown destinations and regional transit to reduce greenhouse gas emissions that contribute to climate change.
- M3. Improve pedestrian, bicycle, motorized and transit connectivity and wayfinding between the station site and existing adjacent commercial and residential areas to ensure seamless multi-modal access.
- M4. Expand and redesign Diridon Station to create a well-integrated center of architectural and functional significance.
- M5. Prioritize shared car parking and disperse parking through a right-size parking approach in different locations to ensure easy walking access to destinations.
- M6. Ensure the continued vitality of the SAP Center, recognizing that it is a major anchor for both Downtown San José and the Diridon Station area, and pursue best efforts to maintain a sufficient supply of parking and efficient vehicular and pedestrian access for SAP Center customers, compliant with the standards set forth in the Arena Management Agreement.

The Diridon Station Transit Center is located along the Union Pacific/Caltrain/Amtrak/Altamont Commuter Express (ACE) right-of-way. With the addition of BART and planned California High-Speed Rail (HSR) service, the Transit Center, already a major transit hub, will emerge as one of the premier multimodal stations in California. This Transit Center will serve as a station of the proposed BART extension to Silicon Valley and the proposed High-Speed Rail to San Francisco and Los Angeles.



©SOM

Denver Union Station

1.3 RELATED PROJECTS

Two major projects—the Diridon Integrated Station Concept Plan (DISC) to expand and redesign Diridon Station and Google’s Downtown West Mixed-Use Plan development proposal—have had an important influence on the evolution of this Plan and are discussed below, as well as in Chapter 4, Mobility.

THE DIRIDON INTEGRATED STATION CONCEPT PLAN

Diridon Station is the most significant component of the area’s transportation system and will be the entry point into Downtown for a large proportion of the people who will come Downtown. The design of the station will have profound effects on the circulation network for the entire Downtown and beyond. Also, as the City’s “front door,” the station and public spaces around it must be designed as high-quality publicly accessible places that welcome everyone. While the station will connect the Diridon Station Area to places throughout the region and state more easily, it is important that it not divide the neighborhoods in which the station sits. Furthermore, safer and more efficient access into the Diridon Station Area and Downtown from surrounding low-income communities of concern is critical.

The Southern Pacific Depot (Diridon Station) is a designated City Landmark and is listed on the National Register of Historic Places. Construction of the railroad tracks that are now used by Caltrain was completed in 1864. The depot was built in 1935 to serve the Southern Pacific Railroad and was originally named the Cahill Depot. The main building was designed by Southern Pacific Architect John Christie, who later worked on Union Station in Los Angeles. The depot building was constructed in the Italian Renaissance Revival style with Streamline Modern elements and consists of a central section containing the passenger waiting room with two-story side wings. In 1994, the depot underwent a substantial rehabilitation, which included a seismic upgrade and the addition of concrete shear walls. Accessibility improvements were made in 2003. As a designated City Landmark, any alterations to the Southern Pacific Depot and contributing outbuildings would require a Historic Preservation Permit in accordance with Chapter 13.48 of the Municipal Code. Diridon Station and the surrounding 4.7 acres are also covered by a

Preservation Covenant between the Peninsula Corridor Joint Powers Board and the South Bay Historical Railroad Society. The covenant requires the Joint Powers Board to preserve and maintain the station in accordance with the Secretary of the Interior’s Standards for Rehabilitation. Any demolition, destruction, or significant alteration cannot occur without approval of the California Legislature.

Significant past and future public investments in high-capacity transportation will make the Diridon Station Area one of the most accessible places in the Bay Area and indeed all of California. When BART, commuter rail, high-speed rail, light rail, and supporting bus services converge, Diridon Station will support more high-capacity transit connections than any other place in the Bay Area. By 2040, preliminary forecasts suggest that the station will accommodate over 100,000 passengers daily, almost as many as the number of people who use San Francisco International Airport daily.

To plan for the substantial growth of Diridon Station, the City of San José, the Peninsula Corridor Joint Powers Board (PCJPB, also known as Caltrain), Santa Clara Valley Transportation Authority (VTA), and the California High-Speed Rail Authority (CHSRA) (the “Partner Agencies”) formed a public agency partnership in July 2018 to work on a station design effort called the Diridon Integrated Station Concept Plan (Concept Plan). The Metropolitan Transportation Commission (MTC) joined this partnership in 2020. Through this effort, the Partner Agencies, with considerable community input and participation, developed a spatial vision for a new and expanded station. The resulting “Concept Layout” optimizes transit and passenger needs, while supporting future development potential and balancing city and neighborhood impacts. The Concept Layout is illustrated in Section 4.3, **Figure 4-3-1** of this Plan.

City Council, along with the Partner Agencies, formally adopted the following three elements of the Concept Layout:

- **Elevated Station Platforms.** Elevating the tracks and platforms to roughly 20 feet above the ground will allow for street-level east/west connections through the Diridon Station Area, knit together neighborhoods on either side of the tracks, and facilitate connections for people walking, bicycling, and driving.

■ **Station Entrances at Santa Clara Street and San Fernando Street.** The Concept Layout includes two main concourses with four station entrances. One concourse is oriented toward Santa Clara Street and will be close to BART, light rail, bus, and other connecting modes to allow for quick transfers. The other concourse will be located near San Fernando Street and allow for easy connections to the bike network, creeks, existing neighborhoods, and future office and housing development projects. As illustrated in Figure 4-3-1, the Concept Layout includes two prominent interconnected public plazas on the east side of the station, between San Fernando Street and Santa Clara Street. These plazas will serve as important public gathering spaces. They will also serve important breaks in urban fabric that will make the station more visible from surrounding areas and help travelers orient themselves upon arriving at the station by affording clear sightlines to Downtown.

■ **Existing Track Approaches into the Future Station.** Maintaining track approaches that generally stay within the existing northern and southern corridors to take advantage of existing rail infrastructure, minimize overall community impacts, and minimize the need to acquire land.

As discussed in Section 4.3, the Concept Layout also makes proposals for the arrangement of local access modes, public plazas, and other items. The precise location and design of all of these elements, as well as the treatment of the historic station, will continue to evolve as part of the Diridon Integrated Station Concept Plan process. Additionally, the Partner Agencies will continue to work together to develop the footprint of the station and approach tracks, as well as to clarify construction staging and phasing assumptions.

GOOGLE'S DOWNTOWN WEST MIXED USE PLAN

Google's Downtown West Mixed-Use Plan for the redevelopment of approximately 80 acres of the Diridon Station Area's 262 acres seeks to build upon and implement the vision of the 2014 Plan, while recognizing evolving realities and aspirations since its original adoption. The City's review of the development application was closely coordinated with the development of this Plan to ensure a cohesive vision for the Diridon Station Area.

Google's Downtown West Mixed-Use Plan proposes the construction of approximately:

- Up to 7,300,000 gross square feet (GSF) of office space, including approximately 1,000,000 GSF on the previously entitled San José Water Company Building site east of Los Gatos Creek
- Up to 5,900 units of new housing
- Up to 500,000 GSF of active uses, which may include retail, cultural, arts, etc.
- Up to 300 hotel rooms along with event space and limited-term corporate accommodations
- Additionally, the proposal includes infrastructure, utilities, and public space

As part of the application, the development proposal includes the Downtown West Design Standards and Guidelines (DWDSG) which describes the vision for Google's Downtown West Mixed-Use Plan and provides requirements and recommendations for new development within the project site.

Google's Downtown West Mixed-Use Plan development program is provided for reference purposes only. Google's Downtown West Mixed-Use Plan approvals and project documents (City Council File Nos. GP19-009, PD19-029, PDC19-039, HL20-004, HL20-005, HP20-002, PT20-027) establish the land use regulations, approved land uses and development program for Google's Downtown West Mixed-Use Plan, including permitted adjustments to land use square footages and modifications and/or additions of uses. The DWDSG establishes objective and mandatory standards and subjective guidelines. These standards and guidelines balance new development flexibility, which allows for innovation and evolution, with specificity to ensure the delivery of high-quality urban spaces and building design. The standards and guidelines are separate from — yet expand upon — the Downtown Design Guidelines and Standards (DDG) the City Council adopted in 2019 for Downtown San José and the Diridon Station Area, and the San José Complete Streets Design Standards and Guidelines (CSDSG).

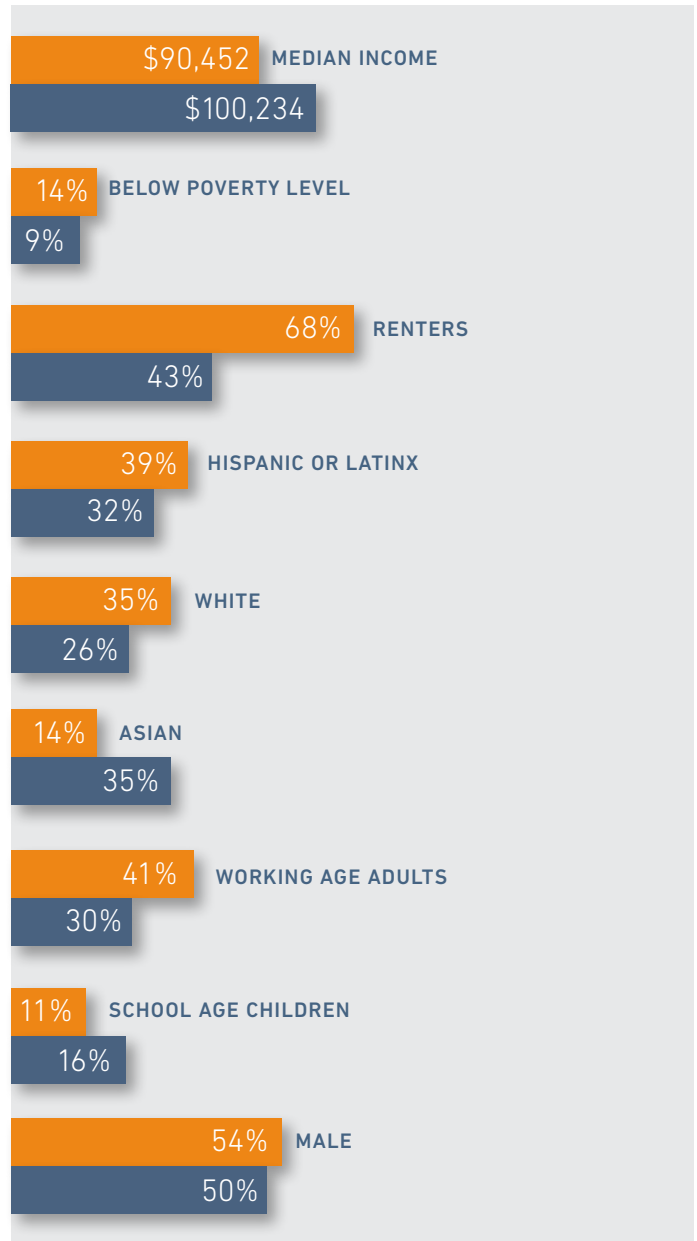
1.4 STATION AREA PROFILE

STATION AREA POPULATION

As part of the broader Diridon Station Area outreach effort, in 2020 a Community Profile was prepared that includes information about the population living within approximately one mile of Diridon Station and compares it to the population of the entire City of San José². The profile found some significant differences between the population of this area and that of the entire city. Within the Community Profile area:

- The median income is lower (\$90,452 compared to \$104,234 in San José as a whole)
- A higher percentage of residents are below the poverty level (14% compared to 9% in San José as a whole)
- A much higher percentage of residents are renters (68% compared to 43% in San José as a whole)
- A higher percentage of residents are Hispanic or Latinx (39% compared to 32% in San José as a whole)
- A higher percentage of residents are White alone (35% compared to 26% in San José as a whole)
- A much lower percentage of residents are Asian alone (14% compared to 35% in San José as a whole)
- Working age adults make up a higher percentage of the population (41% are ages 25 to 44, compared to 30% in San José as a whole)
- School age children make up a smaller percentage of the population (11% of residents are children aged 5 to 17, compared to 16% in San José as a whole)
- A higher percentage of residents are male (54% compared to 50% in San José as a whole)

2020 Community Profile



The Diridon Affordable Housing Implementation Plan also analyzed the population in the Diridon Station Area and surrounding neighborhoods. The Census Study Area includes six census tracts that roughly align with areas within a one-half mile radius of the Diridon Station Area. Within this Census Study Area:

- 63% of the approximately 11,700 households are renters, who are more vulnerable to displacement than homeowners.
- Nearly half of renter households are very low income, with approximately 3,900 low-income renters who earn less than 80% of the Area Median Income (AMI) in this area. Many of these renters have inadequate protections from rent increases and evictions.
- 90% of renters earning less than \$50,000 are cost-burdened.

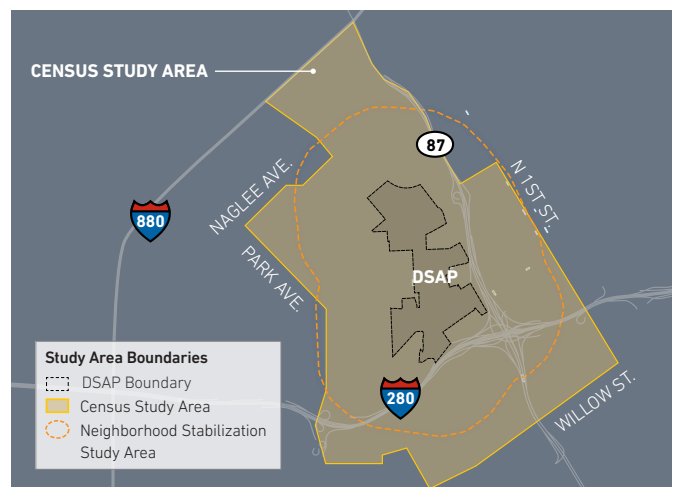
² The Community Profile study area includes Census block groups that have any portion within a one-mile buffer around Diridon Station, so this study area extends up to 1.5 miles from the station in certain areas. The Community Profile area extends as far as Interstate 880 to the north and includes portions of Japantown to the northeast, the San Jose State University campus to the east, portions of the Gardner and Washington neighborhoods south of I-280, and portions of the Buena Vista and Rose Garden neighborhoods to the west.

STATION AREA HOUSING STOCK

The Diridon Affordable Housing Implementation Plan proposes a Neighborhood Stabilization Study Area/ Preservation Area encompassing a one-half mile radius from the Diridon Station Area. Data from this area is used to understand the characteristics of the existing housing stock. A half-mile radius was used because studies show that indirect displacement occurs within one-half mile of transit investments and other major investments which will occur in the Diridon Station Area. Within the Neighborhood Stabilization Area, as of 2020:

- There are 840 Apartment Rent Ordinance units, of which approximately two-thirds, or 560 units, are estimated to be occupied by low- and moderate-income households.
- There are 1,300 existing deed-restricted affordable units and another 320 units in the pipeline.

The Diridon Station Area, not including the half-mile buffer, contained 698 housing units as of January 2019. The housing stock included 69 single-family units, 32 duplex units, 456 unsubsidized multifamily units, and 141 deed-restricted affordable multifamily units. Overall, 20 percent of the existing housing units in the Diridon Station Area are deed-restricted affordable units.



1.5 PLANNING FOR EQUITY

Equitable development and outcomes are part of the City's vision for a "more urban future." Social equity and diversity are included in the Envision San José 2040 General Plan, as identified by the community and approved by the City Council in 2011. The Envision San José 2040 General Plan states, "Social equity for San José is defined broadly to include equitable access to municipal services and public amenities, sensitivity to environmental concerns, efforts to promote economic prosperity for all of the City's residents and to foster a culture that recognizes the value of San José's diverse community."

Equity has been a key theme of public input in the community engagement process that began in early 2018 to refine the 2014 Plan, including Google's proposal to locate here. Additionally, in recent years the City of San José has promoted adoption of a racial equity lens for City services and policymaking, and the City established an Office of Racial Equity in 2020. The COVID-19 pandemic and racial justice movement have added considerable weight to the need to address racial and social equity in policymaking.

The City's amendments to the 2014 Plan provided an opportunity to address equity in the context of area planning. This section summarizes the approach for thinking about equity when planning for the Diridon Station Area.

EQUITY AND CITY PLANNING

PolicyLink defines **equity** as "just and fair inclusion into a society in which all can participate, prosper, and reach their full potential—unlocking the promise of the nation by unleashing the promise in us all."

In planning physical places and spaces, city planners can take steps to ensure that development facilitates what all residents need to participate, prosper, and reach their full potential. For example, a person's health is

affected by their physical and social environments, such as neighborhood conditions, the quality of education they receive, workplace safety, and the cleanliness of water and air. These conditions influence why some people are healthier than others, and why where people live and work matters. In the United States, we can estimate how long people will live based on their zip code.³ People live the longest in zip codes that offer safe neighborhoods, clean air, well-maintained public spaces, high performing local schools, access to good paying jobs, and other health-supporting features. Those with low incomes have the best outcomes when they have affordable, safe and stable housing around people with a mix of incomes in neighborhoods with amenities. They tend to have the worst outcomes when they live in high-poverty neighborhoods that lack amenities and affordable, stable housing—creating an intergenerational cycle that is difficult to escape.

The influence of place on health is connected with how communities of color and low-income households have currently and historically experienced environmental injustices. For example, redlining and other forms of institutionalized racial discrimination helped to create and perpetuate segregation throughout the U.S.—with San José as no exception. Impacted communities typically have limited access to the healthier benefits of planning decisions and have a greater share of burdens that can lead to various health problems which can impact a family for generations. These injustices may include:

- Displacement from their neighborhood
- Only being able to rent or afford homes near environmental contamination sources such as industrial properties or freeways (due to price, discrimination, and/or exclusionary policies in other neighborhoods)

³ National Center for Health Statistics. U.S. Small-Area Life Expectancy Estimates Project (USALEEP); Life Expectancy Estimates File for San Jose, California, 2010-2015. National Center for Health Statistics. 2018. Available from <https://www.cdc.gov/nchs/nvss/usaleep/usaleep.html>

- No or poor access to well-maintained schools, parks, libraries, health clinics, or community centers
- Barriers to providing input on developments and investments coming into their neighborhoods

Low-income residents typically own fewer vehicles, drive less, and are more **transit dependent**; ideally, these residents have opportunities to live near transit hubs. This both improves quality of life for the residents and is good for transit ridership and the environment. However, improvements in public transit services tend to increase property values and spur private development. Without careful, intentional planning and strategies, transit-oriented development can result in disproportionate impacts to disadvantaged populations. These may include:

- Rent increases in the surrounding area that contribute to displacement of existing residents and the pricing out of potential residents
- Loss of racial/ethnic diversity as lower-income people of color are priced out, relative to an influx of wealthier residents
- Loss of unique small businesses, nonprofits, and cultural organizations

Equitable transit-oriented development or eTOD (an initiative of Enterprise Community Partners) is a planning concept that uses development within walking distance of transit stations to benefit existing lower-income communities and communities of color in the area. eTODs support affordable, healthy, and walkable neighborhoods. In addition to great transit access, they offer amenities such as grocery stores, restaurants, health centers, parks, and job opportunities.⁴ As public and private investments occur over time, these neighborhoods remain affordable and healthy with improved air quality, renter protections, new and preserved affordable housing, and support for small and local businesses.⁵ They are safe, welcoming, and accessible to people of all ages, abilities, and genders.

⁴ <https://allincities.org/toolkit/equitable-transit-oriented-development>

⁵ <https://www.enterprisecommunity.org/solutions-and-innovation/equitable-transit-oriented-development>

eTOD has many benefits for existing residents and the City overall:

- Reduced displacement of residents
- Better access to jobs, goods, services, and opportunities
- Stable, mixed-income, diverse neighborhoods
- Safe, well-maintained streets, parks, and community amenities
- Resilient small and local businesses
- Improved health outcomes related to pollution, financial stress, and access to resources—such as increased life expectancy
- Shorter commutes and more transit usage
- Reduced greenhouse gas emissions and other impacts associated with commuting.

Lastly, equity is one of the three “Es” of **sustainable community**. A balance of equity, economy, and environment are the ingredients for a sustainable future. The overall goal of sustainable development is to ensure that future generations can remain local and can thrive here, enjoying the benefits of community investments.

For these reasons, it is important to apply an equity lens as the City plans for the future. Having an equity lens means considering potential differences in needs, impacts, and benefits across population groups when developing goals, policies, and actions. It also involves inclusive community engagement. These equitable processes can greatly improve outcomes at the individual, community, and city levels.

Principles of eTOD



EQUITABLE DEVELOPMENT IN SAN JOSÉ

There has been progress in the past two decades to develop and advance goals related to equity in San José. Equity goals are reflected in the Envision San José 2040 General Plan, as well as the Welcoming San José Plan, the ActivateSJ Strategic Plan, and the Citywide Residential Anti-Displacement Strategy.

In the last two years, two City Council study sessions have been held on equity and anti-displacement. At the October 1, 2019 City Council Study Session, staff presented the commitment to equitable development: “As San José grows and secures planned investment, we will maximize the positive opportunities and prevent or minimize the negative impacts for our vulnerable residents, so they can succeed in our changing City.” The study session also brought together academic, housing advocate, and real estate perspectives to provide a common understanding on the issue of displacement.

In June 2020, the City established a new Office of Racial Equity, building upon two years of involvement with the Government Alliance for Race and Equity (GARE). The Office’s inaugural director was appointed in October 2020.

The approach to equity varies across the City’s programs, policies, and practices. For example, there are many ways in which the City has considered and incorporated equity into the emergency and recovery response to the COVID-19 pandemic. The City considers equity in the context of hiring/promoting in the City’s organization. While the City has expressed equity values and set equity goals in the past, the City organization and community are now in a stage of accelerated learning and change and heightened commitment, and there is much work still to be done.

Equity in the context of approving private real estate development, making public investments in infrastructure, and managing neighborhood change will require developing a unique and specific framework.

Development and public infrastructure covered by an area plan are subject to citywide policies and plans. However, area planning also offers the opportunity to develop specific strategies that address the local context and project

characteristics. Public investments in streets, utilities, parks, and other community facilities should consider ways to intentionally benefit populations that have the greatest needs.

While the City’s control over private development has regulatory limits, there are ways in which land use, design, and infrastructure improvements can promote equitable development. For example, the review of development proposals should seek to minimize impacts to disadvantaged populations through its design, mitigation measures, and project conditions. Development agreements — common for large, multi-phased projects — offer additional opportunity to increase benefits for residents and advance equity goals. In exchange for certainty of development rights, developers can provide investments that go beyond City requirements and mitigation measures to address the community’s needs and aspirations.

San José’s goal of equitable development is part of a national challenge. The American Planning Association’s (APA) “Planning for Equity Policy Guide” emphasizes that “planning for equity does not stifle growth or impede development. Instead, it expands opportunities for all members of a community and builds local capacity to respond to equity concerns going forward.” APA, PolicyLink, and other organizations offer resources to help guide San José’s work.

Inclusive community engagement is critical to understanding the variety of needs, perspectives, and aspirations of existing residents and to developing strategies that effectively reduce disparities across population groups while improving outcomes for all. This framework will evolve over time as the City continues to study, adopt, and implement equitable development policies.

ADVANCING EQUITY IN THE DIRIDON STATION AREA

Equity has been a key theme of public input throughout the community engagement process for the Diridon Station Area.

Top concerns include preventing further displacement of residents from San José; the shortage of affordable housing for low-income households; and ensuring job opportunities for disadvantaged residents. Top opportunities expressed by community members include making the Diridon Station Area a nicer place to live with more development and

amenities, improving the safety and quality of the multi-modal transportation network; and investing in education to help youth succeed in the future economy.

The community engagement process has had equity as a key consideration. The goal has been to hear from all segments of the San José community and to pay special attention to reaching populations that are typically under-represented in planning processes. Examples include including equity advocates on the 38-member advisory group, establishing a small grant program for community-based organizations to assist with outreach and engagement, offering many of the meetings and materials in Spanish and Vietnamese, and reducing logistical barriers to participation in community meetings.

In the Diridon Station Area and surrounding neighborhoods, we know that 63% of the approximately 11,700 households are renters; that nearly half of renter households are very low income; and that 90% of renters earning less than \$50,000 are rent-burdened. The area has experienced demographic change over the past several decades as private development adds new housing, and past planning decisions have resulted in the displacement of disadvantaged residents in the Diridon Station Area and greater Downtown San Jose. For example, Redevelopment Agency investments in State Route 87, the Guadalupe River, and the Tech and Children's Discovery museums disproportionately impacted Hispanic people, lower-income households, and renters⁶. It is important to acknowledge the area's history, recognize the power of policy and planning decisions, and move forward with strategies for reconnecting communities, advancing equitable outcomes, and building upon the area's strengths.

Some of the features that make the area supportive of improved health and economic outcomes include great transit access, proximity to jobs and cultural amenities in Downtown, trails and open space along the Guadalupe River, and a mix of housing types that support a range of income levels—including several affordable housing buildings.

The goal is to retain and leverage these features, increase opportunities for low-income residents to live and work in this highly connected area, and increase access to the new and existing resources for all San José residents, especially those with the greatest needs. With these goals and community input in mind, the City used an equity lens when developing the amendments to the 2014 Plan. The City will center these goals in the review of development proposals, negotiation of development agreements, and design of public infrastructure projects.

The Guiding Principles in Section 1.2 incorporate equity. The chapters in this Plan further highlight equity as a key consideration in the planning process. Examples include:

Diridon Station Area Development

- This Plan will greatly increase capacity for both residential and commercial development, which in turn will increase opportunities for people to live and work near the City's largest transit hub.
- The City prepared a Diridon Affordable Housing Implementation Plan to complement this Plan and establish strategies for the production and preservation of affordable housing and protection of renters. The Affordable Housing Plan builds upon existing policies, programs, and strategies—including those in the newly adopted Citywide Residential Anti-Displacement Strategy. These recommendations were created after more than two years of staff doing deep listening from those in the community most affected by displacement concerns and housing needs.
- The Affordable Housing Plan recommends the goal for 25% of all housing to be affordable at this Plan's buildout. This is much higher than the City's inclusionary requirement for private development of 15%.
- The market-rate residential and commercial development allowed under this Plan will generate fees that the City will use to build affordable housing. This type of revenue is the main local source of affordable housing funding in San José.

⁶ Center for Community Innovation, University of California, Berkeley, Urban Redevelopment around Diridon Station Case Study on Gentrification and Displacement Pressures around Diridon Station of San Jose, CA, June 2015.

- The Affordable Housing Plan acknowledges, based on research, that investments in high quality transit and private development can contribute to rising rents within a half mile. It includes the goal of no net loss of low-income renters in the Diridon Station Area and its surroundings, as well as the intention to establish a pilot program for preserving housing as affordable in that broader study area.

Open Space and Public Life

- This chapter states that the City has a responsibility to develop a parks and recreation system that serves each neighborhood and demographic group with equity. This means that all residents - regardless of race, age, gender identity, income, ability or culture - have the right to health, wellness and access to parks and recreational opportunities.
- It includes the guiding principles that define the approach to the open space plan in the Diridon Station Area to provide multi-generational recreational and social opportunities and experiences for San José's diverse community and to provide equity in the quality and style of park amenities and spaces, regardless of whether the space is owned by the city, other public agencies or is a privately owned public space.

Mobility

- The Mobility chapter includes equity as a guiding principle. The Plan aims to promote social and economic equity, supporting inclusive access to transportation modes that provide the most economic and health benefits for a wide variety of people who live, work, and play in the Diridon Station Area.
- The section on Transportation Equity acknowledges that transportation planning decisions have significant and long-lasting equity impacts. It commits to addressing the needs and concerns of the low-income communities and people of color, so that the distribution of transportation investments and policies accrue benefits as opposed to harm in these communities.

- To better meet the needs of the disadvantaged communities living in the Downtown area east of State Route 87, this Plan places significant focus on improving transportation options and access to the Diridon Station Area for these communities.
- This Plan complements the Diridon Integrated Station Concept Plan process, which aims to improve the experience for transit riders and make the station a better community asset. These investments will benefit low-income people, who are more likely to depend on transit.

CONCLUSION

The opportunity in the Diridon Station Area is tremendous. The San José community has never been closer to realizing its goals and values for a new neighborhood district adjacent to rich transit service. Done well, planning for growth and development will help “lift up” everyone in the area and the broader community. The implementation road ahead is one that takes commitment to people — commitment to support economic mobility, including expanded access to affordable housing, education and jobs — for existing residents and those to come. Moving forward, across the City there will be exploration of a range of ideas and solutions to help heal the wounds of the past and reduce disparities, all while creating a great place and robust economy serving all.



1.6 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 2011.⁷ 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 Google's interest in a development 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).

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 Diridon Station and informed the development of this Plan.

In fall 2019, the City officially launched the process of amending the 2014 Plan—along with reviewing Google's Downtown West Mixed-Use Plan development proposal and completing areawide studies to comprehensively plan for the Diridon Station Area. The process included 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.

⁷ <https://www.diridonsj.org/s/FINAL-DiridonStationAreaCivEngagementReport10312018.pdf>

The 2019-21 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 for the 2020 rounds. 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 2020-21 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 Spring 2021, City-led community engagement related to the Diridon Station Area included:

- 19 Station Area Advisory Group (SAAG) meetings
- 14 SAAG small group discussions
- Over 20 community meetings hosted by the City or its partners
- 3 online surveys with over 2,000 responses
- Over 200 online feedback forms submitted
- Over 75,000 page views and 36,000+ unique visitors on diridonsj.org
- 9 pop-ups at community events
- 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 (see [Appendix B.1](#) for a complete summary).

Community input has been central to the development of this Plan. For example, based on community input, the amendments to the 2014 Plan: emphasize equity as a primary objective, significantly add development capacity, include design standards for providing transition between new mid- and high-rise buildings and existing low-rise residences, proposes a wider mix of uses across the area, identifies new ways to improve the pedestrian environment, and revises the open space plan to ensure better access to recreational, nature-based, and community amenities. These changes and others balance the range of aspirations and concerns expressed by community members throughout the engagement process.

Planning the future of the Diridon Station Area **Fall 2020**

Diridon Engagement Calendar of Events

Presented primarily or through interpretation in these languages:
 English Spanish
 Primary Interpretation
 Spanish-Español Interpretation
 Vietnamese Tiếng Việt

Oct 29 1:00 PM Small Business Café 150000 Mayfield, Business Circle Lafayette	Nov 4 6:30 PM Historic Landmarks Commission City of San Jose	Nov 9 6:00 PM Station Area Advisory Group City of San Jose
Nov 10 1:00 PM Virtual Open House on the Diridon Station Area Trinity Episcopal Cathedral	Nov 12 1:00 PM Virtual Open House on the Diridon Station Area Trinity Episcopal Cathedral	Nov 12 5:45 PM Housing and Community Development Commission (South Side Affordable Housing Implementation Plan) City of San Jose
Nov 13 12:00 PM Transit, Walking, and Biking in the Diridon Station Area Friends of Culture	Nov 13 1:00 PM Resident Café 300000 Mayfield	Nov 16 1:45 PM City Council Study Session City of San Jose
Nov 18 6:00 PM Parks and Recreation Commission (Downtown West) City of San Jose	Nov 21 12:45 PM Community Workshop for Artistic/Creative Catharine IV, San Jose 1000, San Jose 1000, San Jose 1000, San Jose 1000	Dec 2 6:30 PM Planning Commission Study Session City of San Jose
Dec 3 6:30-8:30 PM Community Meeting: Draft Amended Diridon Station Area Plan (DSAP) and the Draft Affordable Housing Implementation Plan City of San Jose	100 Diridon Experience Workshop San Jose Jazz	

Event details are subject to change. Visit www.diridonsj.org/fall2020 for the latest information and to access the virtual meetings.

Additional engagement opportunities related to the Downtown Transportation Plan @
dsap@sanjoseca.gov
 Details on the Downtown West Project @ sanjoseca.gov/dw
 Google/Photos
 Google/Photos
 Google/Photos

We want your input on these topics!

- Design guidelines and development standards
- Open space plans (parks, trails, and public spaces)
- Transportation improvements
- Affordable housing and community stabilization
- Job training, education, and small business support
- Environmental sustainability
- Social equity

Learn more, provide input, and sign up for email updates at: www.diridonsj.org/

Visit website www.diridonsj.org/



1.7 ORGANIZATION OF THIS PLAN

This Plan builds on the Envision San José 2040 General Plan and other City plans to establish a framework for future public and private investment in the Diridon Station Area. Chapters 2, 3 and 4 address broadly related topics. Each of these chapters includes a framework section, key principles, and a discussion of related plans and projects, followed by more detailed discussion of related topics.

Chapter 2, Station Area Development, discusses multiple topics related to development within the Diridon Station Area, including land use, building heights, urban design, affordable housing, and infrastructure capacity and demand. It includes a discussion of Google's Downtown West Mixed-Use Plan within the Diridon Station Area.

Chapter 3, Open Space and Public Life describes the envisioned open space and trail network, public art, and public life strategy for the area, including the trail and open space systems that connect to the Diridon Station Area as well as those within it.

Chapter 4, Mobility, includes a description of the envisioned mobility network connection to the Diridon Station Area. It discusses important related plans, including the Diridon Integrated Station Concept Plan, and includes a framework for an area-wide parking and Transportation Demand Management strategy.

Chapter 5, Plan Implementation, describes the actions the City will take together with the adoption of this Plan and after this Plan is adopted. These include CEQA and environmental clearance, key planning amendments, director's update to the Downtown Design Guidelines and Standards, coordinating and constructing major projects over time, and possible ways to measure progress as this Plan is implemented.

2	Chapter, Station Area Development	3	Open Space and Public Life	4	Mobility	5	Plan Implementation
	<ul style="list-style-type: none"> • Land Use • Building Heights • Urban Design • Affordable Housing • Infrastructure Capacity and Demand 		<ul style="list-style-type: none"> • Open Space and Trail Network • Public Art • Public Life Strategy 		<ul style="list-style-type: none"> • Mobility Network • Diridon Station Concept Plan • A Framework For An Area-wide Parking and Transportation Demand Management Strategy 		<ul style="list-style-type: none"> • CEQA and Environmental Clearance • Key Planning Amendments • Director Update To Downtown Design Guidelines and Standards • Coordinating and Constructing Major Projects Over Time • Measuring Progress

2 | DIRIDON STATION AREA DEVELOPMENT

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. This chapter is founded on the following guiding principles that support the City's development and equity goals and reflect the overall spirit and characteristics the community indicated are important in planning for future development in the Diridon Station Area.

- D1. Prepare a program-level environmental compliance document which anticipates a maximum build out to facilitate subsequent project-level environmental review, possible changes to existing policy/regulatory documents, capital improvement projects, and private development proposals.



- D2. Establish a land use plan and policy framework that will guide future development and redevelopment toward land uses that support housing opportunities for people of all incomes, low-cost, low-impact transportation modes, equitable economic development, and a world-class cultural destination.
- D3. Develop strategies to produce new affordable housing units, preserve the affordability of the neighborhoods for lower income residents, and protect vulnerable residents from displacement to ensure low-income residents benefit from new development.
- D4. Enhance the existing neighborhoods and add high-density residential-commercial mixed-use development to allow for more urban vitality and, economic activity, and to act as a catalyst for similar developments in surrounding areas.
- D5. Provide a variety of commercial and mixed-use development opportunities, ranging from large-scale corporate or institutional sites to smaller infill development sites to create opportunity-rich neighborhoods.
- D6. Create a pedestrian-focused mixed-use urban district with buildings that maximize height potential to allow for more urban vitality and economic activity, with appropriate transitions to surrounding lower-density residential neighborhoods.
- D7. Develop and implement urban design standards that promote walkable, livable, and business-supportive places.

2.2 KEY PRINCIPLES

STRATEGY

The Station Area Development strategy is founded on an Equitable Transit-oriented Development approach as discussed in Section 1.5 of this Plan. The strategy includes removing the 2014 Plan's three distinct zones to establish a more mixed land use approach, increasing building height limits to help support equitable development, and updating 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 and affordable 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, the City assumes 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 make 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 creates new housing opportunities and 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.



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Equitable Transit-Oriented 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 Google's 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 predominant land use structure for the Diridon Station Area that reflects this Plan's guiding principles. Land uses shown within Google's Downtown West Mixed-Use Plan boundary in this Plan represent predominant land uses and are for illustrative purposes only. The estimated build-out program for the predominant land use structure illustrated in **Figure 2-3-1** is shown in **Table 2-3-1**.

Table 2-3-1: 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

*The estimated illustrative build-out outside of Google's Downtown West Mixed Use Plan is based on identified potential development sites.

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

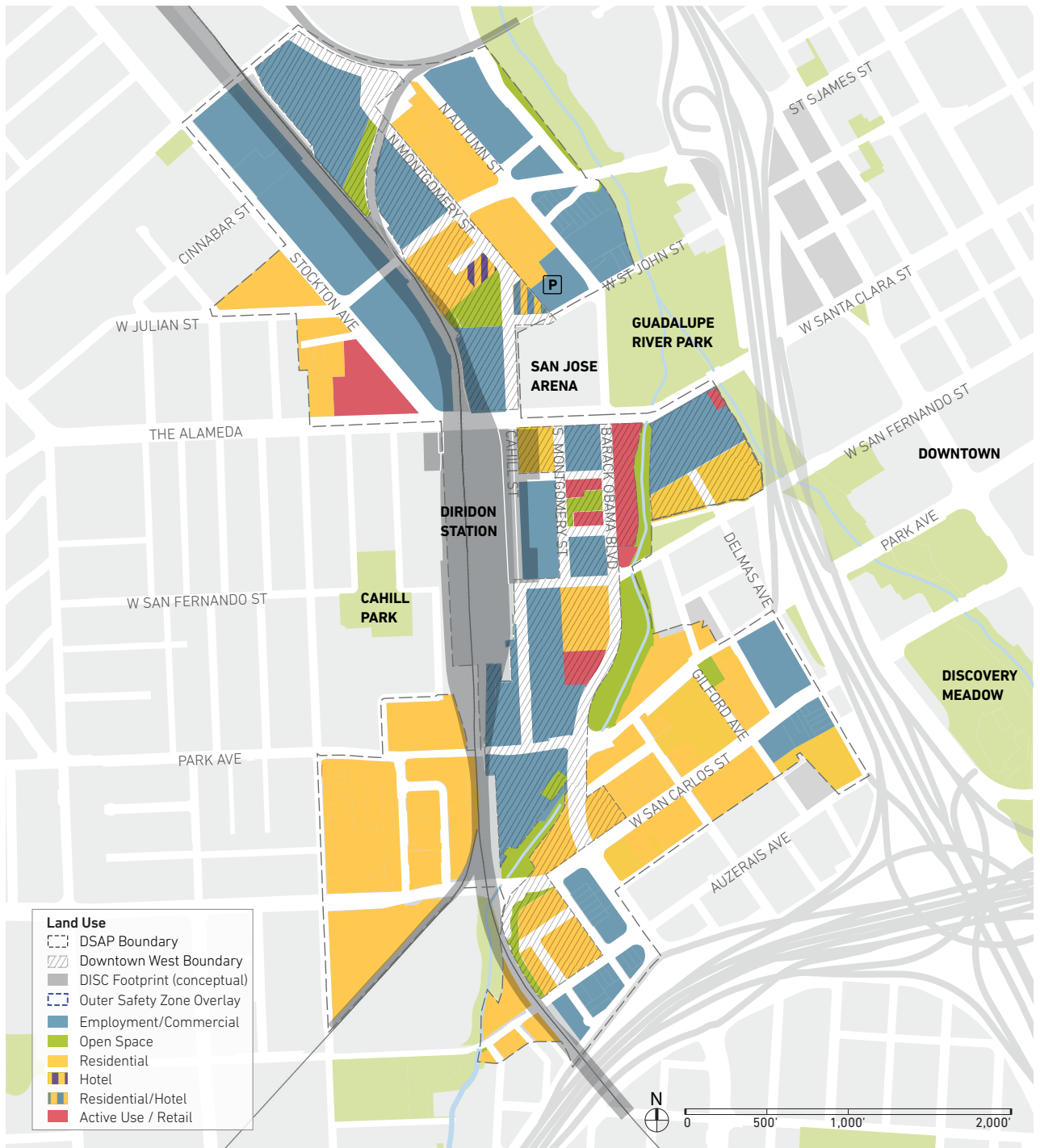


Figure 2-3-1: Illustrative Predominant Land Use Structure

LAND USE DESIGNATIONS

The land use designations define the uses and urban form of future development in the Diridon Station Area.

Figure 2-3-3 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 vision 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 (DDG) and the urban design standards and other policies set forth in this Plan. Urban design direction for the Diridon Station Area is provided in Section 2.3 of this Plan. Properties within Google's Downtown West

Mixed-Use Plan are required to comply with the Downtown West Design Standards and Guidelines (DWDSG) and DDG Standards that are not superseded by the DWDSG.

Fig 2-3-2 illustrates a potential building massing and predominant land use concept for the entire Diridon Station Area. Sites within the Downtown West Mixed-Use Plan are illustrated with predominant land uses and massing that reflects the combination of density allowed in the project's zoning and applicable Downtown West Design Standards and Guidelines. Development opportunity sites outside the Downtown West Mixed-Use Plan are illustrated with predominant land uses and massing that could be built under this Plan and the City's Downtown Design Guidelines and Standards. See Appendix A for more details.



Figure 2-3-2: Illustrative development concept*

*Building massing is illustrative

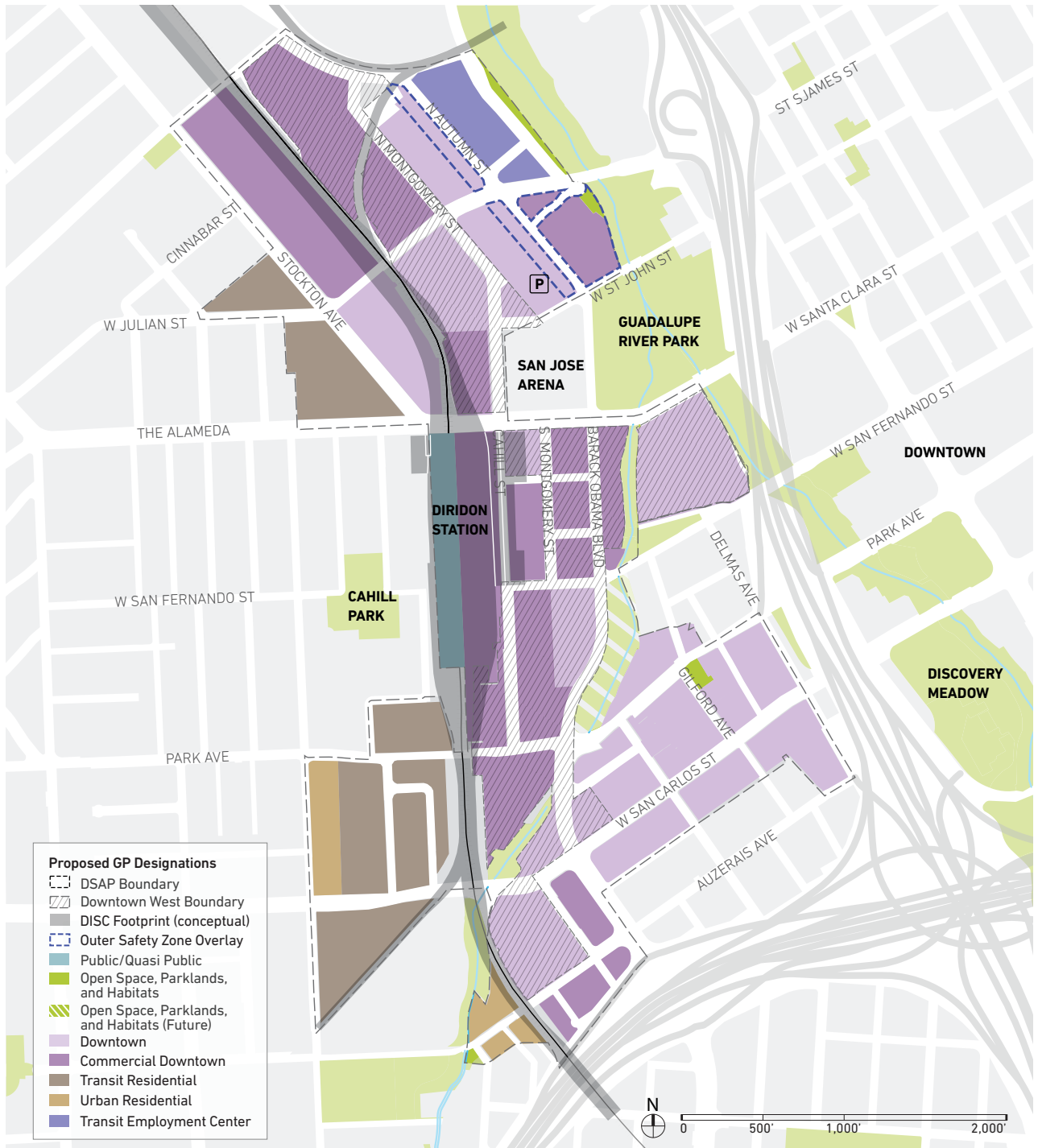


Figure 2-3-3: General Plan Land Use Designations

Downtown

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

The Downtown land use designation is located throughout the Diridon Station Area to create a mixed-use urban neighborhood (**Figure 2-3-4**). This designation includes office, retail, service, residential, and entertainment uses in Downtown. The broad range of uses allowed in Downtown could also facilitate medical office uses or full-service hospitals. 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 2-3-13**), 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) Outer Safety Zone (See Safety Restriction Area Section).

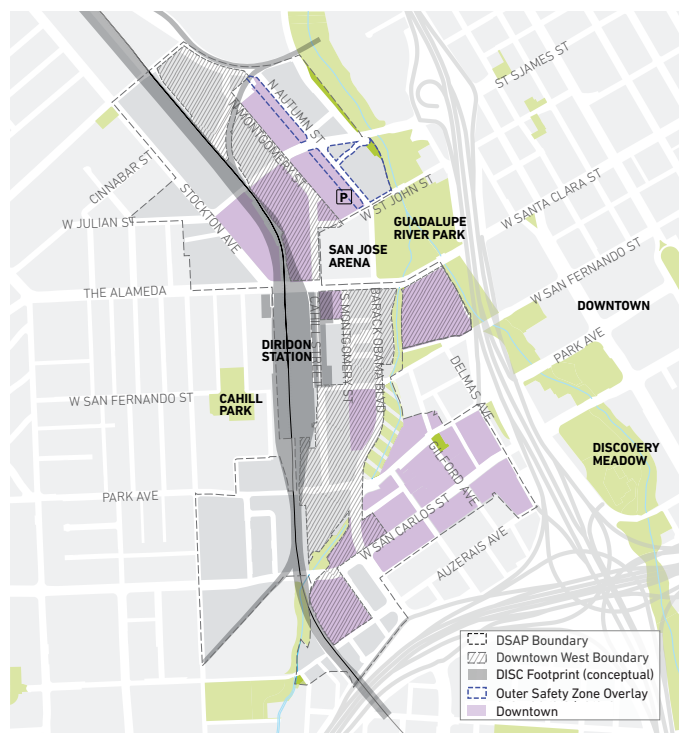


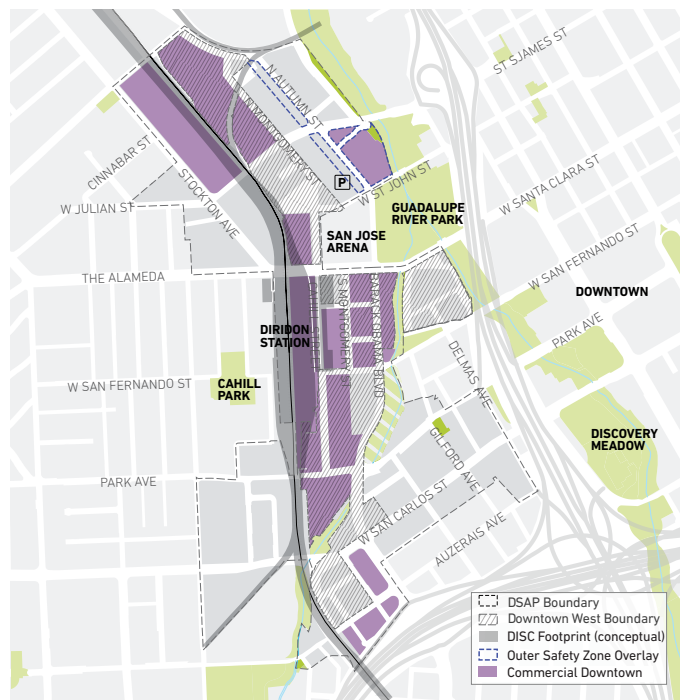
Figure 2-3-4: Downtown General Plan Designations



The Downtown Design Guidelines and Standards 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 Standards and the vision of this Plan.

To help activate the corridor, new development along Primary and Secondary Addressing Streets in the Downtown 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 and Standards. Active use locations within Google's Downtown West Mixed-Use Plan are governed by the DWDSG.

Figure 2-3-5: Commercial Downtown General Plan Designations



Commercial Downtown

Density: FAR Up to 15.0

The Commercial Downtown 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 2-3-13**), and compatible with the surrounding residential neighborhoods. Achievable densities may be much lower in a few identified areas to ensure consistency with the Santa Clara County Comprehensive Land Use Plan (CLUP) Outer Safety Zone (See Safety Restriction Area Section). 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 Commercial Downtown could also facilitate medical office or full-service hospitals.

The Downtown Design Guidelines and Standards 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 Standards and the vision of this Plan.

This Commercial Downtown designation is located throughout the Diridon Station Area to create a mixed-use urban neighborhood (**Figure 2-3-5**). To help activate the corridor, new development along Primary and Secondary Addressing Streets in the Commercial Downtown 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 and Standards. Active use locations within Google's Downtown West Mixed-Use Plan are governed by the DWDSG.

Figure 2-3-6: Transit Employment Center General Plan Designations



Top © KPF, Bottom © KPF

Transit Employment Center

Density: FAR Up to 12.0 (4 to 25 stories)

The Transit Employment Center designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services. The Transit Employment Center designation is located along Autumn Parkway, north of West Julian Street and adjacent to the Guadalupe River (**Figure 2-3-6**). Uses allowed in the Industrial Park designation are appropriate in the Transit Employment Center designation, as are supportive commercial uses. The North San José Transit Employment Center also allows limited residential uses, while other Employment Centers should only be developed with industrial and commercial uses.

Figure 2-3-7: Transit Residential General Plan Designations



Transit Residential

Density: 65-450 DU/AC; Commercial FAR 2.0 to 12.0
Residential/Commercial Mixed-Use minimum of 65 DU/AC with maximum FAR of 12.0

The Transit Residential 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.

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 vision of this Plan. The allowable density/intensity for commercial projects is a

FAR of 2.0 to 12.0 with a minimum FAR of 2.0. Residential/commercial mixed-use development shall require a minimum of 65 DU/AC with a maximum FAR of 12.0. 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 (**Figure 2-3-7**). 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 and Standards.

Figure 2-3-8: Urban Residential General Plan Designations



Urban Residential (30-95 du/ac)

Density: 30-95 DU/AC; Commercial FAR 1.0 to 4.0
Residential/Commercial Mixed-Use minimum of 50 DU/AC with maximum FAR of 4.0

The Urban Residential designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities. The Urban Residential 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 commercial projects is a FAR of 1.0 to 4.0 with a minimum FAR of 1.0. Residential/commercial mixed-use development shall require a minimum of 30 DU/AC with a maximum FAR of 4.0

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 (**Figure 2-3-8**). 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

The Open Space, Parklands, and Habitat 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 intended to be used permanently 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.



© SWA Group

Conceptual Sketch of proposed Neighborhood Park on Park Ave and Gilford Avenue.

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 West San Fernando Street and Park Avenue are identified as Open Space, Parklands, and Habitat (**Figure 2-3-9**). 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.

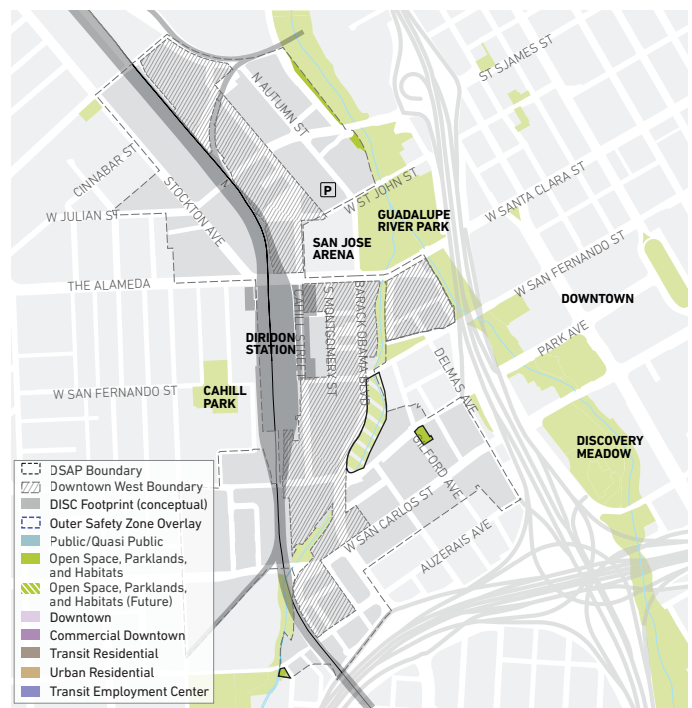


Figure 2-3-9: Open Space, Parklands, and Habitat General Plan Designations

Figure 2-3-10: Public/Quasi Public General Plan Designations



Public/Quasi Public

Density: N/A

The western half of Diridon Station is the only site designated Public/Quasi Public within the Diridon Station Area (Figure 2-3-10). Allowed uses include government, civic, cultural, educational, and public service uses.

SAFETY RESTRICTION AREA

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 (ALUC). The 2002 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.

Outer Safety Zone

The Outer Safety Zone is a rectangular area centered on the extended runway centerline starting at the outer end of the Inner Safety Zone and extending away from the runway end. There are areas within the Diridon Station Area Plan boundaries that are located either partially or completely within the Outer Safety Zone (approximately 20 gross acres).

To achieve consistency with the Outer Safety Zone, this Plan includes an Outer Safety Zone Overlay, illustrated in **Figure 2-3-11**. The overlay includes density restrictions that apply to new development within the overlay boundary. The following criteria, shown in **Table 2-3-2**, apply to new development within the Outer Safety Zone Overlay.

Table 2-3-2: Outer Safety Zone Overlay Criteria

Maximum Occupancy	Open Space Requirement	Land Use
Non-residential, maximum 300 people per acre (includes open area and parking area required for the building's occupants and one half of the adjacent street area).	20% of gross area or could be achieved on the adjacent park land, Guadalupe Garden and Creek area, as well as State Route 87.	Residential – if non-residential uses are not feasible, allow residential infill to existing density. No regional shopping centers, theaters, meeting halls, stadium, schools, large day care centers, hospitals, nursing homes or similar activities. No above ground bulk fuel storage.

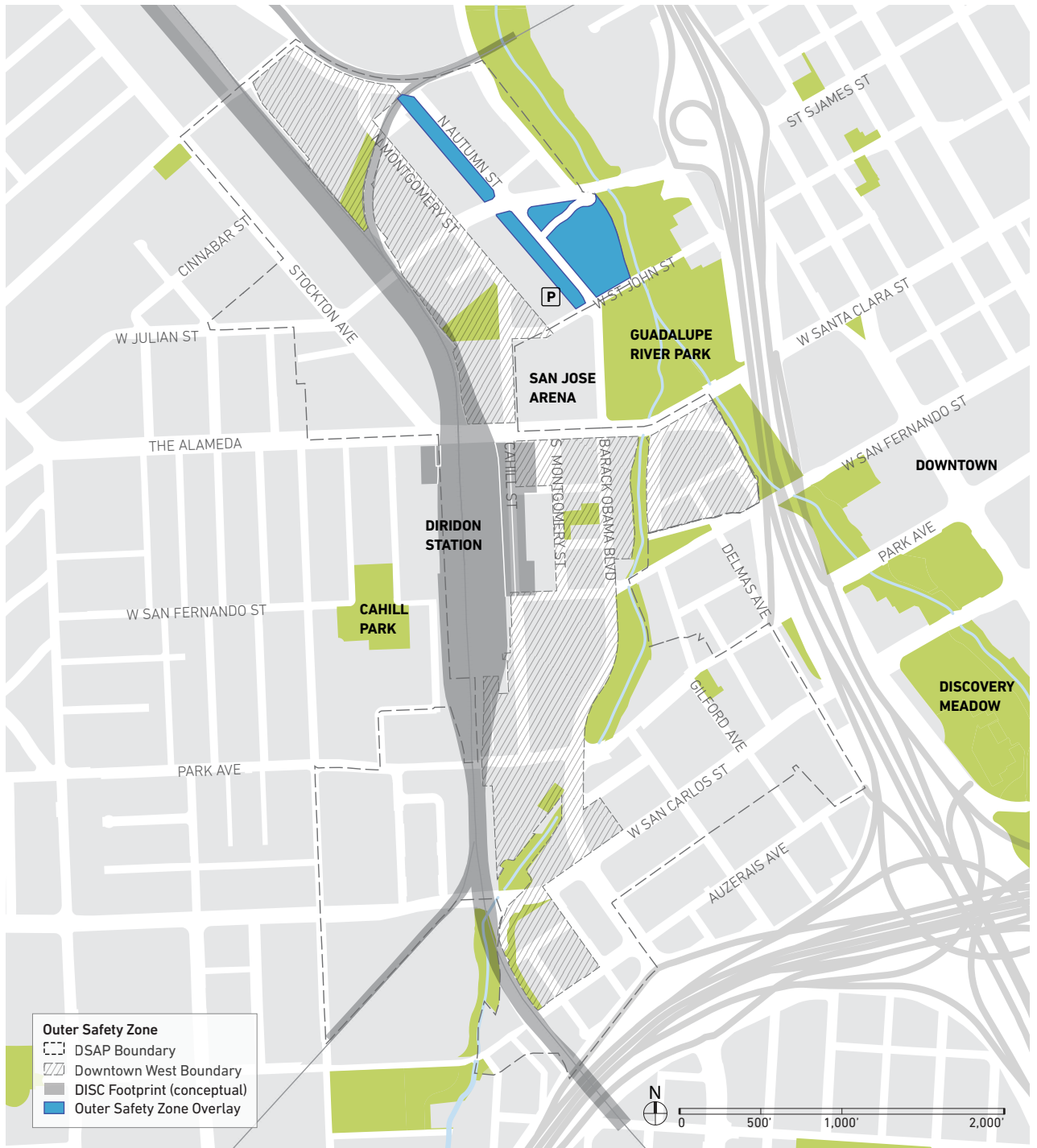


Figure 2-3-11: Outer Safety Zone Overlay

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 within the AIA to be consistent with height, safety and noise policies identified in the CLUP, 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.

All property owners in the Diridon Station Area within the AIA who rent or lease property for residential use shall include in the rental/lease agreement with the tenants, where applicable, a statement advising that the tenants are living within an exterior aircraft noise exposure area designated by the ALUC as greater than the 65dBA CNEL in a manner that is consistent with current state law including AB2776 (2002). Consistent with Goal EC-1 of the Envision San José General Plan 2040, with the California Building Code, and with ALUC Policy N-4, interior noise levels in residences, hotels, motels, residential care facilities, and hospitals will not exceed 45 dBA DNL. 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 2-3-12**.



Figure 2-3-12: Airport Influence Area (AIA)

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.

This Plan establishes new allowable building heights outside Google's Downtown West Mixed-Use Plan (**Figure 2-3-13**). Building height limits within Google's Downtown West Mixed-Use Plan are governed by the Downtown West Design Guidelines and Standards (DWDSG). Heights shown within Google's Downtown West Mixed-Use Plan in this Plan are approximate and are shown for illustrative purposes only.

This Plan's allowable heights for areas outside of Google's 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 and Standards 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 170 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 Diridon Station 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 the 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 setback 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 any building with an occupied level more than 75 feet above grade 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 setback 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.

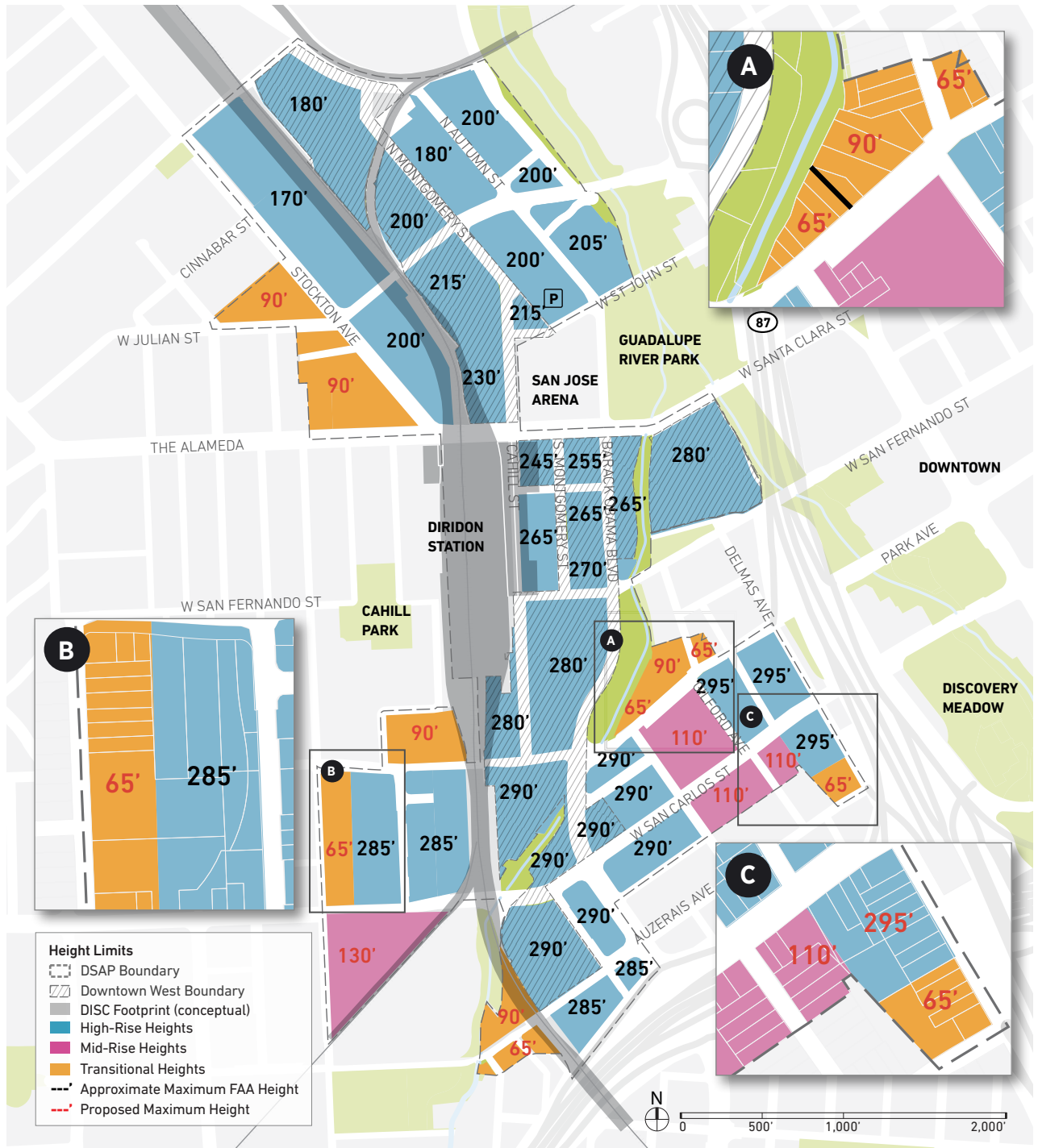


Figure 2-3-13: Building Heights



High-Rise Height Limits



Mid-Rise Height Limits



Transitional Height Limits



Table 2-3-3: Diridon Station Area Theoretical Maximum Build-out used in Environmental Analysis

	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 7,619	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

* The estimated theoretical maximum build-out outside of Google's Downtown West Mixed Use Plan used in the environmental analysis is based on identified potential development sites.

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

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 2-3-3**). The figures in the table for land uses within Google's 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 2-3-3**.

This 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 for each land use that could be built under the Plan. Please see Appendix A for further details on the maximum build-out.

SMALL BUSINESS APPROACH

The 2018 engagement process on the future of the Diridon Station Area resulted in the desired outcome of a development designed to protect, support, and involve local, small businesses up to and during the construction and operation phases. Based on concerns about rising commercial rents, City Council directed staff to explore citywide strategies to mitigate small business displacement. The initial focus of the anti-displacement work was on the Alum Rock area, which like the Diridon area, is experiencing transit and real estate investment. Concurrently, VTA has been preparing to construct the BART extension to San Jose, which has involved preparing plans and programs related to relocation, construction, education/outreach, and business resources. Most recently, the COVID-19 emergency has had devastating effects on many local businesses and the City is actively working on economic recovery.

The City's approach to small businesses the Diridon Station Area is to: consider insights from anti-displacement, VTA, and economic recovery work, collect and monitor data on business trends in the Diridon Station Area and surrounding corridors, and to conduct ongoing community and stakeholder engagement.

As of October 2020, there are about 260 active businesses in the Diridon Station Area. About half are sole proprietors and 7% have more than 10 employees. The share of sole proprietor businesses ranges from about 63-89% in the surrounding predominantly residential areas. Business with more than 10 employees collectively employ 4,900 people, or 65% of the total employment in the Diridon area and surrounding neighborhoods (west of SR 87).

Private development and public investments planned for the Diridon area will expand opportunities for existing businesses and entrepreneurs through:

- hiring local businesses and workers during construction phases
- increasing access and visibility for businesses in and around the Diridon Station Area, expanding customer bases
- creating new commercial spaces
- sourcing local businesses as suppliers
- promoting "buy local" campaigns and incentives

There is also the potential for negative effects: direct displacement due to demolition and construction, indirect displacement due to increased rents, and disruption due to nearby construction. There are about 100 active businesses with at least two employees within the Diridon Station Area but outside of the Downtown West project boundaries; these have the greatest potential for experiencing direct displacement. The effects on any given business will depend on many factors, such as if the business owner also owns the underlying property.

As plans and development progress, the City will continue to explore strategies to support small, local businesses in and around the Diridon area. Based on input from local business owners and lessons learned from recent anti-displacement work, the approach may include a combination of the following activities:

- Provide clear, culturally sensitive and timely information to businesses about plans and development projects, including potential impacts and opportunities
- Coordinate with transit partners on construction and business support programs, including exploration of a business disruption fund
- Design construction contracts and procurement policies for public projects to be accessible to small businesses, minority-owned business enterprises (MBEs), and disadvantaged business enterprises (DBEs)
- Improve access to technical support, loan capital, financial assistance, and source other resources
- Partner with trusted organizations on outreach, education, and the delivery of support services
- Support existing business associations and the creation of new organizations
- Offer programs that enhance the physical appearance of commercial properties
- Encourage entrepreneurship to create new, local businesses, promote self-employment and enhance owner networking
- Partner with businesses on “buy local” campaigns
- Facilitate connections between local businesses, brokers, developers, and property owners
- Develop a plan for assisting businesses with relocation, including identifying opportunities to integrate into new development or otherwise stay within the area
- Continue to engage small business owners, associations, and workers in the planning and development review processes - using inclusive practices to share information, gather feedback, and understand their evolving needs
- Develop specific information and strategies to support immigrant-owned businesses, including language support and access to services

RAIL CORRIDOR EXPANSION AND COMPATIBILITY

As discussed elsewhere in this Plan, the attractiveness of the Diridon Station Area and Downtown San Jose is driven in large part by the many transportation systems that converge at Diridon Station. With future BART, electrified Caltrain, and high-speed rail service, the station area will be one of the most accessible urban neighborhoods in California. Diridon Station is a transportation node of regional and statewide significance. The area's unparalleled level of high-capacity transit service is part of what is attracting significant private sector investment today.

The purpose of the Diridon Integrated Station Concept Plan, discussed in Sections 1.3 and 4.3 of this Plan, is to ensure quick, convenient and intuitive connections between the modes, and to establish the future space needs of the various modes for the proper functioning of the station over a long period of time. As envisioned through the Diridon Integrated Station Concept Layout, the station and surrounding rail right-of-way will need to expand to accommodate increased rail service and operate as a "through station," rather than a place where some trains are stored and turned around. Track approaches to the station will generally follow the existing northern and southern corridors, to the extent feasible, to leverage existing rail infrastructure, minimize overall community impact, and minimize the need to acquire significant land. However, the expanded station and rail infrastructure will create additional noise and vibration, require space for additional tracks, and involve significant construction disruption. The elevation of the rail line will separate rail services from streets, reconnect neighborhoods and allow for new, activated spaces under and along the right-of-way, and introduce new emergency access and egress options.

Further development (beyond what is currently anticipated as of the adoption of this Plan) immediately adjacent to the tracks could also greatly increase the cost of the expansion of rail services and reconstruction of the station. This would reduce Diridon Station's ability to efficiently handle future train volumes and by extension harm the long-term economic competitiveness of San José. Further, the significant improvements in urban integration and public space that are core to the Diridon Integrated Station would not be realized.

These factors point to the need for thoughtful planning to guide, control, and regulate future growth and development adjacent to the Caltrain right-of-way (ROW) to realize the goals and purposes of the Envision San José 2040 General Plan, and to provide access to property and prevent undue interference with and hazards to transportation on public rights-of-way.

As part of the implementation of this Plan, the City will:

- Explore potential rail corridor compatibility strategies that establish criteria and regulations to ensure future development can accommodate planned increases in transit services and infrastructure.
- Further develop plans for the Station and for areas underneath and adjacent to the rail line, with active uses and greenways that become community assets after the tracks are elevated and expanded. Before the rail is elevated, interim uses along the rail right-of-way are encouraged, but will not prevent rail elevation or expansion.

Continue inter-agency collaboration on the Diridon Integrated Station Plan to align the development of individual agencies' projects, environmental review processes, and property acquisition strategies with the broader joint efforts in the Diridon Station Area.

SUSTAINABLE SITE PLANNING

The Diridon Station Area will significantly increase overall sustainability through a mix of uses, high-density, sustainably-designed buildings, and an urban environment that promotes walking, biking, and transit. Making sustainable systems and materials visible and comprehensible throughout the Diridon Station Area can contribute to San José's vision of becoming the World Center of Clean Tech Innovation. In accordance with City's policies for reducing greenhouse gas emissions and green design (e.g. Climate Smart San José, San José's Green Building Ordinance, Building Reach Code and Natural Gas Infrastructure Prohibition Ordinances, Zero Waste Strategic Plan, the Downtown Transportation Plan, the Downtown Design Guidelines and Standards, and the Green Stormwater Infrastructure Plan), site planning should integrate sustainable practices early in the process. Considerations should expand beyond the scale of a building or a site to the larger context of the district and can include but are not limited to the following strategies:

- Respond to existing and planned context:
 - Integrate and connect to local and on-site natural assets such as the Los Gatos Creek, large trees, or topography
 - Connect to built assets such as pedestrian paths, parks, trails, and public buildings that are on or near the site
 - Consider solar orientation and topography for energy and water conservation purposes when siting buildings and new streets
- Integrate rain-and storm water collection, infiltration, distribution, and retention systems on site, or in the streetscape
- Consider a water reuse and efficiency strategy to minimize the additional amount of imported water required to support the project area
- Consider the use of district-based co-generation plants that provide heat and electricity
- Construct all-electric buildings and infrastructure
- Consider the integration of systems to enhance operational resiliency, including energy resiliency measures such as microgrids with renewable energy generation and battery storage
- Use pervious materials for paths and parking areas throughout the area to increase rainwater infiltration
- Develop a street tree and greening plan that uses native or drought-tolerant species to reduce need for irrigation
- Create a waste management and reduction program
- Meet SB 1383 requirements by planning for food recovery of edible food, signing agreements with local food recovery organizations, and planning for organic waste separation and recycling

2.4 URBAN DESIGN

INTRODUCTION

The San José Downtown Design Guidelines and Standards adopted in 2019 (DDG) provide guidance for the form and design of buildings in Downtown, their appearance in the larger cityscape, and their interface with the street level public realm. The DDG defines the design objectives for the elements that determine the image of Downtown and refines the concepts of other plans, translating them into an operational document that increases predictability for developers and their architects for development in Downtown.

The DDG applies generally to the General Plan Downtown Growth Area, including the Diridon Station Area. Any Planning application submitted for a new permit or permit amendment within the Diridon Station Area is required to comply with the DDG, with the exception of the properties within Google's Downtown West Mixed-Use Plan, which are required to comply with the Downtown West Design Guidelines and Standards (DWDSG) and the DDG Standards that are not superseded by the DWDSG.

The urban design direction in this section expands upon and will be incorporated into the DDG document after the adoption of this Plan. The following urban design direction highlights additions to the DDG for the Diridon Station Area.

FRAMEWORK PLANS

The Downtown Design Guidelines and Standards (DDG) include Framework Plans that provide site-specific guidance for development projects on certain sites, which have specific guideline requirements in addition to the requirements for all parcels. The Framework Plans assign characteristics to various streets, blocks, and parcels in Downtown. These characteristics affect the treatment of urban design elements in DDG Chapters 3-5 (site, building, and pedestrian level). These Framework Plans are not specific to this Plan but are existing framework plans within the DDG.

Prominent Site and Frontages (DDG section 2.1)

Rationale –The skyline and highly visible building facades create the first impression of Downtown from other locations within San José and beyond. The skyline is also visible inside Downtown from certain vantage points. The skyline is shaped by many factors, but one of the foremost is the limitation of building heights by the Mineta San José International Airport, located north of Downtown. This limit, in combination with zoning height standards, has created a “mesa” (table) shaped skyline, with most buildings at similar heights (**Figure 2-4-1**). Among the most memorable Downtown skyline views are those from parks such as Arena Green, from highways that pass through and adjacent to the site, and from some major streets, such as the Alameda (**Figure 2-4-2**).

Prominent Locations – Due to the flat shape of the skyline and limited view locations, some sites have more impact on the Downtown skyline. Based on analysis of this pattern, the resulting Gateway Sites and Image Defining Frontages in the Diridon Station Area are illustrated in **Figure 2-4-3**. Buildings on these sites will have a large impact on the image of the City. For this reason, their design receives special attention in the Downtown Design Guidelines and Standards and this Plan.



Figure 2-4-1: Skyline Mesa Shape

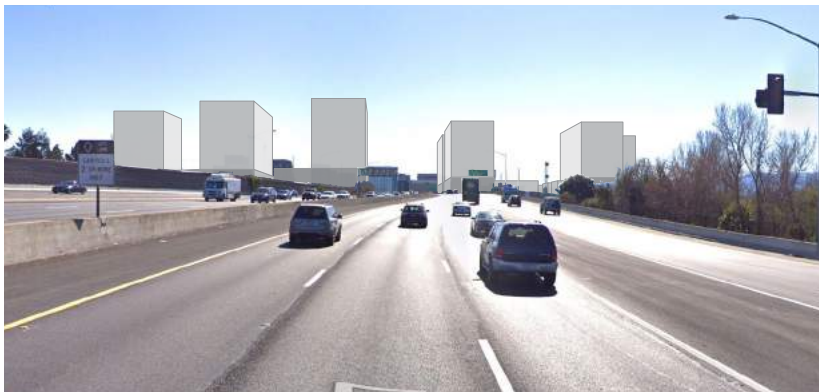


Figure 2-4-2: Rendering views from highway and skyline view from park

ADDITIONS TO THE DOWNTOWN DESIGN GUIDELINES AND STANDARDS

Image-Defining Frontages were added to a portion of Cahill Street between The Alameda and West San Fernando to ensure the new expanded and redesigned Diridon Station receives special design attention. A portion of Delmas Avenue between West San Carlos Street and Auzerais Avenue also includes an image-defining frontage to ensure development visible from State Route 87 is appropriately designed and adds to the image of the City.

Podium Level and Pedestrian Level (DDG section 2.2)

Rationale – The interface with the streets is the primary organizing element at the base of a building. The design should be attractive and engage pedestrians with the activities within the building. The public realm treatment of streets varies by their location, land uses, and commercial and symbolic importance within Downtown. Street design is governed by the San José Complete Streets Design Standards & Guidelines (2018). **Figure 2-4-4** illustrates the Podium Level and Pedestrian Level Designations within the Diridon Station Area.

Street Frontage Classifications

There are no unimportant streets. However, the built form treatment along streets can vary. Street frontage classification indicates the role of the streets in the Downtown urban fabric.

- **Primary Addressing Street:** This is a primary commercial street that includes retail and other active ground floor uses.
- **Secondary Addressing Street:** This is a street with a commercial or residential focus. While it may provide some active ground floor uses, retail is not the primary function of the street.
- **Paseos:** Paseos are pedestrian connections that can have a variety of uses
- **Alleys:** Alleys have no Streetwall requirements.¹ An alley should always be the location of services, if one is available.
- **Other Streets:** Other streets are streets within the Guidelines boundary without the designations stated above.

¹ Streetwall refers to the building façade(s) along a public street, public open space, or a paseo from ground level up to 70 feet above.

WHAT TO DO

Locate the proposed development site to determine if it:

1. Has an Image-Defining Frontage
2. Is a Gateway Site

This will affect its treatment in the relevant Downtown Design Guidelines and Standards:

- 4.2.1 Form, Proportion, and Organizing Idea
- 4.3.2 Skyline Level Massing (Above 70')
- 4.4.1 Façade Pattern and Articulation
- 4.4.3 Materials and Colors
- 4.4.6 Parking Garages

Parks and Open Spaces—Urban parks and natural open spaces are amenities that form part of Downtown’s ecological systems and address the need for natural spaces that support mental and physical health.

- **Urban Park/Plaza Frontage:** These facades from the urban framework for the existing civic spaces in Downtown. They should create a sense of enclosure for the spaces.
- **Open Space Frontage:** These facades define the experience within Downtown’s natural spaces and should have an urban form that provides visual permeability toward the open space.

Gateways—Entry points into Downtown from transit and pedestrian and bicyclists create special opportunities for high levels of amenity and safety at the small scale. These are different from Gateway Sites which relate to the visual entry experience at the larger scale and for longer views.

Transit Gateway: Rail transit stations are key permanent locations for entry into and exit from Downtown.

Pedestrian and Bicycle Gateway: Certain pedestrian and bicycle routes take on additional importance at entry points into Downtown.

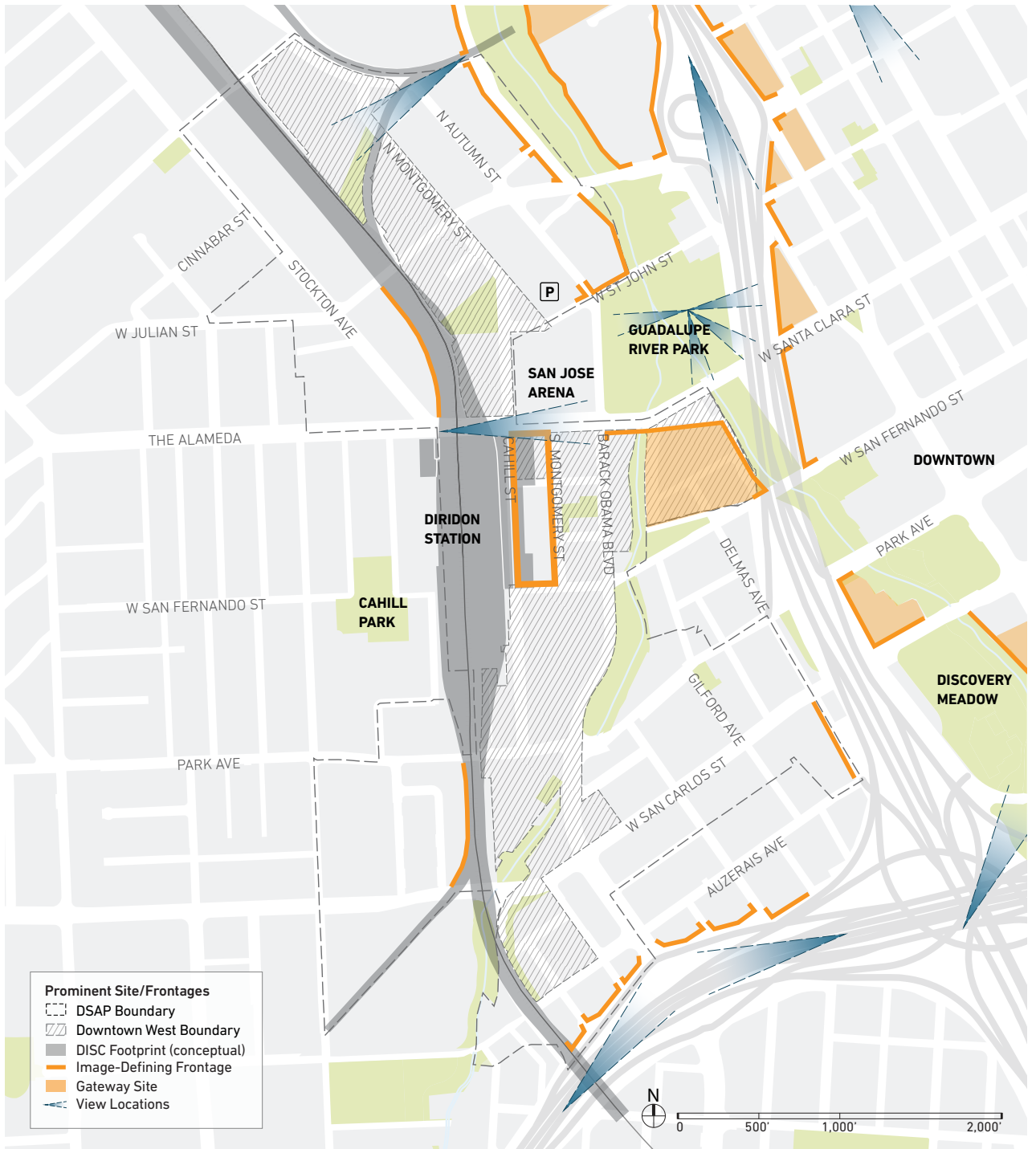


Figure 2-4-3: Prominent Sites and Frontages

ADDITIONS TO THE DOWNTOWN DESIGN GUIDELINES AND STANDARDS

Primary Addressing Street classifications were added to a portion of Cahill Street and North Montgomery Street between The Alameda and West San Fernando Street to ensure development along the street incorporates active uses, and a Secondary Addressing Street was added on North Montgomery Street between Cinnabar Street and The Alameda. Given the properties along North Montgomery Street are within Google's Downtown West Mixed-Use Plan, development is subject to the Downtown West Design Guidelines and Standards (DWDSG). Transit Gateways locations were updated for consistency with transit entrances in the Diridon Integrated Station Concept Plan for the expansion and redesign of Diridon Station.

WHAT TO DO

Locate the proposed development site to determine if it is adjacent to:

1. Primary Addressing Street
2. Secondary Addressing Street
3. Paseo
4. Urban Park/Plaza Frontage
5. Open Space Frontage
6. Transit Gateway
7. Pedestrian and Bicycle Gateway

This will affect its treatment in the relevant Downtown Design Guidelines and Standards:

- 3.3.2 Relationship to Transit
- 3.4.4 Vehicle and Bicycle Parking Location
- 3.5.1 Pedestrian and Bicycle Entrance Location
- 3.5.2 Service Entrance Location
- 3.5.3 Parking and Vehicular Access Location
- 4.3.1 Podium Level Massing
- 4.3.3 Streetwall
- 4.4.6 Parking Garages
- 5.2 Public Art in Private Development
- 5.3.1.a Active Frontages
- 5.3.2 Ground Floor Non-Residential Space
- 5.3.4 Lighting – Pedestrian Level
- 5.3.5 Signage – Podium Level and Pedestrian Level

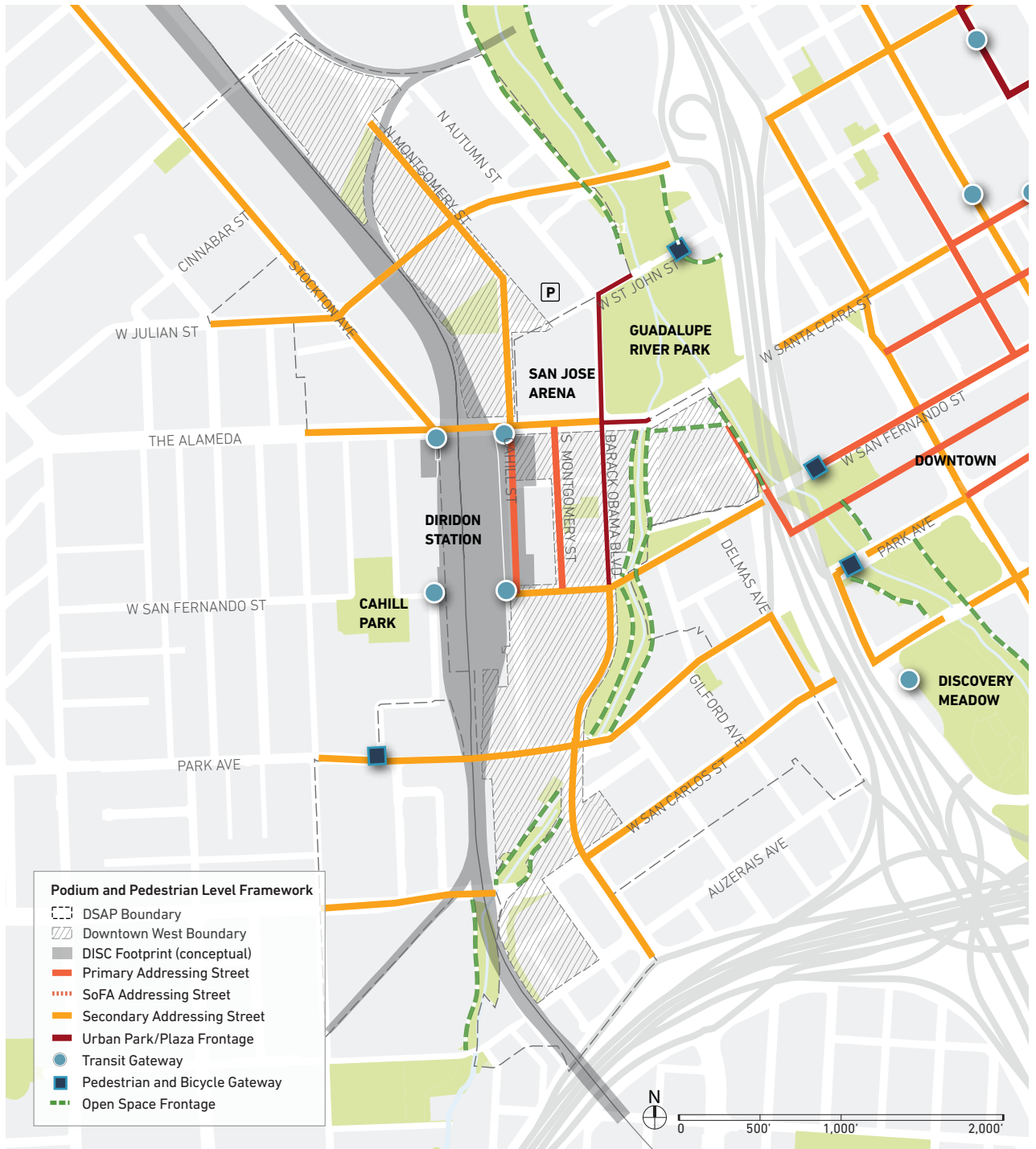


Figure 2-4-4: Podium and Pedestrian Level Framework

Street Level View Corridors (DDG Section 2.5)

Rationale – Street level views are essential to orientation within Downtown and a way to connect to the surrounding landscape. Level topography makes these corridors crucial because there are few high public vantage points. **Figure 2-4-5** illustrates the Street Level View Corridors within the Diridon Station Area.

Within the Diridon Station Area there is one type of street level view corridor to be protected:

- **Urban View** – Distinctive view to buildings and along corridors within the district

WHAT TO DO

Locate the proposed development site to determine if it is adjacent to a:

1. View Corridor – Urban View

This will affect its treatment in the relevant Downtown Design Guidelines and Standards:

- 3.2.1 Block Size
- 3.2.2 Building Placement
- 4.3.1 Podium Level Massing
- 4.4.8 Pedestrian Bridges

ADDITIONS TO THE DOWNTOWN DESIGN GUIDELINES AND STANDARDS

The urban view corridor along West Santa Clara Street was modified to ensure street level views to and from the new expanded and redesigned Diridon Station and Downtown.

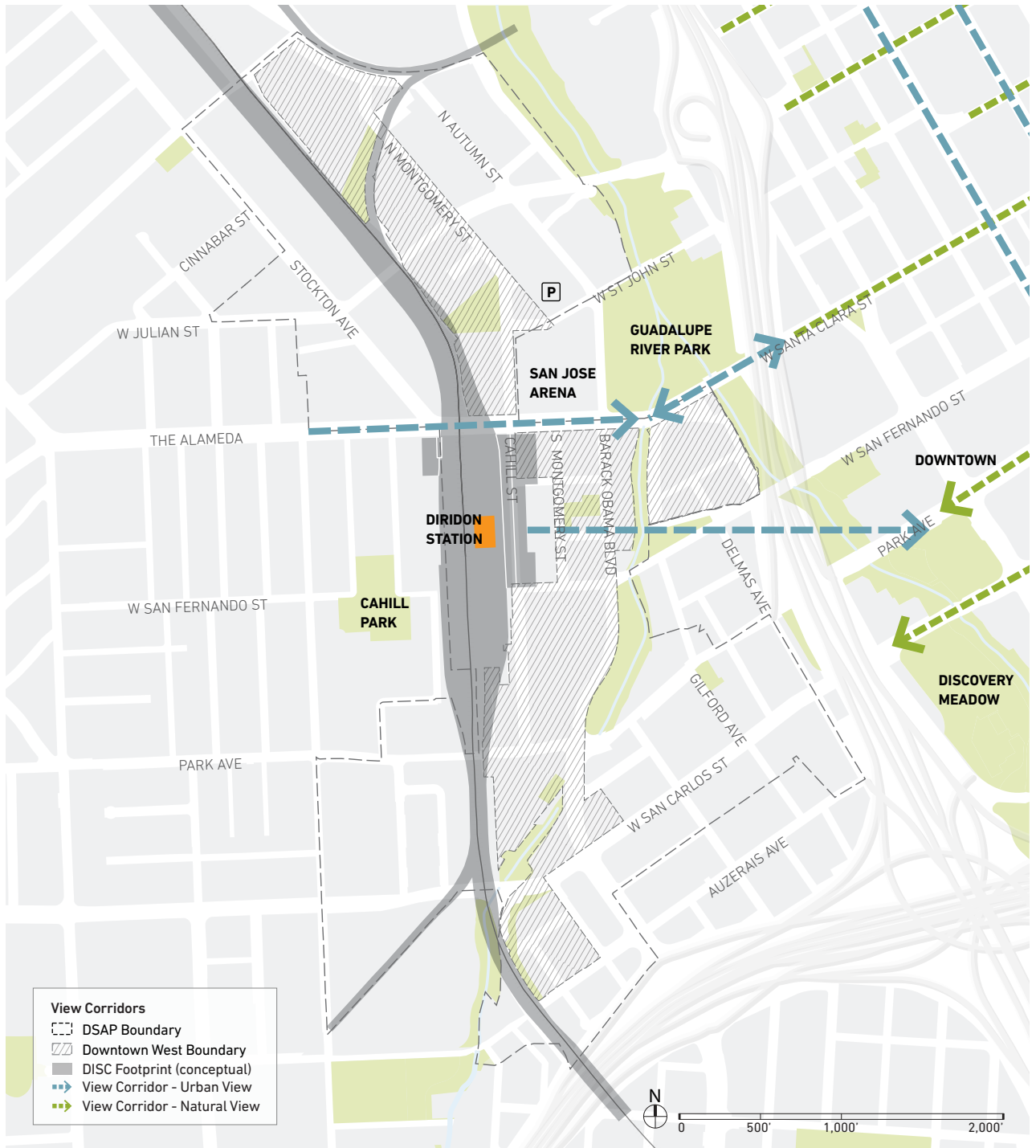


Figure 2-4-5: View Corridors Framework Plan

Special Lighting (DDG Section 2.6)

Rationale – Lighting at all levels of a building is a place-making quality that provides around-the-clock legibility to Downtown. Lighting that illuminates the pedestrian space without creating glare makes that space more comfortable and safe. Lighting on the building can emphasize interesting architectural features and create a more distinctive and memorable urban fabric. This framework plan creates lighting to enhance the experience of pedestrians as well as Downtown’s Skyline Level and distant image. See the relevant guidelines in the Downtown Design Guidelines and Standards for specific information. **Figure 2-4-6** illustrates Special Lighting within the Diridon Station Area.

Lighting Gateways – These special points aid orientation by serving as markers for specific areas and as points of transition at the ground level as people pass through and experience Downtown.

Enhanced Lighting Corridors – These corridors form the core commercial and active districts in Downtown. Employing distinctive lighting techniques or artistic illumination along these streets will contribute to the creation of more interesting nighttime urban spaces for pedestrians and other occupants of these spaces.

Image-Defining Frontages – These frontages, noted previously, offer opportunities to create interesting and dramatic façade lighting in prominent location.

Gateway Sites – These sites are particularly prominent in long views of Downtown. As noted in the relevant guidelines, they are good locations for special lighting in buildings’ skyline level.

WHAT TO DO

Locate the proposed development site to determine if it is:

1. Adjacent to an Enhanced Lighting Corridor
2. Adjacent to a Lighting Gateway
3. Has an Image-Defining Frontage
4. Is a Gateway Site

This will affect its treatment in the relevant Downtown Design Guidelines and Standards (Note that lighting guidelines apply to all locations in Downtown, but locations noted in this Framework Plan have special guidance):

- 4.4.9.a Lighting – Podium Level
- 4.4.9.b Lighting – Skyline Level
- 5.2 Public Art in Private Development
- 5.3.4 Lighting – Pedestrian Level

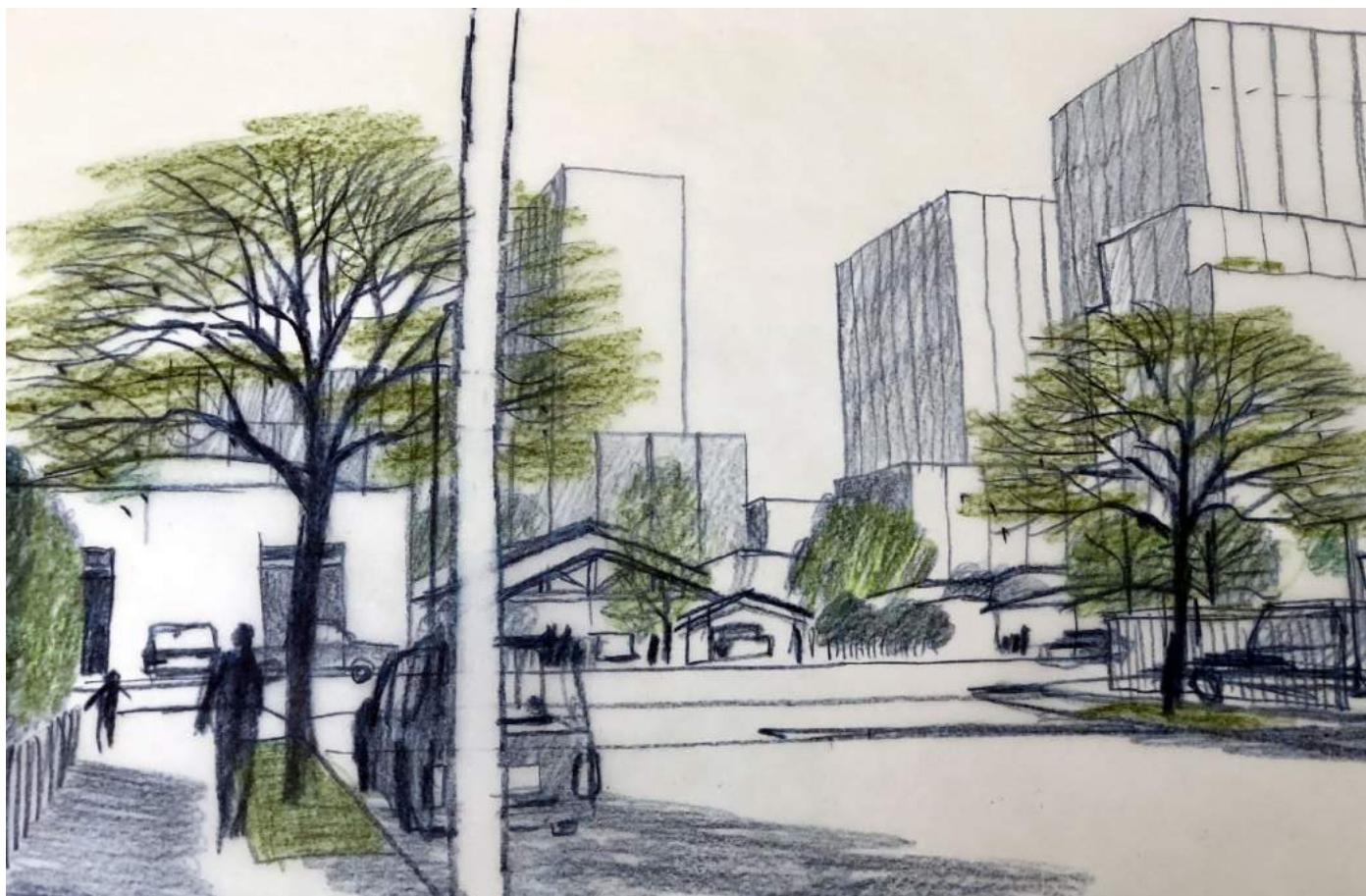
ADDITIONS TO THE DOWNTOWN DESIGN GUIDELINES AND STANDARDS

A lighting gateway and image defining frontages were added to land adjacent to Diridon Station to ensure opportunities for interesting and dramatic façade lighting. Properties within Google’s Downtown West Mixed Use Plan are subject to the Downtown West Design Guidelines and Standards.





Figure 2-4-6: Lighting Framework Plan



Conceptual Sketch of massing transition between the tall buildings to the lower height context. View is taken from Willis Avenue, near Auzerais Avenue, looking north.

HEIGHT AND MASSING TRANSITION DESIGN STANDARDS

These additional design standards are specific to this Plan and build on the existing Downtown Design Guidelines and Standards (DDG) to facilitate development consistent with the objectives of this Plan. Projects within the Diridon Station Area must be consistent with these standards in addition to the Downtown Design Guidelines and Standards, with exception of properties within Google's Downtown West Mixed-use Plan, which are required to comply with the Downtown West Design Guidelines and Standards (DWDSG) and the DDG Standards that are not superseded by the DWDSG.

Massing Relationship to Context (DDG Section 4.2.2)

Rationale – In some Downtown locations, tall new buildings will be adjacent to historic buildings of lower height and to properties at the edge of Downtown where the General Plan land use designations limits buildings to lower heights. In these conditions, a massing transition for the tall buildings to the lower height context, creates compatibility between new and old. **Figure 2-4-7** illustrates stepback plane locations.