



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** May 13, 2021

**COUNCIL DISTRICT:** 3 & 6

**SUBJECT: GP20-007 AND C20-002: GENERAL PLAN AMENDMENT ASSOCIATED WITH AMENDING THE DIRIDON STATION AREA PLAN (DSAP), AND CONFORMING REZONING**

## RECOMMENDATION

The Planning Commission voted 5-0-2 (Vice Chair Bonilla was absent and Commissioner Lardinois abstained) to recommend that the City Council take all of the following actions:

1. Adopt a resolution adopting an Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942) and Addenda thereto, in accordance with CEQA; and
2. Adopt a resolution by two-thirds majority making certain findings required by California Public Utilities Code Section 21676 that the proposed City-initiated General Plan Amendment (File No. GP20-007) and Conforming Rezoning (File No. C20-002) 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 City-initiated General Plan Amendment and Conforming Rezoning are inconsistent with the ALUC noise and height policies as defined by the Comprehensive Land Use Plan for the San José International Airport (CLUP); and
3. Adopt a resolution approving the General Plan Amendment (File No. GP20-007) amending the Envision San José 2040 General Plan pursuant to Title 18 of the San José Municipal Code to amend the "Planned Job Capacity and Housing Growth Areas by Horizon" Table 5 in Appendix 5, and amending the Diridon Station Area Plan, a component of the Envision San José 2040 General Plan, to modify the Envision San José 2040 General Plan Land Use/Transportation Diagram for properties within the boundaries of 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 for the Diridon Station Area Plan.
4. Approve an ordinance rezoning certain real property (totaling 97 acres) within approximately 262 gross acres located within the boundaries of the Diridon Station Area Plan 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 from Zoning Districts that include Combined Industrial/Commercial, Commercial General, Commercial Neighborhood, Commercial Pedestrian, Heavy Industrial, Industrial Park, Light industrial, Two-Family Residential, and Transit Employment Center to Zoning Districts that include Downtown Primary Commercial, Open Space, and R-M Residence District (Multiple Unit/Lot).

## **OUTCOME**

Should the City Council adopt a resolution approving the Addendum to the Downtown Strategy 2040 Final Environmental Impact Report and the resolution approving the General Plan Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect various land use designation changes from Transit Employment Center, Urban Village, Urban Village and Mixed-Use Commercial, Combined Industrial/Commercial, Neighborhood Residential, Urban Residential and Mixed-Use Commercial to Downtown, Commercial Downtown, Transit Residential, Urban Residential, and Open Space, Parklands and Habitats, with an Outer Safety Zone Overlay.

If the General Plan Text Amendment resolution is approved, the Diridon Station Area Plan would be amended to modify the Envision San José 2040 General Plan Land Use/Transportation Diagram for properties within the boundaries of 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 for the Diridon Station Area Plan.

If the conforming rezoning ordinance is approved, certain real property (totaling 97 acres) would be rezoned from Zoning Districts that include Combined Industrial/Commercial, Commercial General, Commercial Neighborhood, Commercial Pedestrian, Heavy Industrial, Industrial Park, Light industrial, Two-Family Residential, and Transit Employment Center to Zoning Districts that include Downtown Primary Commercial, Open Space, and R-M Residence District (Multiple Unit/Lot).

If the City Council denies all the actions listed above, the 2014 Diridon Station Area Plan and current General Plan designations and Zoning Districts will remain in effect.

## **EXECUTIVE SUMMARY**

On April 28, 2021, the Planning Commission considered an Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942) and Addenda thereto, and the General Plan Amendment and Conforming Rezoning described above.

During the Planning Commission public hearing for the recommended actions, staff provided an overview of the environmental analysis, Plan amendments and conforming rezoning. Nine members of the public provided testimony. The Planning Commissioners discussed the merits of the Plan and its relationship to the Downtown West Mixed-Use Plan and asked clarifying questions of staff. The Planning Commission voted 5-0-2 (Vice Chair Bonilla absent and Commissioner Lardinois abstained) to recommend that the City Council adopt the environmental resolution, resolution overruling ALUC determination, resolution approving the General Plan amendment associated with amending the DSAP and approve the ordinance for conforming rezoning.

## **BACKGROUND**

Prior to the April 28, 2020 Planning Commission hearing, the project was taken before other commission bodies for formal recommendations.

### *Airport Land Use Commission (ALUC)*

As portions of the project fall within the Airport Land Use Commission (ALUC) Airport Influence Area surrounding Mineta San José International Airport (SJC), the General Plan Amendment (land use designations) and Conforming Rezoning were referred to the ALUC. On December 16, 2020 and February 24, 2021, the proposed City-initiated General Plan Amendment (GP20-007) and Conforming Rezoning (C20-002) were taken to the ALUC for consideration. In both referral determinations, the ALUC found the proposed General Plan Amendment and Conforming Rezoning to be inconsistent with certain ALUC noise and height policies as defined in the “Comprehensive Land Use Plan for San José International Airport” (CLUP). The ALUC found the proposed rezoning and general plan amendment to be inconsistent with the CLUP Noise Policy N-4 and Table 4-1, because a portion of the plan area 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. The 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.

On March 16, 2021, staff notified the ALUC County planner and the Caltrans Division of Aeronautics of the City’s intention to overrule the determination by the ALUC with a two-thirds vote of the City Council, providing a draft City resolution (see Planning Commission Staff Report Attachment B.6.) making specific findings that the proposed action is consistent with the purposes set forth in Section 21670 of the California Public Utilities Code (Section 21670). The City received Caltrans comments on April 15, 2021 and ALUC comments on April 22, 2021. The Planning Commission Staff Report and Draft Resolution include the required findings for overruling of the Determination of Inconsistency by the ALUC. City Council overruling the ALUC inconsistent determination requires a two-thirds majority vote of the present Councilmembers.

### *Planning Commission*

On April 28, 2020, the Planning Commission conducted a Public Hearing to consider the proposed General Plan Amendment, General Plan Text Amendment, and Conforming Rezoning and the adequacy of the Addendum to the Downtown Strategy 2040 Final Environmental Impact Report.

### *Staff Presentation*

Staff provided two verbal updates to the staff report (see updated Planning Commission Staff Report Attachments J and L). First, staff referenced the Airport Land Use Commission overrule draft resolution, which was updated to include ALUC's comment letter on the City's proposed overrule and to address the ALUC comments; the updated draft overrule resolution was posted on Friday, April 23. Staff also referenced Appendix A of the Plan, which provides more information about the methodology used in the Plan's build-out estimate; staff noted that Appendix A was inadvertently omitted from the posted document.

Staff described the goals and objectives for the Diridon Station area and Downtown, the changes that have occurred since the original Diridon Station Area Plan was adopted in 2014, the planned transit investments, and a summary of the significant amount of effort that went into reaching out and incorporating the feedback from the various community members and stakeholders.

Staff provided an outline of the Plan, including its focus on equity, expanded boundary, land use concept, allowable building heights, potential maximum development capacity, urban design and height transition standards, and strategies for open space, mobility, parking, and sustainability. Staff provided a summary of the Plan's General Plan and Zoning District changes.

Staff summarized the purpose of the Initial Study/Addendum, and most importantly, its public circulation and the response to comments, which were included as part of the community outreach and engagement for the Plan. Staff presented the criteria for preparation of an Addendum instead of a Supplemental Environmental Impact Report (EIR) and the subsequent project-level environmental analysis that individual development projects will undergo as part of the amended DSAP implementation process.

Following the presentation, Commissioner Oliverio inquired about the Plan's achievable housing density and capacity. Staff responded by showing the table with the Plan's overall build-out capacity, which includes up to 5,900 units within the Downtown West Mixed-Use Plan and up to 7,619 units in the remainder of the Plan area. Commissioner Oliverio then asked if the Plan could accommodate even more housing. Staff responded that the Plan's environmental clearance included the upper limit of both potential commercial and residential development possible under the Plan's flexible land use designations and maximum allowable heights.

Chair Caballero asked about the Plan's Green Building requirements for new construction. Staff responded that the Plan does not change the City's Green Building requirements for new construction, which require all private sector and municipal building projects constructing or

adding more than 10,000 square feet of occupied space (as defined in the adopted building code) to be designed and constructed to achieve at a minimum the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED™) Rating System Silver level of certification with a goal of reaching LEED Gold or Platinum.

The PowerPoint presentation to the Planning Commission is attached to this staff memo for reference (Attachment B).

### *Public Hearing*

There were a total of nine members of the public who provided comments during the hearing. Four members spoke in support of the Plan, and five members expressed concerns or opposition.

Roland Lebrun mentioned that the presentation had not been posted in advance on the City website. He noted that the 2014 DSAP's concepts for High-Speed Rail at Diridon Station had included underground tracks to minimize the impact on adjacent development and hoped that conversation with the High-Speed Rail Authority to place two tracks underground could be restarted to provide hundreds of millions of dollars in additional community benefits for the proposed Downtown West project. He stated his belief that a station with two underground tracks could be built for less than \$300 million instead of \$7 billion and that Google's technical team could design the project in three months.

Kathy Sutherland, a Delmas Park resident and member of the Diridon Area Neighborhood Group (DANG), mentioned concerns about blocks on the south side of San Carlos Avenue where the Plan would allow high-rise buildings on the same block as areas zoned R-2. She also shared concerns about a site at Park Avenue and Gifford Street near Los Gatos Creek, where midrise buildings (65 or 90 feet high) would be permitted adjacent to the Lakehouse City Landmark District. She expressed a desire that the City apply the Downtown West Design Standards and Guidelines to all development in the Diridon Station Area.

David Meyer of Silicon Valley at Home (SV@Home) expressed support for the Plan and the associated Affordable Housing Implementation Plan, including support for the proposed land uses and building heights in order to reach the area's potential housing capacity. He noted that the Downtown West project and the Diridon Station Area Plan rely on greater building heights than the 2014 Plan and that reducing the allowed heights would undermine the area's housing capacity.

Meredith Muller asked about the location of a proposed park near Stockton Avenue and West Julian Street and pedestrian access under the future elevated rail tracks to connect from Cinnabar Street to the park within the Downtown West project. Staff responded that both Lenzen and Cinnabar Avenues are under consideration as future pedestrian and bicycle connections.

Tessa Woodmansee expressed a concern about the survival of the human species on a planet without fossil fuel, loss of natural habitat and biodiversity, and the need for open land to grow

food in urban areas. She urged the City to acquire the property at 615 Stockton Avenue for open space and food production.

Mike Sodergren of Preservation Action Council – San Jose (PAC\*SJ) expressed concern that the Plan included significant changes from the 2014 Plan and did not address the potential effects of DISC on the historic station building. He encouraged the City to produce a definitive statement on the preservation of the historic station.

Alex Shoor of CatalyzeSV thanked staff for their outreach to the community and expressed support for higher buildings to provide the City with more tax revenue and allow more housing to give more people the opportunity to live in the transit-rich area. He stated that the concerns of single-family residents are not invalid, but that providing housing for the community is a greater priority than any individual's desires and that dense housing is most appropriate near transit and in the Downtown.

Oscar Morales Vivo spoke in support of the Plan to make San José a “real city.” He requested clarification that the potential future pedestrian and bicycle crossings of the future elevated rail tracks will need to be planned as part of the future DISC station design process.

Kathryn Hedges expressed support for Alex Shoor's comments, noting that density should be allowed where needed and that San José is a big city that needs to grow upward to accommodate more people and to encourage transit use to reduce global warming. She stated that the Plan has a good balance of density and green space and other amenities.

Staff clarified that the Plan designates the planned Cinnabar and Lenzen Avenue connectors as Active Greenways, which are streets that are closed to motor vehicles and open to pedestrians, bicyclists, shared micro mobility and emergency vehicles. They serve as open spaces that connect people and places. Staff confirmed that the DSAP lays out the long-range vision to establish these connections when the tracks are elevated in the future as part of DISC. An option that includes a motor vehicle connection is also under consideration for Lenzen Avenue.

#### *Planning Commission Discussion*

Commissioner Oliverio inquired about the pending bill in the state legislature to extend AB 900 and asked whether the Downtown West Mixed-Use Plan could proceed independently of the DSAP. Staff clarified that the Downtown West project's entitlements included project-specific DSAP amendments and that the project could proceed independently of the City-initiated DSAP amendments. He inquired whether the Plan's environmental document could be challenged outside of AB 900. Staff confirmed that any CEQA challenge to the DSAP document would not benefit from the litigation streamlining of AB 900.

Commissioner Oliverio expressed support for placing density in this area where it makes the most sense, rather than disrupting other areas that are not as proximate to Downtown and transit. He shared that he understands the concerns of blocks that border commercial areas but supports placing significant density in the City's Downtown and transit core.

Commissioner Oliverio moved to recommend approval per staff's recommendation and the motion was seconded by Commissioner Torrens.

The Planning Commission voted 5-0-2 (Vice Chair Bonilla absent and Commissioner Lardinois abstained) to recommend that the City Council approve and adopt all the above listed actions.

## **ANALYSIS**

Analysis of the proposed project, including conformance with the General Plan and City Council policies, is contained in the attached Planning Commission staff report (Attachment A).

### *Letters Received*

Staff has received a several letters/emails from organizations and individuals supporting the project, including correspondence from the following organizations:

- California High-Speed Rail Authority
- Caltrain
- Catalyze SV
- San Jose Downtown Association (SJDA)
- Santa Clara County Transportation Authority (VTA)
- Sierra Club Loma Prieta Chapter
- Silicon Valley at Home (SV@Home)
- SPUR

Additionally, staff has received several letters/emails from organizations expressing concerns about the project and/or opposition to the project:

- San Jose Park advocates regarding the City's commitment to park land for the area
- Shasta/Hanchett Park Neighborhood Association (S/HPNA) regarding the amendment process
- Preservation Action Council of San Jose (PAC\* SJ) regarding historic preservation and mitigation alternatives analysis
- Affordable Housing Network of Santa Clara County regarding displacement
- Guadalupe River Park Conservancy regarding the inclusion of the Guadalupe River Park and Trail in the DSAP boundary
- Five letters from the Diridon Area Neighborhood Group (DANG) regarding single family adjacency and building height limits
- Silicon Valley Law Group, representing Sharks Sports & Entertainment LLC, regarding the Initial Study/Addendum to the Downtown Strategy 2040 Environmental Impact Report for the Diridon Station Area Plan Amendment.

Staff addressed concerns raised by organizations and individuals through revisions to the Amended DSAP, meetings, and formal responses to comments on the Addendum to the Downtown Strategy EIR. All formal letters are linked in the Planning Commission staff report, and letters/emails received after the Planning Commission hearing are linked below in Attachment C.

## **CONCLUSION**

The Planning Commission voted 5-0-2 (Vice Chair Bonilla absent and Commissioner Lardinois abstained) to recommend that the City Council adopt the environmental resolution, resolution overruling ALUC determination, resolution approving the General Plan amendment associated with amending the DSAP and approve the ordinance for conforming rezoning.

See attachment D for changes made to the amended DSAP after the Planning Commission hearing and refer to the updated amended DSAP posted online.

## **EVALUATION AND FOLLOW UP**

If the CEQA resolution and General Plan Amendment and Conforming Rezoning are approved as recommended by the Planning Commission, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect various land use designation changes described in the Outcome section above, the Diridon Station Area Plan would be amended to modify the Envision San José 2040 General Plan Land Use/Transportation Diagram for properties within the boundaries of 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 for the Diridon Station Area Plan, and certain real property (totaling 97 acres) would be rezoned as described in the Outcome section above.

## **CLIMATE SMART SAN JOSÉ**

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals. The project would increase the intensity (jobs/acre) of the Plan area and would implement design features for a high-performing, energy-efficient development. The project, which entails transit-oriented development (TOD) planning, facilities job creation within City limits and due to its accessible location facilitates mobility choices other than single-occupancy, gas-powered vehicles.



## **PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed Plan amendments. Staff distributed a notice of the public hearing to the owners and tenants of all properties located within 1,000 feet of the Plan boundary and posted on the City website. The staff report is also posted on the City's website.

Given the size of the Diridon Station area and the many related projects, the outreach has been extensive and involved both City and applicant-sponsored outreach and coordination, as summarized in the attached Planning Commission staff report (Attachment A). A list of engagement events and supporting documents can also be found at <https://www.diridonsj.org/fall2020>.

Based on community input, the Plan emphasizes equity as a primary objective, significantly adds development capacity, includes 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, revises the open space plan to ensure better access to recreational, nature-based, and community amenities, and updates the mobility network to prioritize walking, public transit, and bicycling within the core Diridon Station Area, while locating automobile circulation and parking facilities at the perimeter of the Diridon Station Area. These changes and others balance the range of aspirations and concerns expressed by community members throughout the engagement process.

Staff's contact information has also been available on the community meeting notices and on the project webpage. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

## **COORDINATION**

Preparation of this memorandum has been coordinated with the City Attorney's Office.

## **CEQA**

In compliance with the California Environmental Quality Act (CEQA), the City prepared an Initial Study/Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution no. 78942) to address the environmental impacts of the project. The Downtown Strategy 2040 Final Environmental Impact Report (FEIR) evaluated development within Downtown to the year 2040, including development within the DSAP, at a program-level with project-level evaluation of regional criteria air pollutants, greenhouse gas emissions, and transportation. The FEIR superseded the 2014 DSAP EIR by including updated analysis consistent with State greenhouse gas emissions targets and vehicle-miles traveled analysis consistent with the City's updated Transportation Analysis Policy (Council Policy 5-1).

The Diridon Station Area Plan Amendment (DSAP Amendment), as described in the Initial Study/Addendum, does not create any of the conditions described in Section 15162 of the CEQA Guidelines that call for the preparation of a subsequent EIR. No new significant impacts would occur, and no previously examined significant effects would be substantially more severe than those identified in the Downtown Strategy 2040 FEIR. Thus, an Addendum to the adopted FEIR is the appropriate environmental documentation to analyze the potential environmental impacts of the DSAP Amendment at a program-level (and project-level for the air quality, greenhouse gas emissions, and transportation). The Downtown West Mixed-Use Plan project, located within the boundaries of the amended DSAP, prepared a project-level EIR which analyzes buildout of the entire DSAP Amendment in its analysis of cumulative impacts.

As an Addendum to a previously adopted EIR, public circulation is not required under CEQA. However, as part of the public outreach and engagement process for the DSAP Amendment, the City posted the Initial Study/Addendum on the City's website for a period of 30 days and solicited public comments from March 1, 2021 through April 1, 2021. The City received 17 comment letters on the Initial Study/Addendum during this period. The City has prepared responses to all the comments, including an errata summarizing revisions to the Initial Study/Addendum made in response to comments. The Initial Study/Addendum, public comment letters, the City's responses to those comments, and the errata are posted to the City's website at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/diridon-station-area-plan-amendment>. The Downtown Strategy 2040 Final Environmental Impact Report can be found at: <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/downtown-strategy-2040>.

/s/  
CHU CHANG, Secretary  
Planning Commission

For questions, please contact Deputy Director, Robert Manford, at (408) 535-7900.

Attachments:

- Attachment A: Updated Planning Commission Staff Report and associated attachments to resolutions, ordinances, and exhibits.
- Attachment B: City Presentation at Planning Commission
- Attachment C: Public Correspondence
- Attachment D: Changes to the amended DSAP after the Planning Commission hearing



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Chu Chang

**SUBJECT:** File No. GP20-007 and C20-002

**DATE:** 04-21-21

**COUNCIL DISTRICT:** 3 and 6

<b>Type of Permit</b>	General Plan Amendment associated with amending the Diridon Station Area Plan (DSAP), and Conforming Rezoning
<b>Project Planner</b>	Jose Ruano
<b>CEQA Clearance</b>	Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942), and Addenda thereto
<b>CEQA Planner</b>	Shannon Hill

## RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council all of the following actions:

1. Adopt a Resolution adopting an Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942) and Addenda thereto, in accordance with CEQA; and
2. Adopt a Resolution by 2/3 majority making certain findings required by California Public Utilities Code Section 21676 that the proposed City-initiated General Plan Amendment (File No. GP20-007) and Conforming Rezoning (File No. C20-002) 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 City-initiated General Plan Amendment and Conforming Rezoning are inconsistent with the ALUC noise and height policies as defined by the Comprehensive Land Use Plan for the San José International Airport (CLUP); and
3. Adopt a Resolution approving the General Plan Amendment (File No. GP20-007) amending the Envision San José 2040 General Plan pursuant to Title 18 of the San José Municipal Code to amend the "Planned Job Capacity and Housing Growth Areas by Horizon" table 5 in Appendix 5, and amending the Diridon Station Area Plan, a component of the Envision San José 2040 General Plan, to modify the Envision San José 2040 General Plan Land Use/Transportation Diagram for properties within the boundaries of

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 for the Diridon Station Area Plan.

4. Approve an Ordinance rezoning certain real property (totaling 97 acres) within approximately 262 gross acres located within the boundaries of the Diridon Station Area Plan 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 from Zoning Districts that include Combined Industrial/Commercial, Commercial General, Commercial Neighborhood, Commercial Pedestrian, Heavy Industrial, Industrial Park, Light industrial, Two-Family Residential, and Transit Employment Center to Zoning Districts that include Downtown Primary Commercial, Open Space, and R-M Residence District (Multiple Unit/Lot).

## PROPERTY INFORMATION

<b>Location</b>	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
<b>Growth Area</b>	Downtown
<b>Council District</b>	3 and 6
<b>Acreage</b>	Approximately 262 gross acres

## PROJECT BACKGROUND

### Diridon Station Area Context

5. As shown on the attached vicinity map (Attachment A), the proposed General Plan amendment would expand the 2014 Diridon Station Area Plan boundary by approximately 12 acres, increasing the total Diridon Station Area from approximately 250 acres to 262 acres. The Diridon Station Plan Area is a sub-area of Downtown San José, with the exception of the area between Stockton Avenue and The Alameda, and the area west of the Union Pacific Railroad tracks between Park Avenue and Interstate 280. More specifically, the approximately 262-acre area is 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. Surrounding uses include:

#### Surrounding Land Uses

- North: Parks and Open Space land associated with the Guadalupe River Park is located directly north of the Diridon Station Area across Coleman Avenue. Other uses surrounding this park area include areas designated as Residential Neighborhood, Neighborhood/Community Commercial located east of the Guadalupe River, and Light Industrial Areas located west of Coleman Avenue. The Airport is located approximately one mile further to the north across Interstate 880.

- **South:** The Gardner and Willow Glen neighborhoods, located directly south of the Diridon Station Area and Interstate 280, generally comprise Residential Neighborhood uses with pockets of neighborhood/community Commercial and Mixed Use interspersed throughout.
- **East:** Directly east of the Diridon Station Area is the Guadalupe River Park and trail. Downtown, east of State Route 87, is currently developed with a mix of office, commercial, hotel, residential and public service uses. Notable development in this area includes the Fairmont Hotel, the De Anza Hotel, San José Convention Center, Children’s Discovery Museum, and various high-rise office and residential buildings. Land uses in this area are generally defined as Downtown or Public/Quasi Public.
- **West:** Development to the west of the Diridon Station Area is characterized by residential neighborhoods, including Garden Alameda to the west of Stockton Avenue, Cahill Park east of Bush Street, the Shasta Hanchett Park neighborhood east of Sunol Street, Saint Leo’s north of the intersection of Park Avenue and Sunol Street; Theodore Lenzen Park on the corner of Lenzen Avenue and Stockton Avenue; older industrial uses that are part of the College Park north of the crossing of Lenzen Avenue and the Union Pacific Rail Road tracks; and the Midtown and Buena Vista neighborhoods. Land uses are generally designated Residential Neighborhood or Neighborhood/Community Commercial, though there are pockets of Transit Residential, Urban Residential, and Industrial Park within the Buena Vista Neighborhood.

### **Diridon Station Area Plan**

The proposed amended Diridon Station Area Plan (“the Plan”) was prepared by the City with community input to adapt the existing 2014 Diridon Station Area Plan (“2014 Plan”) to current conditions and reflect the City’s goals of advancing equity as development and investment occurs in the area. To align the Plan with the City’s Downtown Strategy 2040, 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 the Plan.

The Plan presents an overview, a direction, and critical aspects for the successful future of an equitable Diridon Station Area. The Plan integrates land uses, urban design, open spaces, and mobility to enhance Downtown San José, while respecting existing surroundings. The 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 and Google’s Downtown West Mixed-Use Plan, are reflected in the Plan. In addition, proposals are made to strengthen existing features of the area, such as Los Gatos Creek, and enhance connectivity to surrounding neighborhoods.

Beginning with the project vision, the 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 the Plan by public and private development. The Plan then describes the areas open space and public life, and mobility. Finally, the Plan discusses the next steps in the planning implementation process, including environmental analysis and actions for implementation.

The Plan has several companion documents, some of which are incorporated by reference or included as Appendices. Notable among these documents are:

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

The Diridon Affordable Housing Implementation Plan (AHIP) executive summary is incorporated into the Plan (Section 2.5 of the Plan). The CQA clearance documentation for the Plan is included in Chapter 5 – Implementation of the Plan.

San José is poised to create a model urban transportation hub within an exciting and livable downtown environment. The 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.

## **SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION**

The Santa Clara County Airport Land Use Commission (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.

On December 16, 2020 and February 24, 2021, the proposed City-initiated General Plan Amendment (GP20-007) and Conforming Rezoning (C20-002) were taken to the ALUC for consideration. 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 and H-1 height policy.

On March 16, 2021, staff notified the ALUC County planner and the Caltrans Division of Aeronautics of the City's intention to overrule the determination by the ALUC with a two-thirds vote of the City Council making certain findings required by California Public Utilities Code Section 21676 that the proposed City-initiated General Plan Amendment and Conforming Rezoning is consistent with the purposes set forth in California Public Utilities Code Section 21670 and overruling the ALUC's determination that the proposed City-initiated General Plan Amendment and Conforming Rezoning are inconsistent with the ALUC noise and height policies as defined by the CLUP. A copy of the City's draft override resolution and findings are attached (Attachment J).

On April 15, 2021, the Caltrans Division of Aeronautics sent a letter to staff regarding the Intent to overrule the ALUC finding of Inconsistency. In the letter Caltrans concurs with the ALUC inconsistency determination regarding aircraft noise and building heights (Attachment Q). The City's ALUC Override Draft Resolution (Attachment J) includes this comment letter as an exhibit and has been updated to respond to the comment letter.

As of April 20, 2021, staff has not received comments from the ALUC regarding the City's Intent to overrule the ALUC finding of Inconsistency pursuant to California Public Utilities Code 21676.

### **Indoor Residential/Hotel Noise Is Addressed by Implementation of 2040 General Plan Policies EC-1.1, EC-1.9, and EC-1.11**

Caltrans asserts that acoustical analysis should be required prior to building permit issuance to ensure the Building Code's interior noise standard is met. Individual projects proposed under the DSAP will undergo project-level design and environmental review. Implementation of 2040 General Plan Policies EC-1.1, EC-1.9, and EC-1.11 would guide new development under Downtown Strategy 2040 proposed for areas susceptible to noise associated with the airport. Furthermore, future development within the 65 dBA CNEL noise contour would need to prepare a detailed noise analysis and incorporate noise insulation features into project design to reduce interior noise levels.

### **Outdoor Residential/Hotel Noise Does Not Create New Noise Problems**

Caltrans and the ALUC do not acknowledge all of the requirements described in the proposed resolution supporting the conclusion that allowing outdoor use areas at residential and hotel buildings would not create new noise problems. As to noise, the City's difference with the CLUP pertains only to the ability to provide outdoor use areas such as balconies at residential and hotel uses within the 65 dBA CNEL noise contour; the City concludes, based on evidence described in the proposed resolution, that providing such areas is consistent with the purposes of the Aeronautics Act to avoid creating new noise problems.

### **Building Heights Are Subject to FAA Review**

Caltrans and the ALUC take issue 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 receive 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. Caltrans expresses concern that the building heights permitted by the DSAP would constrain future Airport development, but the City's Airport Department has examined the project and considers it consistent with Airport planning, safety and economic interests.

## **GENERAL PLAN AMENDMENT**

The General Plan Amendment associated with amending the 2014 Plan includes modifying the Envision San José 2040 General Plan Land Use/Transportation Diagram for properties within the boundaries the Plan, expanding the 2014 Plan boundary, and implementing other text amendments and amendments to diagrams for the Plan.

The City began the process of amending the 2014 Plan in November 2019, informed by an extensive outreach process for the Diridon Station Area that began in early 2018. This process was also influenced by the adoption of the Downtown Strategy 2040 and the Downtown Strategy 2040 EIR in late 2018, which analyzed a reallocation of City-wide development capacity to Downtown.

Additionally, the Plan addresses other changes in circumstances since the adoption of the 2014 DSAP.

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

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 to the 2014 Diridon Station Area Plan**

The Plan includes the following changes:

1. **Advancing Equity in the Diridon Station Area:** The Plan integrates land uses, urban design, open spaces, and mobility to enhance Downtown San José, while respecting existing surroundings. Some of the features that make the area supportive of improved health and economic outcomes include improved transit access, proximity to jobs and cultural amenities in Downtown, trails and open space along the Guadalupe River and Los Gatos Creek, 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 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 of the Plan (Attachment L) incorporate equity. The chapters in this Plan further highlight equity as a key consideration in the planning process.

2. **Changes to the 2014 Plan's Boundary:** As shown on the attached vicinity map (Attachment A), the 2014 DSAP boundary would be expanded by approximately 12 acres, increasing the total Diridon Station Area from approximately 250 acres to 262 acres, all within the boundaries of Downtown. Areas of proposed boundary changes include:
  - Incorporation of the area bounded by Autumn Street, St John Street, the Guadalupe River, and West Julian Street
  - Incorporation of the Old San José Water Company site bounded by West Santa Clara Street, Los Gatos Creek, West San Fernando Street, and the Guadalupe River, which would place all of Google's Downtown West Mixed-Use Plan within the Plan's boundary
  - Incorporation of undeveloped areas along Los Gatos Creek between West Santa Clara Street and Park Avenue to allow for potential park and trail development
3. **Increase in Maximum Development Capacity:** The City evaluated two development capacity scenarios based on a capacity study conducted by Skidmore, Owings & Merrill LLP in January 2020: one with a residential focus and one with a commercial focus. For the purpose of the CEQA analysis, a maximum envelope including the greatest possible residential and commercial capacities from each scenario was assumed. Table 1 shows the theoretical Maximum Build-out used in the Environmental Analysis.



<b>Table 1. Theoretical Maximum Build-out used in Environmental Analysis</b>						
	<b>Google's Downtown West Mixed-Use Plan (DW)</b>		<b>Diridon Station Area Outside DW*</b>		<b>Complete Diridon Station Area*</b>	
<b>Land Use</b>	<b>Total</b>	<b>Units</b>	<b>Total</b>	<b>Units</b>	<b>Total</b>	<b>Units</b>
Residential	Up to 5,900	Units	Up to 7,619	Units	Up to 13,519	Units
Office	Up to 7,300,000	SF	Up to 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 1,100**	Rooms	-	Rooms	Up to 1,100**	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.

\*\*This includes 800 Limited Term Corporate Accommodations in the Downtown West project plus 300 hotel rooms

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.

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 1.

In addition to the capacity scenarios in the CEQA analysis, the Plan includes an estimated illustrative build-out program outside of Google's Downtown West Mixed-Use Plan based on identified potential development sites and a predominant land use structure for the Diridon Station Area that reflects the Plan's guiding principles. Table 2 shows the estimated illustrative build-out program for the predominant land use structure. To support the proposed increase in development intensification in the Diridon Station Area Plan, planned residential units are proposed to be reallocated from Horizon 2 and 3 Urban Villages, and planned jobs are proposed to be reallocated from North Coyote Valley and other Growth Areas to the Diridon Station Area Plan (Attachment H). Proposed reallocation of planned jobs associated with the Downtown West Mixed-Use Plan and Diridon Station Area Plan Amendment would result in removing all planned employment growth in the North Coyote Valley Employment Growth Area, consistent with the General Plan 4-Year Review Task Force's recommendation pertaining to the long-term future of Coyote Valley. The Planning Commission and City Council will consider all remaining policy recommendations on Coyote Valley and other scope of work items from the General Plan 4-Year Review in late summer/fall 2021.

	<b>Google's Downtown West Mixed-Use Plan (DW)</b>		<b>Diridon Station Area Outside DW*</b>		<b>Complete Diridon Station Area*</b>	
<b>Land Use</b>	<b>Total</b>	<b>Units</b>	<b>Total</b>	<b>Units</b>	<b>Total</b>	<b>Units</b>
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 1,100**	Rooms	-	Rooms	Up to 1,100**	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.

\*\*This includes 800 Limited Term Corporate Accommodations in the Downtown West project plus 300 hotel rooms

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.

4. General Plan Land Use/Transportation Diagram Changes: The vision for the 2014 Plan was categorized by three 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.

The Plan builds on the 2014 Plan and the community's recommendations to reflect changed conditions and City Council direction since the past Strong Neighborhood Initiative Plans and/or Business Improvements Plans were adopted, and to transform the Diridon Station Area into a more dynamic, sustainable, and equitable mixed-use urban neighborhood. The Plan's land use strategy includes removing the 2014 Plan's three distinct zones to establish a more mixed land use approach. The strategy takes into account the City's policy goal for a jobs/housing balance and provides flexibility on some sites to accommodate either office or housing development, providing flexibility for the Plan to respond to market demand.

The Plan includes modifying the General Plan Land Use/Transportation Diagram for certain properties within the boundaries of the Plan (Attachment B), including:

- Changes to the Transit Residential General Plan land use designation within the Diridon Station Area to increase the minimum and maximum residential densities from 50 – 250 dwelling units per acre (DU/AC) to 65 - 450 DU/AC.
- Changes to the Urban Residential General Plan land use designation within the Diridon Station Area to increase the minimum and maximum residential densities from 40 – 95 DU/AC to 50 - 95 DU/AC.
- The area north of the Alameda in the Diridon Station Area outside of Google’s Downtown West Mixed-Use Plan would generally be converted from Transit Employment Center to Downtown or Commercial Downtown, with the exception of the blocks between North Autumn Street and Autumn Parkway, which would remain Transit Employment Center. The blocks north of West Julian Street between Stockton Avenue and Union Pacific Railroad tracks would be changed to Commercial Downtown, and Downtown between North Montgomery Street and Autumn Street. The blocks south of West Julian Street between North Montgomery and North Autumn Street would be changed to Downtown, and Commercial Downtown between North Autumn Street and the Guadalupe River.
- The Urban Village area bounded by West Julian Street to the north, West Santa Clara Street to the south, Union Pacific Railroad tracks to the east, and Stockton Avenue to the west would be changed to Downtown.
- The Urban Village and Mixed-Use Commercial area in the Diridon Station Area north of The Alameda east of Stockton Avenue would be changed to Transit Residential.
- The southernmost triangular area between the Los Gatos Creek Trail and Interstate 280 would be changed from Combined Industrial/Commercial to Urban Residential and Commercial Downtown.
- In the area generally bounded by Barack Obama Boulevard (Bird Avenue) to the east, Park Avenue to the north, State Route 87 to the east, and Auzerais Avenue to the south, a few sites would change from Neighborhood Residential to Downtown and one site from Downtown to Open Space, Parklands, and Habitats.
- The area generally bounded by West San Carlos to the South, Sunol Street to the west, Park avenue to the north, and the Union Pacific Railroad tracks to the east would be converted from Urban Residential and Mixed Use Commercial to Transit Residential, with the exception of some sites along Sunol Street which will remain Urban Residential.
- An Outer Safety Zone Overlay for the Diridon Station Area with a maximum occupancy 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 overlay would also preclude uses such as regional shopping centers, theaters, meeting halls, stadiums, schools, large day care centers, hospitals, nursing homes, or similar activities. No above ground bulk fuel storage would be allowed.

The mix of uses throughout the Diridon Station Area puts residential, commercial, and recreational uses closer together, promoting an increase in walking, biking, and other low-impact ways of travel. It provides for a more diverse and sizable population and increased commercial activity to support public transit use. This can also enhance the vitality and safety of neighborhoods by increasing the number of people and amount of activity on the street at different times of the day and evening. 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.

5. Increase in Maximum Building Height Limits: The increased maximum building height limits allow for desired growth and are in response to City Council directive in March 2019. 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.

As shown in Attachment C, the Plan establishes new allowable building height limits outside Google's Downtown West Downtown West Mixed-Use Plan. Building height limits within Google's Downtown West Mixed-Use Plan are governed by the proposed Google project approvals. Heights shown within Google's Downtown West Mixed-Use Plan in the Plan are approximate and are shown for illustrative purposes only.

The 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.

The 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 the 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 9. *Update to Reflect/Build on the Downtown Design Guidelines and Standards*.
- 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 9. *Update to Reflect/Build on the Downtown Design Guidelines and Standards*.
- Transitional height limits, ranging from 65 to 90 feet, are generally located near relatively low-density 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 the 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 published elevation limits, which are based on FAA flight procedures for the Norman Y. Mineta San José International Airport, and receive required airspace safety determinations.

6. Transportation Network Changes: The Plan aims to increase the share of people moving around in the Diridon Station Area on foot or by public transit, bike, shared micro-mobility, carpooling, and other alternatives to single-occupancy vehicles (SOV) from the current level of 40 percent to at least 75 percent by 2040. Achieving these targets will require that the Diridon Station Area become much more people-focused. This is not only to improve the mobility network and outcomes, but also to create a place that is more attractive, sustainable, vibrant, and equitable. Non-SOV modes tend to be better for the environment, they take up less space, they are more affordable, and they do more to promote access to opportunities for disadvantaged populations. The Plan builds on the vision of the 2014 Plan, the goals of the General Plan, and reflect the overall spirit and characteristics the community indicated are important in planning for mobility in the Diridon Station Area.

To ensure a balanced, multimodal transportation network, the General Plan organizes public streets according to “street typologies”. Each street is assigned a street typology that considers its surrounding land uses, street context, and the need to prioritize or accommodate certain travel modes. The Plan proposes changes to the transportation street typology designations (Attachment D), and to planned transportation improvements to ensure a balanced, multimodal transportation network that moves people to and within the Diridon Station Area in ways that are efficient, equitable, and safe, and that also supports the Diridon Station Area as an attractive people-focused place.

The Plan also identifies transportation network improvements to ensure an expansive and equitable network. The transportation network improvements are grouped by the type of access they provide to the Diridon station Area:

- Statewide transit access
- Regional and citywide access
- Local and neighborhood access
- Placemaking and new connections at and near the station

The transportation network improvements are listed in Section 4.4 of the Plan (Attachment L). These projects are in various stages of planning and would require discretionary actions and environmental review separate from the analysis presented in the Diridon Station Area Plan Addendum to the Downtown Strategy 2040 Final Environmental Impact Report.

7. Changes to Parks and Open Space: The open space strategy for the Diridon Station Area looks to the Department of Parks, Recreation and Neighborhood Service’s Activate SJ to create a people-focused and service-driven Plan. Public spaces in the Diridon Station Area will infuse Activate SJ’s guiding principles of stewardship, nature, equity and access, identity and public life and incorporate a mix of uses that are intended to meet the needs of a variety of users. The Plan promotes access to a large and diverse variety of parks, plazas, trails, and recreational facilities for all residents. The strategic priorities outlined in the Plan will help to carry the City’s open space system into the future, identify opportunities and guide decisions that result in more equitable and accessible public spaces and public life.

While many of the strategies in the 2014 Plan remain the City recognizes that the urban character and increased density in the area requires a different approach to parks and open space. The City has shifted its open space strategy toward the planning of a dispersed network of open spaces and neighborhood parks that provide a variety of multi-generational experiences and enhanced connection to the natural assets of the area, rather than one large community park. The 2014 DSAP contemplated an eight-acre community park (a portion of which was to be located at the former Fire Training Station, a four-acre site). This was envisioned as the central open space not only for existing and future residents of the Diridon Station Area, but also residents of the broader San José community. In 2018,

the Fire Training Station Site was sold by the City to Google with an agreed upon understanding that the sale would result in no net loss of open space in relation to the eight-acre park previously identified in the 2014 DSAP.

The changes to parks and open space in the Plan includes the removal of the planned park site south of the Ballpark site in the 2014 DSAP, and changes to the planned Los Gatos Creek Trail. The open space strategy for the Diridon Station Area consists of 10 acres of publicly owned open spaces, as a supplement to the existing open space surrounding the Diridon Station Area. The proposed publicly owned open spaces include neighborhood parks, trail segments, and plazas (Attachment E). Though the Plan identifies 10 acres of open space, the City recognizes the need to explore more ways to increase access to parks and other publicly accessible open space.

8. Changes to Infrastructure: The existing utility infrastructure serving the Diridon Station Area may need augmentation to support the desired or required capacity for full build-out of the Plan.

Full build-out of the Plan would necessitate several infrastructure improvements to accommodate anticipated demand, including improvements to sanitary sewer and stormwater systems, which will require upsizing of distribution main lines to address existing deficiencies and accommodate increased demand capacity. The City will also prepare a separate infrastructure financing study following the adoption of the Plan. See Section 3.19 of the Diridon Station Area Plan Amendment Addendum to the Downtown Strategy 2040 Environmental Impact Report (Attachment M), for a full discussion of utility improvements.

9. Update to Reflect/Build on the Downtown Design Guidelines and Standards: The San José Downtown Design Guidelines and Standards adopted in 2019 (DDG) apply to the Diridon Station Area and provide guidance for the form and design of buildings, 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. The Plan also includes additional design standards that are specific to the Diridon Station Area and build on the existing Downtown Design Guidelines and Standards (DDG) to facilitate development consistent with the objectives of the 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.

The urban design direction in the Plan expands upon and will be incorporated into the DDG document following adoption of the Plan.

The Plan includes the following additional height and massing transition design standards:

- Stepback Plane: The primary stepback plane standards apply to the areas shown in Attachment F, which are adjacent to properties at the edge of the Diridon Station Area where mid-rise and high-rise height limits are found and where the adjacent properties have a Neighborhood Residential General Plan land use designation that limits buildings to lower heights. In order to facilitate an informed dialogue with nearby residents, development on sites affected by the stepback plane standards must provide perspective renderings from ground level, illustrating the proposed development in relation to the adjacent properties, as part of their Planning permit application.

10. Implement Climate Smart San José and City’s Updated GHG Reduction Strategy: 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](#)), the Plan includes strategies that encourage site planning to integrate sustainable practices and expand beyond the scale of a building or a site to the larger context of the district.

11. Update Parking Strategy: The 2014 Plan contains numerous parking and transportation demand management strategies. The Plan reinforces those and recommends a Parking and Transportation Management District and Transportation Management Association to coordinate and manage parking and transportation demand management strategies in the Diridon Station Area.

## CONFORMING REZONING

The City of San José’s Zoning Ordinance (Title 20 of the Municipal Code) is intended to promote the public peace, health, safety, and general welfare of residents, while supporting the goals and policies of the 2040 General Plan.

The Conforming Rezoning analyzes Zoning Ordinance changes within the Diridon Station Area undertaken by the City of San José as part the Plan to comply with State law and support the Plan’s vision for the area. As shown in Attachment G, certain properties within the Diridon Station Area are proposed to be rezoned to the conventional Zoning Districts that align with the underlying General Plan land use designations of the respective sites. These sites’ Zoning Districts would be rezoned from Combined Industrial/Commercial, Commercial General, Commercial Neighborhood, Commercial Pedestrian, Downtown Primary Commercial, Heavy Industrial, Industrial Park, Light industrial, Two-Family Residential, and Transit Residential to Downtown Primary Commercial, Open Space, and R-M Residence District (Multiple Unit/Lot).

## DIRIDON STATION AREA PLAN OVERVIEW

The Plan builds on the General Plan and other City plans to establish a framework for future public and private investment in the Diridon Station Area, to achieve the vision of the Plan. Chapter 1 is the introduction. 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 1 – Introduction: describes the project vision, related projects, presents a station area profile, provides an overview of planning for equity and the engagement process and timeline, and outlines the organization of the Plan document.
- Chapter 2 – Diridon 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 actions the City will take together with and after the 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 the Plan is implemented.
- Appendix A – Maximum Build-Out: discusses the Plan’s maximum build-out methodology and calculations, including assumptions and exclusions.
- Appendix B1 – Public Feedback: summary of 2019-21 Outreach
- Appendix B2 – Public Feedback: summary of 2018 Outreach
- Appendix C1 – Companion Documents: Diridon Station Area Plan Amendment Initial Study/Addendum to the Downtown Strategy 2040 Final Environmental Impact Report
- Appendix C2 – Companion Documents: Diridon Affordable Housing Implementation Plan

## ANALYSIS

Adoption of the Plan and associated General Plan Amendment and Conforming Rezoning was analyzed with respect to:

- Envision San José 2040 General Plan
- Title 20 of the Municipal Code (Zoning Ordinance)
- Senate Bill 330
- California Environmental Quality Act (CEQA)

### Envision San José 2040 General Plan Conformance

#### **General Plan Major Strategies**

The following describes the Plan’s consistency with the General Plan Major Strategies. The General Plan Major Strategies are listed first, followed by the analysis:

- Major Strategy #1 – Community Based Planning: Embody the community values and goals articulated through an extensive and meaningful community-based planning process. The City’s commitment to effectively engaging representatives of all segments of the San José community in the development and implementation of the Envision San José 2040 General Plan is critical to the ensure that the Plan will promote San José’s continued growth into a leading world city, while maintaining social equity in its operations.
- Major Strategy #9 – Destination Downtown: Support continued growth in the Downtown as the City’s cultural center and as a unique and important employment and residential neighborhood. Focusing growth within the Downtown will support the Plan’s economic, fiscal, environmental, and urban design/ placemaking goals.



- **Major Strategy #11 – Design for a Healthful Community:** Support the physical health of community members by promoting walking and bicycling as commute and recreational options, encouraging access to healthful foods, and supporting the provision of health care and safety services.

*Analysis:* In 2018, the City launched a community engagement process for the Diridon Station Area. As part of this process, the City Council appointed 38 organizations to a new Diridon Station Area Advisory Group (SAAG), which included equity advocates. The City also set up a new website ([www.diridonsj.org](http://www.diridonsj.org)) and held a variety of events and activities to engage the general public. In fall 2019, the City officially launched the process of amending the 2014 DSAP. The process included three rounds of public outreach and engagement in fall 2019, spring 2020, and fall 2020.

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 engagement events. 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.

The Plan integrates land uses, urban design, open spaces, and mobility to enhance Downtown San José, while respecting existing surroundings. 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 Plan. The City will center these goals in the review of development proposals, negotiation of development agreements, and design of public infrastructure projects.

## **General Plan Policies**

The following describes how each of the Diridon Station Area Plan chapters are consistent with General Plan policies. The General Plan Policies are listed first, followed by the analysis. Summaries of the chapters may be found in the Diridon Station Area Plan Overview Section of this report.

### **1. Chapter 1 – Introduction:**

- **Active Community Engagement Policy CE-1.9:** Appoint advisory bodies, task forces, or ad hoc committees as needed to ensure broad perspective. Encourage membership of such groups to reflect community diversity.

#### **Analysis:**

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.

*The Plan includes guiding principles that 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 2014 Plan, to gain consensus on the primary goals and objectives.*

*The Plan includes the following area-wide guiding principles that embody the overall spirit and characteristics that the community indicated are important to include in the Plan. The guiding principles serve as the foundation to achieve the vision of the Plan, consistent with the Downtown strategy outlined in the General 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.*

- Consider social equity throughout implementation of the Plan.
- Consider the effects on climate change throughout the implementation of the Plan.
- Ensure the area is accessible and welcoming to all.
- Promote a healthy, safe neighborhood environment that is resilient in the face of natural disasters, public health emergencies, and economic cycles.
- Advance economic opportunities by supporting small/local businesses, entrepreneurship, and living wage jobs, education, and job training.
- 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.
- 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.
- Understand and respond to local context and community needs.
- Educate and inform the public about the area planning process and Equitable Transit-Oriented Development (eTOD) concepts.
- 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.
- Foster connection between community members through design, programming, and civic engagement.

## 12. Chapter 2 – Diridon Station Area Development:

- Land Use and Employment Policy IE-1.5: Promote the intensification of employment activities on sites in close proximity to transit facilities and other existing infrastructure, in particular within the Downtown, North San José, the Berryessa International Business Park and Edenvale.
- Land Use and Employment Policy IE-1.6: Plan land uses, infrastructure development, and other initiatives to maximize utilization of the Mineta San José International Airport, existing and planned transit systems including fixed rail (e.g., High-Speed Rail, BART and Caltrain), Light-Rail and Bus Rapid Transit facilities, and the roadway network. Consistent with other General Plan policies, promote development potential proximate to these transit system investments compatible with their full utilization. Encourage public transit providers to serve employment areas.

- Land Use and Employment Policy IE-1.7: Advance the Diridon Station Area as a world-class transit hub and key transportation center for Northern California.
- Community Noise Levels and Land Use Compatibility Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:
  - Interior Noise Levels
    - The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of the Plan.
  - Exterior Noise Levels
    - The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:
    - For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.
    - For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.
- Community Health, Safety, and Wellness Policy CD-5.2: Foster a culture of walking by designing walkable urban spaces; strategically locating jobs, residences and commercial amenities; providing incentives for alternative commute modes; and partnering with community groups and health services organizations to promote healthful life-styles for San José residents.
- Downtown Urban Design Policy CD-6.1: Recognize Downtown as the most vibrant urban area of San José and maximize development potential and overall density within the Downtown.
- Downtown Urban Design Policy CD-6.3: New development within the Downtown Growth Area that is adjacent to existing neighborhoods that are planned for lower intensity development should provide transitions in height, bulk and scale to ensure that the development is compatible with and respects the character of these neighborhoods, as they are designated in the General Plan.
- Affordable Housing Policy H-2.6: Incorporate an affordable housing implementation plan in the preparation of each Urban Village plan, specific plan, master plan, or strategy plan that include plans for housing.

- Downtown Policy LU-3.1: Provide maximum flexibility in mixing uses throughout the Downtown area. Support intensive employment, entertainment, cultural, public/quasi-public, and residential uses in compact, intensive forms to maximize social interaction; to serve as a focal point for residents, businesses, and visitors; and to further the Vision of the Envision General Plan.
- Safe Airports Policy TR-14.1: Foster compatible land uses within the identified Airport Influence Area overlays for Mineta San José International and Reid-Hillview airports.
- Safe Airports Policy TR-14.2: Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
- Safe Airports Policy TR-14.3: For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid- Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
- Safe Airports Policy TR-14.4: Require avigation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

#### Analysis:

*The Station Area Development strategy is founded on an Equitable Transit-oriented Development approach. 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 ways of travel. It provides for a more diverse and sizable population and increased commercial activity to support public transit use. This can also enhance the vitality and safety of neighborhoods by increasing the number of people and amount of activity on the street. The dynamic experience can attract pedestrians and help increase economic activity and enhance public life, making streets, public spaces, and active uses into places where people meet.*

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

*The Plan’s allowable heights for areas outside of Google’s Downtown West Mixed-Use Plan take into consideration 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. In some areas adjacent to lower-height contexts, additional height and massing transition standards apply.*

*These additional design standards are specific to the Plan and build on the existing Downtown Design Guidelines and Standards (DDG) to facilitate development consistent with the objectives of the 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.*

*Increased building height limits create a supportive environment for equitable development and makes more efficient use of scarce transit-adjacent land and preserves natural resources by accommodating urban growth in the city's core instead of undeveloped areas at the city's edge. It also provides for opportunities for an increase in quality housing for people of all income levels through the City's Inclusionary Housing Ordinance. Reaching the Plan's goal for 25 percent affordable housing in the Diridon Station Area, along with strategies for tenant protection and the preservation of existing affordable units, will also ensure low-income residents benefit from new development. The Plan also incorporates the executive summary of the Diridon Affordable Housing Implementation Plan (AHIP) (Section 2.5 of the Plan).*

*The City's Envision San José 2040 General Plan also requires that projects within the Airport Influence Area be consistent with height, safety and noise policies identified in the CLUP, or that the City find, by a two-thirds vote of the City Council, 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.*

*As part of the General Plan Amendment and Conforming Rezoning, staff is seeking City Council adoption of a Resolution by 2/3 majority making certain findings required by California Public Utilities Code Section 21676 that the proposed City-initiated General Plan Amendment (File No. GP20-007) and Conforming Rezoning (File No. C20-002) 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 City-initiated General Plan Amendment and Conforming Rezoning is inconsistent with the ALUC noise and height policies as defined by the Comprehensive Land Use Plan for the San José International Airport (CLUP). See Resolution No. \_\_\_\_\_ for further details on consistency with the Airport policies (Attachment J).*

### 13. Chapter 3 – Open Space and Public Life:

- San José as the Silicon Valley Cultural Center Policy AC-2.1: Site public art in key locations. Prioritize innovative public art in three regional destination areas: Downtown, North San José, and the Mineta San José International Airport. Place public art at transportation hubs: pedestrian, bike and transit improvements in pedestrian priority areas; encourage the inclusion of public art at VTA and BART stations, including Diridon Station; and integrate a broad range of art projects into the trail network to connect neighborhoods and bring people closer to nature. Integrate public art into bond-funded park, library, community facility and public safety projects. Cultivate community-based art projects that support neighborhood revitalization goals.
- Cultural Opportunities Policy VN-4.3: Consider opportunities to include spaces that support arts and cultural activities in the planning and development of the Downtown, new Urban Village areas and other Growth Areas.
- Downtown Urban Design Policy CD-6.5: Design quality publicly accessible open spaces at appropriate locations that enhance the pedestrian experience and attract people to the Downtown. Use appropriate design, scale, and edge treatment to define, and create publicly accessible spaces that positively contribute to the character of the area and provide public access to community gathering, recreational, artistic, cultural, or natural amenities.

- High Quality Facilities and Programs Policy PR-1.7: Design vibrant urban public spaces and parklands that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals and/or farmers markets as well as opportunities for passive and, where possible, active recreation.
- Contribute to a Healthful Community Policy PR-2.3: Design and construct new parks, trails, and amenities in a manner that promotes their safe utilization and which allows access to each type of recreation experience for people of all abilities to the maximum extent possible.
- Provide and Equitable Park System Policy PR-3.1: Provide equitable access to parks, trails, open space, community centers, dog parks, skate parks, aquatics facilities, sports fields, community gardens, and other amenities to the greatest extent feasible in order to provide a high quality of life for our residents.
- Community Identity Policy PR-4.1: Collaborate with the community in the design, programming, and operation of parks and recreation facilities to ensure that these facilities meet their needs.
- Grand Parks Policy PR-5.5: Connect the Guadalupe River Park & Gardens to other assets in the City via a network of trails and bike paths to encourage connectivity and community and to maximize the park's use and accessibility.
- Interconnected Park System Policy PR-7.4: Meet the parks needs and expand recreational opportunities for residents in dense, urban areas partially by focusing on improving connections (particularly trail, bicycle, and pedestrian networks) to large parks and recreation facilities.
- Fiscal Management of Parks and Recreation Resources Policy PR-8.3: Give priority to the purchase and land banking of properties as they become available for future park and recreation facility developments.
- Trails as Transportation Policy TN-2.8: Coordinate and connect the trail system with the on-street bikeway system, and consider policies from the Circulation and the Parks, Trails, Open Space, and Recreation Amenities/Programs sections of this Plan to create a complete BikeWeb to serve the needs of San José's diverse community.
- Accessible, Safe, and Well-Functioning Trails Policy TN-3.3: Design bridges, under-crossings, and other public improvements within the designated Trail Network, including grade separation of roadways and trails whenever feasible, to provide safe and secure routes for trails and to minimize at-grade intersections with roadways.

#### *Analysis:*

*Working in concert with the existing planned development and mobility plans for the area, the City envisions a future where residents and visitors arrive to Diridon Station and are greeted with plazas and parks that are vibrant and provide active and passive recreation for residents, workers, and visitors. The park, plaza, trail, and mobility networks, along with public art envisioned in the Plan, provide a hub of activity and transitions to nearby neighborhoods and Downtown. Together, these assets will provide for vibrant public life throughout the Diridon Station Area.*

*Public spaces in the Diridon Station Area will provide multi-generational opportunities for recreation activities that are intended to meet the needs of the wide variety of users expected in this area. All residents regardless of race, age, gender identity, income, physical ability or culture have the right to health, wellness and access to parks and recreational opportunities, and these spaces will seek to foster respect and integration for all. This is especially important in dense, urban areas, such as the Diridon Station Area, where there is a greater variety in population demographics. In addition, a key planning outcome identified in ActivateSJ to improve equity and access, is to ensure all residents are*

*within a 10-minute walk of a quality park. The planned location of the parks, plazas, and trail segments described in the Plan will ensure this goal is met.*

*The Plan promotes access to a large and diverse variety of parks, plazas, trails, and recreational facilities for all residents. The strategic priorities outlined in the Plan will help to carry the City's open space system into the future. It will identify opportunities and guiding decisions that result in more equitable and accessible public spaces and public life.*

*Diridon Station Area is surrounded by single-family homes to the north, west, and south, and Downtown to the east. Residential development in these neighborhoods and in Downtown have created more opportunities for parkland dedication and funding through the Park Impact Ordinance and Parkland Dedication Ordinance. Existing parks and open spaces adjacent to the Diridon Station Area include the Guadalupe River Park, Guadalupe River Trail, Cahill Park, Del Monte Park, Los Gatos Creek Trail, Discovery Dog Park, and Theodore Lenzen Park. While these open spaces are not part of the Diridon Station Area, their adjacency makes them important assets when considering the future plans for this urbanized area. The City recognizes that the surrounding parkland and trails will see an increase in use with the increase in residents, workers, and transit users anticipated in the Diridon Station Area. To account for this increased use, the City recognizes more funding will need to be allocated to the maintenance and enhancement of these spaces. The City may also target additional parkland in the surrounding area to help mitigate the increased use.*

*The open space strategy presented in the Plan calls for approximately 10 acres of publicly owned open spaces, including neighborhood parks, trail segments, and plazas dispersed through the existing neighborhoods and future developments. The 10 acres will supplement the existing open space surrounding the Diridon Station Area.*

*The Los Gatos Creek Trail will provide connections to the parks and plazas in the Diridon Station Area, with on-road (and future under rail) connections from the neighborhoods west of Diridon Station to Downtown in the east. In the future, the trail will be located on a flyover that will reduce pedestrian and bike rider conflicts and eliminate the at-grade crossing at Santa Clara Street. Open space will be centered around the Los Gatos Creek to preserve, protect, and celebrate the natural environment.*

*A balanced distribution of interconnected parks, trail segments, and plazas will complement and enhance the existing parks and trails that surround the Diridon Station Area. The proposed network will provide active and passive recreation, transportation, education, and cultural benefits to residents, workers, and visitors throughout the Diridon Station Area. The neighborhood parks and plazas can respond to the character and needs of the existing neighborhoods while also serving as the catalyst to spur public life that supports local business and encourage new development. The trail segments will allow for recreation and active transportation that connect the Diridon Station Area's open space network and key features to the broader neighborhood and Downtown. Connecting neighborhood parks, plazas and other open spaces to the existing planned street network with a consistent system of signage and public art will create diverse and accessible open spaces.*

#### 14. Chapter 4 – Mobility:

- Attractive City Policy CD-1.3: Further the Major Strategies of this Plan to focus growth in appropriate locations; design complete streets for people; promote Grand Boulevards, Main Streets, and Downtown; support transit; and foster a healthful community.
- Community Health, Safety, and Wellness Policy CD-5.1: Design areas to promote pedestrian and bicycle movements, to facilitate interaction between community members, and to strengthen the sense of community.

- Downtown Policy LU-3.5: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.
- Balanced Transportation System Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José’s mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Maximize Use of Public Transit Policy TR-3.4: Maintain and improve access to transit stops and stations for mobility-challenged population groups such as youth, the disabled, and seniors.
- Vehicular Circulation Policy TR-5.1: Develop and maintain a roadway network that categorizes streets according to function and type, considers the surrounding land use context, and incorporates the concepts of “complete streets.”
- Parking Strategies Policy TR-8.1: Promote transit-oriented development with reduced parking requirements and promote amenities around appropriate transit hubs and stations to facilitate the use of available transit services.
- Parking Strategies Policy TR-8.2: Balance business viability and land resources by maintaining an adequate supply of parking to serve demand while avoiding excessive parking supply that encourages automobile use.
- Parking Strategies Policy TR-8.3: Support using parking supply limitations and pricing as strategies to encourage use of non-automobile modes.
- Parking Strategies Policy TR-8.5: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.
- Parking Strategies Policy TR-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Urban Villages and other Growth Areas.
- Parking Strategies Policy TR-8.7: Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
- Parking Strategies Policy TR-8.8: Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.
- Parking Strategies Policy TR-8.9: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

*Analysis:*

*The Plan sets forth a transportation network that moves people to, from, and within the Diridon Station Area in ways that are efficient, equitable, and safe, and that also supports the Diridon Station Area as an attractive people-focused place. In addition, the network aims to connect existing neighborhoods – particularly low-income communities of concern east of State Route 87 – to the Diridon Station Area. The Plan prioritizes walking, public transit, and bicycling within the core Diridon Station Area, while locating automobile circulation and parking facilities at the perimeter of the Diridon Station Area. This allows motorists to drive to and park on the perimeter of the Diridon Station Area easily without compromising the pedestrian and transit-oriented quality of the core area.*



*There are four key principles to transform the Diridon Station Area into the envisioned dynamic mixed-use urban district. The Diridon Station Area's transportation system must:*

- *Bring people together, prioritizing walking, transit, and bicycling as modes that move the greatest number of people while using up the least amount of land, and addressing their need for safety, health, dignity, comfort, and enjoyment*
- *Be environmentally and economically sustainable, emphasizing easy access to transportation options that are affordable and clean, and that allow residents and workers – especially those of lesser means – to access jobs, services, and housing, both within the Diridon Station Area and throughout the city and region*
- *Foster community development, social interaction among people, and public life, advancing the vision for a vibrant and livable Diridon Station Area with neighborhoods that are complete, unique, and reflective of its diverse history*
- *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 Plan uses Envision San José 2040 General Plan Designations, called Street Typologies. Street Typologies reflect a street's primary function and adjacent land use context. In doing so, street typologies establish the need to accommodate multiple travel modes and promote desired travel speeds. Street typologies provide direction for a Complete Street network that accommodates all people traveling on it.*

*While the City seeks to prioritize sustainable, affordable, and space-efficient modes in the Diridon Station Area, the area must accommodate all modes. Planning for private vehicles, taxis, ride-hailing vehicles, and service vehicles is critical to creating an accessible and economically vibrant place. Providing different modes with clear priority and separated networks to access the Diridon Station Area not only will improve conditions for pedestrians, cyclists, and transit users, but will also support Diridon Station Area growth in the most space-efficient and sustainable way. The Plan identifies a total of 54 transportation network improvements in the Diridon Station Area. See Section 4.4 of the Plan for further details (Attachment L).*

*To effectively utilize the parking supply within the Diridon Station Area and achieve the mode shift goals for the area, several parking management strategies are encouraged of all new development in the area. These strategies are also important to maintaining the parking spaces needed for the SAP Center per the City's Arena Management Agreement, and include, but are not limited to, shared parking, unbundled parking, parking supply, priced parking, a residential parking permits program, and parking distribution.*

*Key to achieving the transportation and mobility goals in the Diridon Station Area is a Transportation Demand Management (TDM) framework- comprised of three components: 1) a Parking and Transportation Management District; 2) a Transportation Management Association; and 3) project-level TDM requirements. See Section 4.5 of the Plan for further details (Attachment L).*

## 15. Chapter 5 – Plan Implementation

- Community Partnerships Policy CE-2.3: Support continuation of existing and formation of new community and neighborhood-based organizations to encourage and facilitate effective public engagement in policy and land use decisions.

Analysis:

*Throughout the implementation of the Plan, the City intends to set objectives and measure progress in fulfilling ongoing activities recommended in the Plan, as well as the Diridon Affordable Housing Implementation Plan. Monitoring key indicators of equitable development will help the City respond to changing conditions and advance the Plan's equity goals. Collecting, tracking, and reporting on equity-related data should be part of a broader citywide effort that may be accelerated with the new Office of Racial Equity and incorporated into existing processes, such as the General Plan Four-Year Review process. It will be important to track trends for the city as a whole, as well as different neighborhoods, to understand the full picture.*

*In addition to monitoring metrics, achieving the Plan's goals and equity objectives will also require continued engagement of the community. The City intends for this to involve using clear, consistent communication to inform people about planning processes and decisions, involving the public in the review of private proposals and development of public projects (consistent with City requirements and policies), and using inclusive strategies for engaging historically marginalized communities. Community members have dedicated a tremendous amount of time and energy contributing to planning decisions affecting the Diridon Station Area, not just in recent years but for decades. Outreach and engagement moving forward should build upon that strong foundation and commitment. For example, future engagement opportunities could include involving community members in monitoring key indicators, completing local needs assessments, and working together on neighborhood-driven projects and programs.*

### **Title 20 of the Municipal Code (Zoning Ordinance)**

The City of San José's Zoning Ordinance (Title 20 of the Municipal Code) is intended to promote the public peace, health, safety, and general welfare of residents, while supporting the goals and policies of the 2040 General Plan.

State law (SB 1333, 2019) requires charter cities, such as the City of San José, to have conformance between a City's Zoning Ordinance and the General Plan. When the Plan is adopted, the zoning therefore, needs to be made consistent for properties located within zoning districts where there are inconsistencies between the zoning and General Plan land use designations.

#### **Analysis:**

*The City-initiated Conforming Rezoning (C20-002) is consistent with Senate Bill (SB) 1333 and will align properties' Zoning Districts with the proposed General Plan land use designation changes in the Diridon Station Area Plan. As shown in Attachment G, certain properties within the Diridon Station Area are proposed to be rezoned to the conventional Zoning Districts that align with the underlying General Plan land use designations of the respective sites. The Conforming Rezoning is a rezoning of existing sites with Zoning Districts that include Combined Industrial/Commercial, Commercial General, Commercial Neighborhood, Commercial Pedestrian, Heavy Industrial, Industrial Park, Light industrial, Two-Family Residential, and Transit Employment Center. These sites will be rezoned to Zoning Districts that include Downtown Primary Commercial, Open Space, and R-M Residence District (Multiple Unit/Lot). Sites with a General Plan designation of Downtown or Commercial Downtown will be zoned Downtown Primary Commercial. Sites with a General Plan designation of Open Space, Parklands, and Habitats will be zoned Open Space, and sites with a General Plan designation of Urban Residential and Transit Residential will be zoned R-M Residence District.*

### **Senate Bill (SB) 330**

Governor Gavin Newsom signed Senate Bill 330, the Housing Crisis Act of 2019, on October 9, 2019 to catalyze housing that would offset the high rents and home ownership costs leading to increasing homelessness. The bill is intended to speed up housing construction in California by decreasing the time it

takes to obtain building permits and limiting fee increases on housing applications. The bill limits local agencies from reducing the number of residential units that can be built on properties that allow housing by changing general or specific plan land use designations and/or zoning in a manner that would result in a reduction of housing capacity without taking action to replace that housing capacity elsewhere in the agency's jurisdiction. The local agency is required to amend its general plan land use designations or zoning elsewhere to ensure no net loss in residential capacity within the jurisdiction whenever it implements land use controls that reduce residential capacity.

Analysis:

*The Plan and the associated General Plan Amendment (GP20-007) would not reduce the intensity of residential uses, because its implementation would result in increased residential development. Additionally, the Plan establishes higher maximum residential densities within the Plan area than in the General Plan for the Transit Residential, and Urban Residential land use designations.*

*The proposed Conforming Rezoning (C20-002) does not reduce the intensity of residential uses. The Conforming Rezoning would increase the residential capacity because the existing Heavy Industrial, Industrial Park, and Light industrial Zoning Districts do not allow residential development, while the proposed Downtown Primary Commercial and R-M Residence District (Multiple Unit/Lot) zoning districts allow residential uses. Therefore, the proposed General Plan Amendment and Conforming Rezoning are in compliance with SB330.*

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

In compliance with the California Environmental Quality Act (CEQA), the City prepared an Initial Study/Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution no. 78942) to address the environmental impacts of the project.

The Diridon Station Area Plan Amendment (DSAP Amendment), and as described in the Initial Study/Addendum, does not create any of the conditions described in Section 15162 of the CEQA Guidelines that call for the preparation of a subsequent EIR. No new significant impacts would occur, and no previously examined significant effects would be substantially more severe than those identified in the Downtown Strategy 2040 Final Environmental Impact Report. Thus, an Addendum to the adopted FEIR is the appropriate environmental documentation to analyze the potential environmental impact.

As an Addendum to a previously adopted EIR, public circulation is not required under CEQA. However, as part of the public outreach and engagement process for the DSAP Amendment, the City posted the Initial Study/Addendum on the City's website for a period of 30 days and solicited public comments from March 1, 2021 through April 1, 2021. The City received 17 comment letters, which have been posted to the project's website for the Initial Study/Addendum.

The Initial Study/Addendum, public comment letters, and the City's responses to those comments, are posted to the City's website at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/diridon-station-area-plan-amendment>. The Downtown Strategy 2040 Final Environmental Impact Report can be found at <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/downtown-strategy-2040>.

**PUBLIC OUTREACH****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.<sup>7</sup> 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 Diridon Station Area Plan (the 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](http://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.

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 the 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.

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](http://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.

### **Community Feedback Summary**

The feedback from the public is summarized below according to major topics of concern. They include boundary expansion, building height limits and office/commercial uses and space, parks and open space and community services/facilities, and transportation. A summary of the feedback received for each of these topics is discussed below.

1. **Boundary Expansion**: In June 2020, City staff proposed an updated boundary that included two eastern expansions to include a residential area and commercial area that abuts the Guadalupe River Park and a portion of Google's Downtown West Mixed-Use Plan east of Delmas Avenue.

Most of the feedback received in regard to boundary expansion focused on the impact that future development would have on adjacent neighborhoods, and a concern that this impact would not be analyzed in the environmental impact report because the neighborhoods were outside the DSAP boundary.

The following are community feedback on boundary expansion heard throughout the engagement process:

- Expand Southern boundary down to Interstate 280: This would include the approximately 8 blocks including residential and commercial uses that are currently in between the Plan boundary and Interstate 280.
- Expand Eastern boundary to State Route 87: This would include the approximately 7 blocks including residential and commercial uses, Arena Green, and portions of the Guadalupe River Park that are in between the Plan's boundary and State Route 87.

Examples of some changes in the Plan, following community feedback, include:

- Incorporation of the area bounded by Autumn Street, St John Street, the Guadalupe River, and West Julian Street
  - Incorporation of the old San José Water Company site bounded by West Santa Clara Street, Los Gatos Creek, West San Fernando Street, and the Guadalupe River, which would place all Google's Downtown West Mixed-Use Plan within the Plan's boundary
  - Incorporation of undeveloped areas along Los Gatos Creek between West Santa Clara Street and Park Avenue to allow for potential park and trail development
2. Building Height Limits: The topic of maximum allowable building heights was one of the most discussed topics during the community engagement effort for the Plan.

In June 2020, City staff proposed a preliminary concept heights map, showing areas where height limits were proposed to be increased up to the FAA limits; increased to an intermediate height; or kept the same as in the 2014 Plan. Given that this was a major topic of interest for some members of the public, City staff held a series of additional meetings and focused conversations with the Diridon Area Neighborhood Group (DANG) and other organizations discussing building height limits, with the intention of developing an approach that would address community concerns and meet City goals.

The following are specific themes heard throughout the engagement process:

- Impacts to residential areas, open space, and historic buildings: Many had concerns on impacts of overshadowing, lack of privacy, loss of mountain views, and temperature changes to adjacent existing residential areas (Del Monte, Delmas Park, Lake House, and Rhodes Court), open space (Los Gatos Creek), and historic buildings (Stations Depot and Former San José Water Company and Trammel Crow Site).
- Use FAA Maximum Heights: Some felt that the proposed heights were too low and needed to utilize maximum Federal Aviation Administration (FAA) height limits to provide more housing or commercial space throughout the whole area.
- Taller buildings near transit: Some felt that there was an opportunity to provide taller buildings near transit such as housing, office, or a mix of both.
- Pandemic and overcrowding concerns: Others felt that the heights were too high because the pandemic has led to physical distancing that has driven down the use of office space and will further decrease the use of apartment and condo style buildings. Their concern is that these tall buildings would be vacant and a waste of money.
- Impacts to airport flight paths: Some shared concern that heights would reduce the number of flights going to the airport, causing the airport to eventually shut down.
- More Affordable Housing: Many wanted to see an increase in height to make affordable housing in the area more economically feasible.

- Staff recommended heights are “About Right”: A majority of Spring 2020 survey respondents felt that the staff recommended heights were about right.

Examples of some changes in the Plan, following community feedback, include:

- Increasing the maximum height in the area around the Diridon Station to a maximum of 295 feet.
- Creating a transitional building height limit between 65 and 90 feet adjacent to lower density residential areas along Stockton Avenue, West Julian Street, The Alameda, Park Avenue, Auzeais Avenue, and Sunol Street.
- Implementing stepback plane standards to ensure gradual increases in building heights for development adjacent to historic districts, and lower height context.
- Maintaining unobstructed views of buildings and corridors down The Alameda and east of Diridon Station.

3. Office/Commercial Uses and Space: In June 2020, City staff proposed expanding the development program based on the preliminary concept heights and land use structure. The development program included 12.9 million square feet of office/commercial uses and 12,900 residential units for the entire Diridon Station Area, including the 7.3 million square feet of office/commercial uses and 5,900 residential units proposed in Google’s Downtown West Mixed-Use Plan.

The following are specific themes heard throughout the engagement process:

- More office and commercial and less housing: There was a direct connection to housing on this topic. Community members who wanted more commercial and office in the Diridon Station Area were more likely to want less housing in the area.
- Variation between uses: Many also wanted to see a variation between the many nonresidential uses that could include office, retail, restaurant, and entertainment.
- Including existing and new small businesses: Some wanted to make sure that existing and new small businesses were not forgotten and had affordable and accessible spaces within the area.
- Providing essential amenities in the area: Many expressed that the area needed essential amenities such as grocery stores, schools, parks, farmers markets, and mental health services.
- Pandemic and overcrowding concerns: Some thought the square footage was too high because of existing and future vacancies related to the pandemic, in addition to business displacement from all of the redevelopment in the area.
- Less office and commercial to make room for more housing: Others wanted less commercial space in the area to provide more square footage for housing.
- Staff recommended square footage is “About Right”: A majority of survey respondents liked the development capacity for the most part. They thought there was a good balance between commercial and housing in the area.

Examples of some changes in the Plan, following community feedback, include:

- Revised land use and heights that would potentially increase the maximum commercial, including Google’s Downtown West Mixed-Use Plan, to 13.7 million square feet.\*
- Revised land use and heights, and urban design street designations that would potentially increase the maximum Active Use/Retail to 1 million square feet. \* Most streets in the Diridon Station Area will include some active ground floor with retail for a lively downtown. This includes Stockton Ave, West Julian Street, The Alameda/West Santa Clara Street, Cahill Street, North/South Montgomery

Street, Park Avenue, West San Fernando, West San Carlos Street, Delmas Avenue, and Barack Obama Boulevard (portions of South Autumn Street, South Montgomery Street, and Bird Avenue).

\*The square foot values are an estimate based on identified potential development sites outside of Google's Downtown West Mixed-Use Plan, and Google's Downtown West Mixed-Use Plan development program.

4. Parks, Open Space, Community Services and Facilities: In April 2020, City staff shared a preliminary capacity analysis that showed a cumulative parkland goal of 62 acres, or equivalent recreation amenities. Given that this was a significant issue for some members of the public, City staff held a series of additional meetings and focused conversations with DANG and other organizations discussing parks, open space, and community centers, with the goal of developing an approach that would address community concerns and meet City goals.

The following are specific themes heard throughout the engagement process:

- More safe parks and open space: People want to see large parks with diverse programming including basketball courts, skate parks, bicycling, dog parks, and community gardens.
- Connecting the Los Gatos Creek Trail to Guadalupe River Trail: Executing the Los Gatos Creek Trail Master Plan is a high priority of the community. This includes providing an off-street trail alignment from the Auzerais Avenue to Arena Green.
- Flexible meeting spaces for a variety of community needs (ranging from small rooms to an auditorium): These spaces would be used by afterschool programs, non-profits, cultural organizations, and for community performances.
- Edible Community Gardens and Public Kitchen Facilities: Many shared an interest in having community gardens with edible food and public kitchens to provide food, resources, and a community gathering space for the most vulnerable residents of San José.
- Funding existing Community Centers in neighborhoods such as Gardner: There was concern raised in building a new community center in the Diridon Station Area, when the adjacent Gardner Neighborhood Community Center is underutilized due to limited general fund resources.
- A new Diridon Community Center: People were excited by the idea of having a community center dedicated to the Diridon Station Area.

Examples of some changes in the Plan, following community feedback, include:

- Calling for approximately 10 acres of publicly owned open spaces, including neighborhood parks, trail segments, and plazas dispersed through the existing neighborhoods and future developments. The 10 acres will supplement the existing open space surrounding the Diridon Station Area.
- Completing the final sections of the Los Gatos Creek Trail from Auzerais Avenue to Park Avenue, Park Avenue to West San Fernando Street, and West San Fernando Street to West Santa Clara Street; and completing the section of Guadalupe River Trail on the west bank from West St. John Street to West Julian Street. Building upon previously approved master plans, the design of these trail system improvements will use the Trail Program Planning and Design Toolkit to ensure design conformance with the rest of the City's trail network.
- Planning for a new regional community center with a minimum of 13,000 square foot space, with the subsequent design and programming determined through additional community outreach and engagement. The City is exploring new funding mechanisms to solve the operation and maintenance funding issue, including a potential ballot measure targeted for 2022. The City will



not proceed with the planning or development of a community center in the Diridon Station Area until this operation and maintenance funding issue is resolved.

5. Transportation: Getting to, through, and around the Diridon Station Area was a much-discussed topic by all, regardless of the preferred form of travel (walk, bike, take transit, drive, or a combination). To meet these needs, the city began the Draft Downtown Transportation Plan in 2020. The Downtown Transportation Plan will:

- Improve circulation, whether by foot, bike, car, or transit
- Improve transportation equity and access to places for everyone
- Improve the comfort and enjoyment of streets, public plazas, paseos, and parks
- Support and complement the identity of Downtown

These goals are important for the Diridon Station Area and also guided the development of the mobility chapter for the Plan. In June 2020, City staff shared some initial information on the Downtown Transportation Plan within the Diridon Station Area that included potentially enhancing bike corridors, improving the Barack Obama Boulevard (Bird Avenue)/Interstate 280 interchange to make it safer for pedestrians, closing the State Route 87 off-ramp to West Santa Clara Street, improving the State Route 87/West Julian Street interchange to keep vehicular traffic moving, and additional public service lanes on West Santa Clara Street for buses and emergency vehicles. This was a major topic of discussion that was a near-even split between people who prioritized individual vehicles and those who were firm advocates for active transportation.

The following are specific themes heard throughout the engagement process:

- More frequent and affordable public transportation: Many wanted more frequent public transportation, with shuttles, bus lanes, and stops particularly in South San José. Some in South San José shared that it is currently difficult and time intensive to access the station via transit.
- Maintain car infrastructure (roads and parking) throughout the area: Like the concerns shared above from the survey, many wanted to make sure that the downtown would still be accessible by individual vehicles and that any bicycle, pedestrian or transit improvement would not cause traffic and delay their commutes to work or a Sharks game. Many shared that if parking was reduced in the area, they would never return to a Sharks game or visit the downtown.
- Bike and pedestrian infrastructure throughout the area: Many wanted to see bike lanes (separated, with planters, and contiguous), bike parking, pedestrian signage, wider sidewalks, pedestrian boulevards, more lighting for pedestrians, and upgrading pedestrian infrastructure to continue meeting Americans with Disability Act (ADA) standards. Many saw bike and pedestrian improvements as integrated efforts that would benefit each other and make the area safer for those who walk, bike, and take transit.
- Development will cause traffic: There was some concern shared about how the development of the area with Google and other businesses would impact traffic for neighbors trying to get to work or downtown.
- Concerns regarding the State Route 87 off-ramp closure/Improvement to the State Route 87/Julian street interchange: Many respondents were concerned that closing off-ramps to vehicles would cause more congestion and make it harder for people to attend Sharks games or visit the Downtown area.
- Concerns about the addition of public service lanes on Santa Clara Street: People were concerned about the congestion that would be brought on by having lanes only for buses and emergency

vehicles. Many shared that they did not use public transportation and did not see the need for its efficiency.

- Excitement about improvement to the light rail system: Many shared that they were excited to see the Diridon Integrated Station Concept Plan be implemented and have a more efficient commute around the Bay Area.
- Excitement about enhancing bike corridors between Downtown and Diridon Station: Many were excited about making the Downtown area safer for bicyclists and further connecting the existing bikeway network for more efficient commutes across the bay thanks to the Diridon Station Area.
- Excitement about the improvement to the Barack Obama Boulevard (Bird Ave)/Interstate 280 interchange: Many were excited about this improvement to make the interchange safer and more comfortable for those who walk and bike in the area.
- Connection to the airport: Some shared that the station should have a direct connection to the airport. This would make travel even more efficient across the bay and around the world.

Examples of some changes in the Plan, following community feedback, include:

- Updated land use putting homes, offices and recreational uses closer together in more areas to promote an increase in walking, biking, and other low-impact ways of travel.
- Updated street network that moves people to and within the Diridon Station Area in ways that are efficient, equitable, and safe, and that also supports the Diridon Station Area as an attractive people-focused place.
- Updated transportation improvement projects to ensure an expansive and equitable network. Fifty-four (54) transportation network improvements are grouped by the type of access they provide to the Diridon Station Area:
  - Statewide transit access
  - Regional and citywide access
  - Local and neighborhood access
  - Placemaking and new connections at and near the station
- Incorporating several parking management strategies that include shared parking, unbundled parking, parking supply, priced parking, residential parking permit program, and parking distribution.
- Establishing a Transportation Demand Management framework that includes a Parking and Transportation Management District, a Transportation Management Association, and project-level transportation demand management requirements.

Community input has been central to the development of the Plan. For example, based on community input, the Plan emphasize equity as a primary objective, significantly adds development capacity, includes 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, revises the open space plan to ensure better access to recreational, nature-based, and community amenities, and updates the mobility network to prioritize walking, public transit, and bicycling within the core Diridon Station Area, while locating automobile circulation and parking facilities at the perimeter of the Diridon Station Area. These changes and others balance the range of aspirations and concerns expressed by community members throughout the engagement process.

A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the Plan boundary and posted on the City website.

The staff report is posted on the City's website. Staff has been available to respond to questions from the public.

**Project Manager:** Jose Ruano

**Approved by:** /s/ , Deputy Director for Chu Chang, Acting Director

<b>Attachments:</b>
Attachment A: Vicinity Map
Attachment B: General Plan Land Use Designations
Attachment C: Building height Limits
Attachment D: Transportation Street Typology Designations
Attachment E: Open Space Network
Attachment F: Stepback Plane Locations
Attachment G: Zoning Districts
Attachment H: Planned Job Capacity and Housing Growth Areas by Horizon
Attachment I : General Plan Amendment Draft Resolution
Attachment J: ALUC Override Draft Resolution
Attachment K: Conforming Rezoning Draft Resolution
Attachment L: Diridon Station Area Plan
Attachment M: Diridon Station Area Plan Addendum to the Downtown Strategy 2040 Environmental Impact Report
Attachment N: EIR Addendum Resolution
Attachment O: Comments on Initial Study/ Addendum to DSAP Amendment
Attachment P: Public Comments as of 04/20/2020
Attachment Q: Letter from Caltrans Division of Aeronautics

## **GP20-007 & C20-002 List of Attachments**

- Attachment A: [Vicinity Map](#)
- Attachment B: [General Plan Land Use Designations](#)
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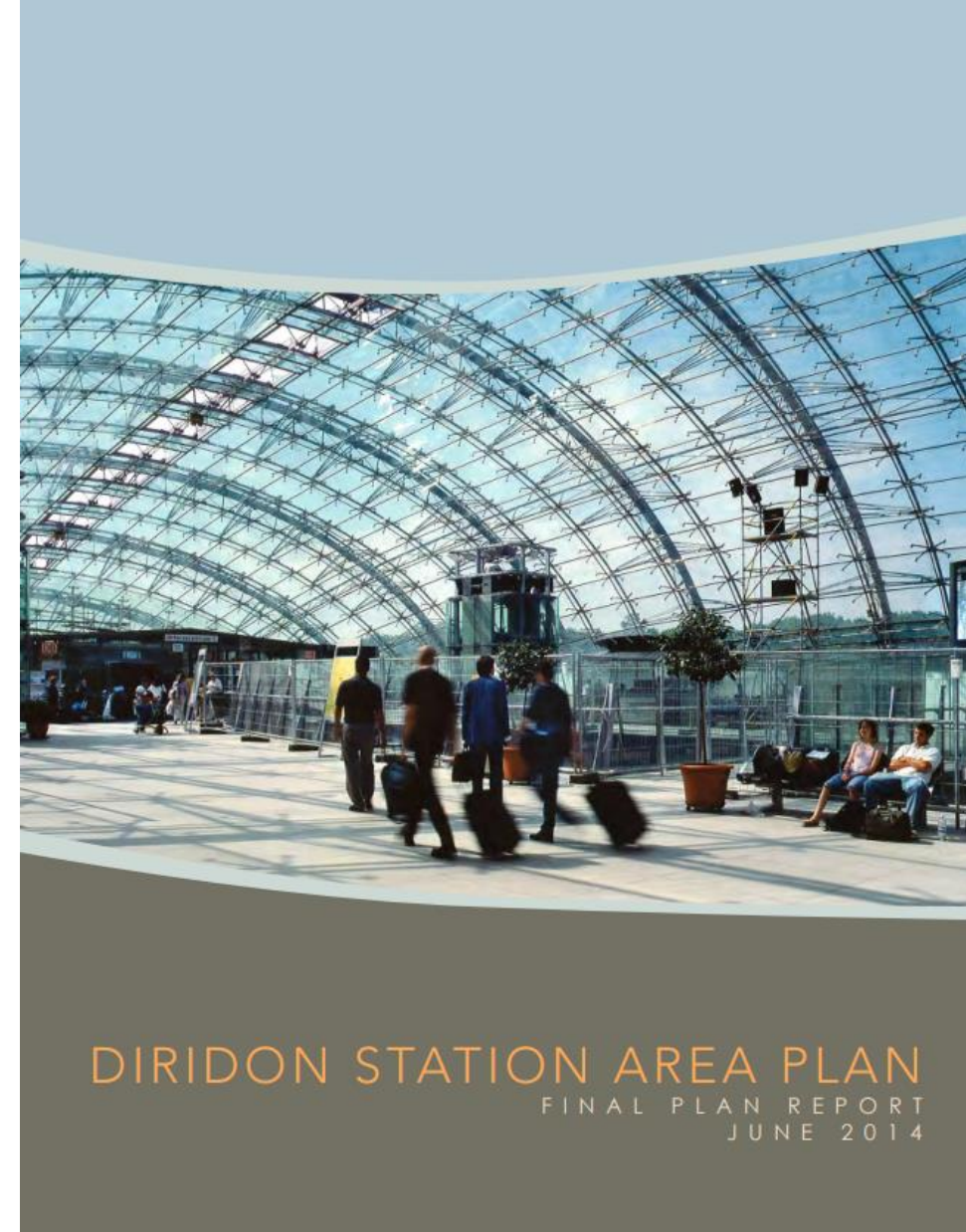
[Correspondence Received After April 21, 2021](#)



# Planning Commission: Diridon Station Area Plan (DSAP)

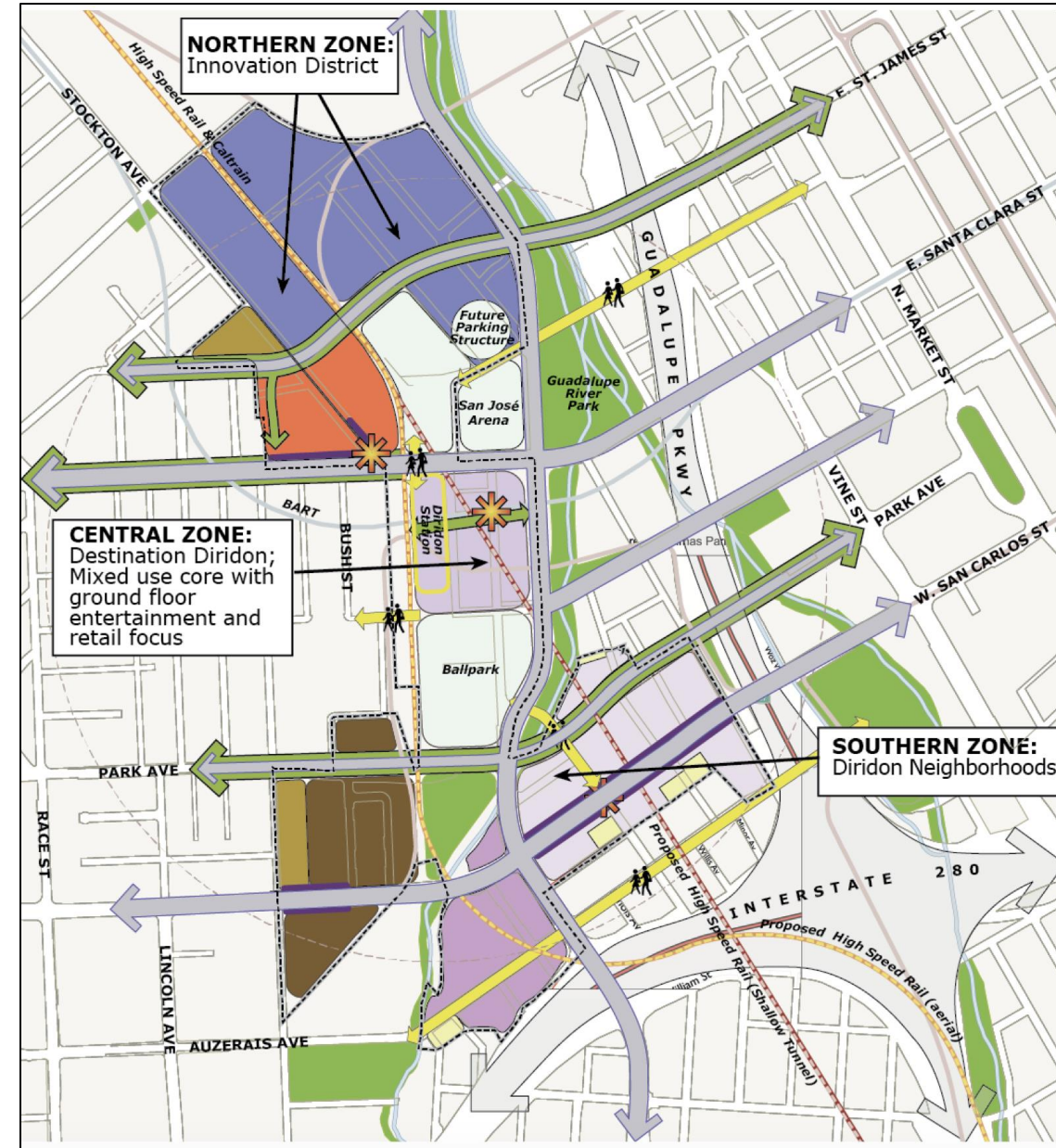
Wednesday, April 28, 2021 | 6:30 PM

- Establish Diridon Area as **major destination**
- Foster a **lively public realm** that supports walking and bicycling
- Create a **new intermodal station** of architectural significance
- Encourage high-density land uses that support **high transit ridership**
- Use **art** to create a strong **sense of place**
- Reflect Silicon Valley's **spirit of innovation** and San José's **rich history** through distinctive architecture and **civic spaces**

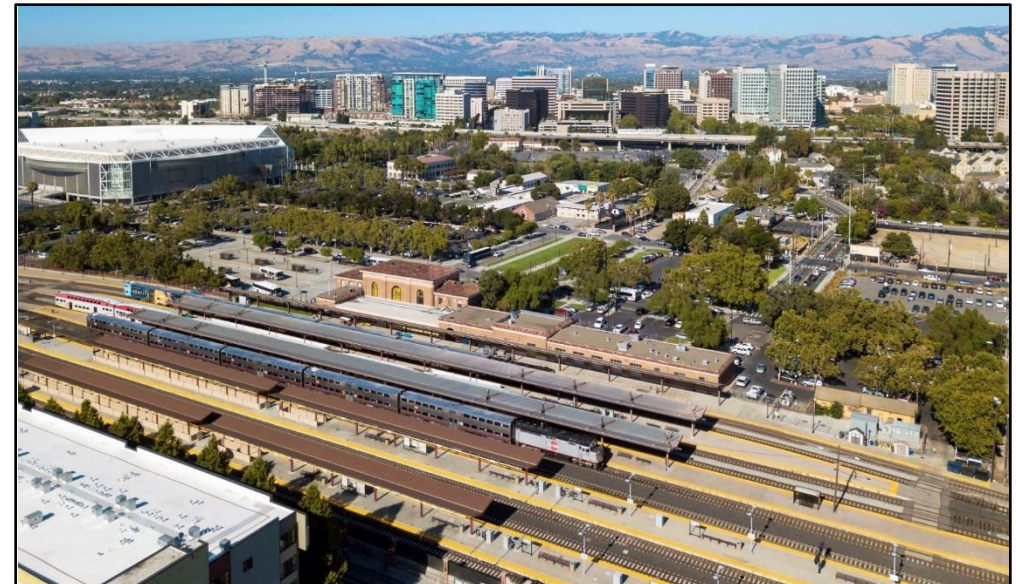


# Why Amend the DSAP?

- No ballpark
- Google's mixed-use development
- Potential for increased building height limits and development capacity
- Initiated Diridon Integrated Station Concept Plan, Downtown Transportation Plan, and Diridon Affordable Housing Implementation Plan
- Adopted Downtown Design Guidelines and Standards (2019), Climate Smart San José, ActivateSJ, etc.



# Transit Hub Planning for 8X Passenger Growth





## From early 2018 through Spring 2021

- **19** SAAG meetings
- **14** SAAG small group discussions
- **Over 20** Community Meetings and Partner Events
- **3** online surveys with **over 2,000** responses
- **Over 75,000** page views and **36,000+** unique visitors on [diridonsj.org](http://diridonsj.org)
- **9** pop-ups at community events
- **5** virtual office hours
- **Over 12** meetings with the DANG
- **Many** meetings with other community groups



- Analyzed potential development capacity increases and considered City policies for Job/housing balance
- Land use concept approach puts homes and offices closer together in more areas than the 2014 DSAP, which allows for a potential increase in walking, biking or other low impact ways of travel
- Height concept approach includes transitional concepts and compatibility with surrounding neighborhoods
- Potential boundary expansion to the east to include Google's entire project within the DSAP, and allow for potential park and trail development

*“Activate 24/7, with eyes on the street. Recognize the balance needed—not just office uses”*

*“Opportunity to increase heights and plan to maximize housing as best use”*

*“Beyond the Google project, what is the City’s plan for the rest of the area (capacities, residential units, office space, traffic, etc.)?”*

*“Focus on pedestrian and non-vehicular modes of transportation”*

*“Missing opportunity to improve Los Gatos and Guadalupe River Park trail [connections]”*

*“Boundary expansion east to 87”*

*“Shorter heights near creeks and neighborhoods”*

1. Affirm the general vision
2. Update the 2014 objectives, themes and goals to reflect input received through the 2018-21 outreach process
3. Add an equity lens and updated thinking on environmental sustainability
4. Recommend increased height limits that balance neighborhood compatibility and other goals
5. Provide DSAP-specific design guidelines and standards that build on the Downtown Design Guidelines and Standards (2019)
6. Propose new General Plan designations to support the recommended development types and levels



Viva CalleSJ Open Streets (*Gehl*)



SOFA Street Fair (*Team San Jose*)

- Increase opportunities for people to live and work in the area
- Establish strategies for the production and preservation of affordable housing and protection of renters
- Develop a parks and recreation system that serves each neighborhood and demographic group with equity
- Support inclusive access to transportation modes that provide the most economic and health benefits



Affordability



Density



Transit



Walkability



Mixed-Use



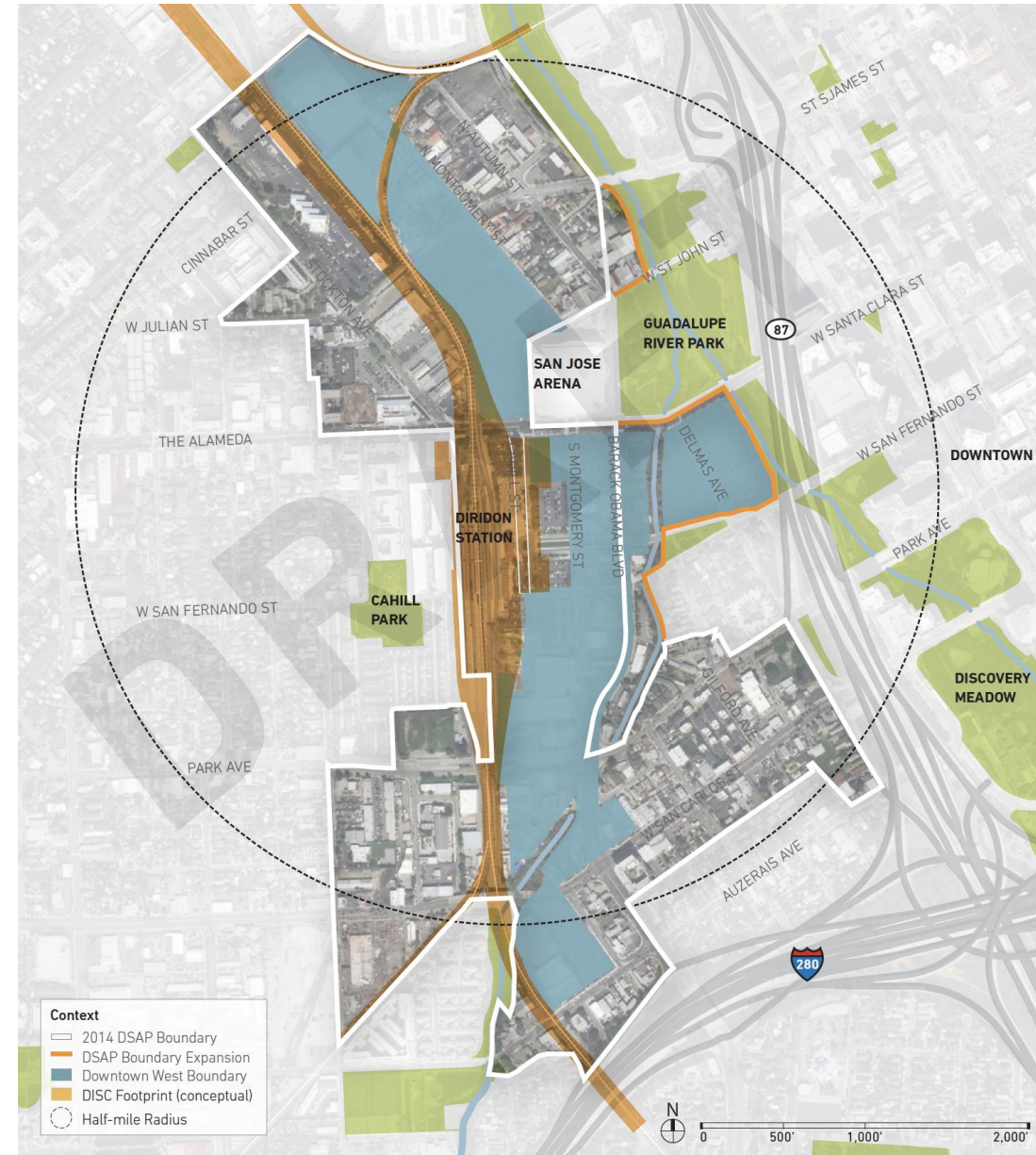
**DIRIDON STATION AREA PLAN**

DRAFT | APRIL 2021

- Include northeastern corner along Autumn
- Include entire Google project site
- Include land between Autumn and Los Gatos Creek between Park Ave and San Fernando



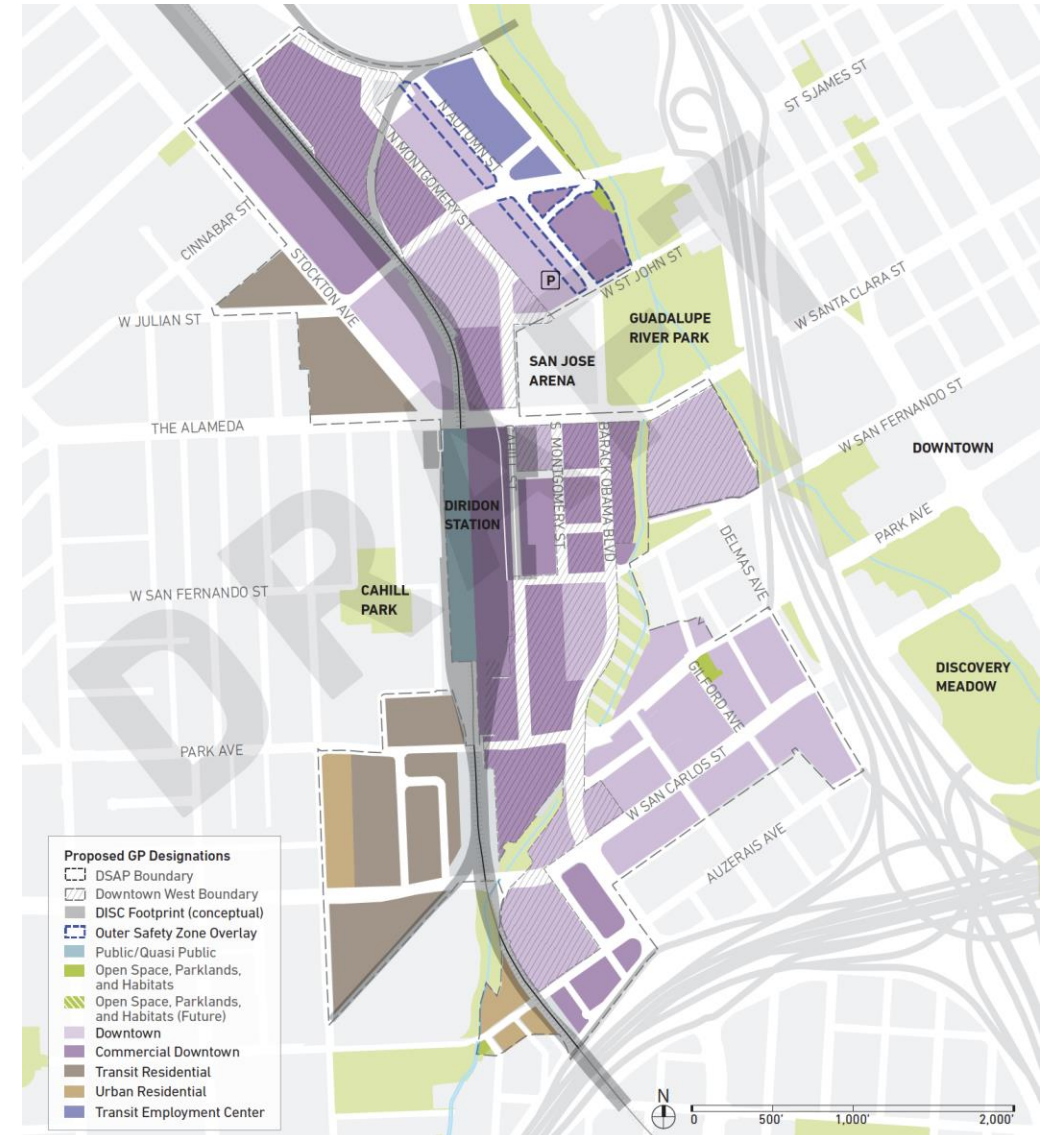
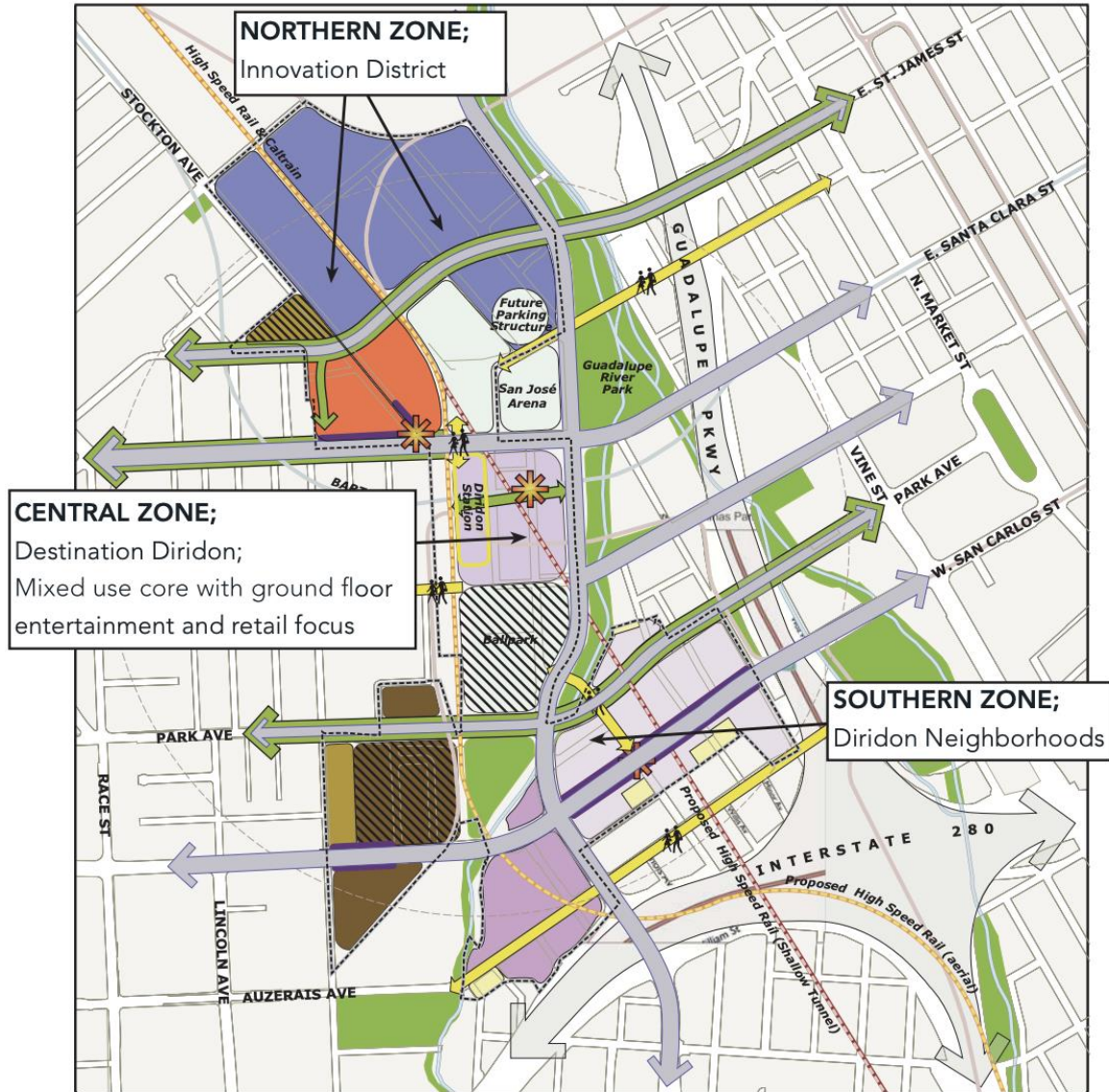
Diridon Station Area



# Major Changes – Land Use



# Major Changes – Land Use



- To achieve consistency with the Outer Safety Zone, this Plan includes an Outer Safety Zone Overlay.
- The overlay includes density restrictions that apply to new development within the overlay boundary
- The following criteria, shown in Table 3-3-1, apply to new development within the Outer Safety Zone Overlay

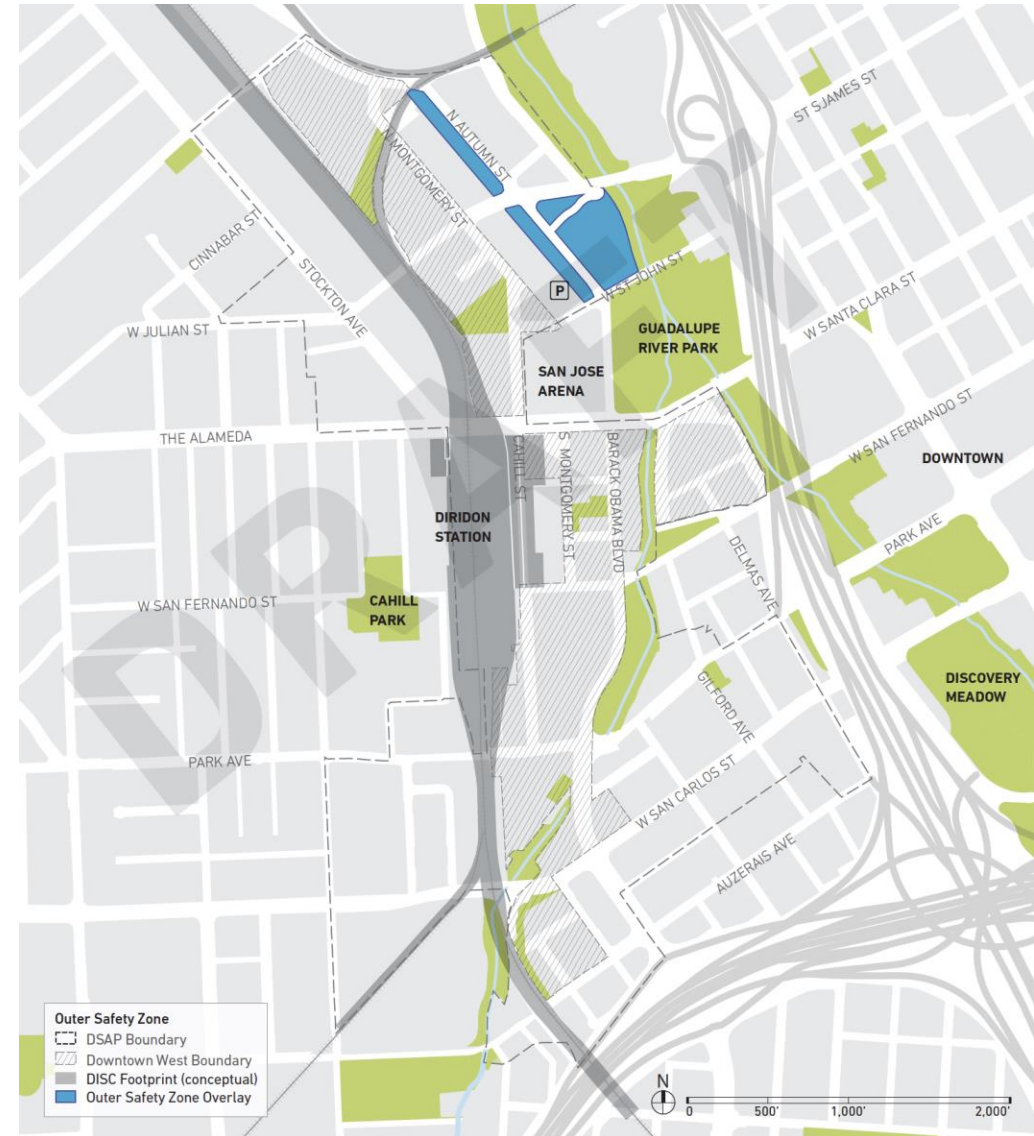
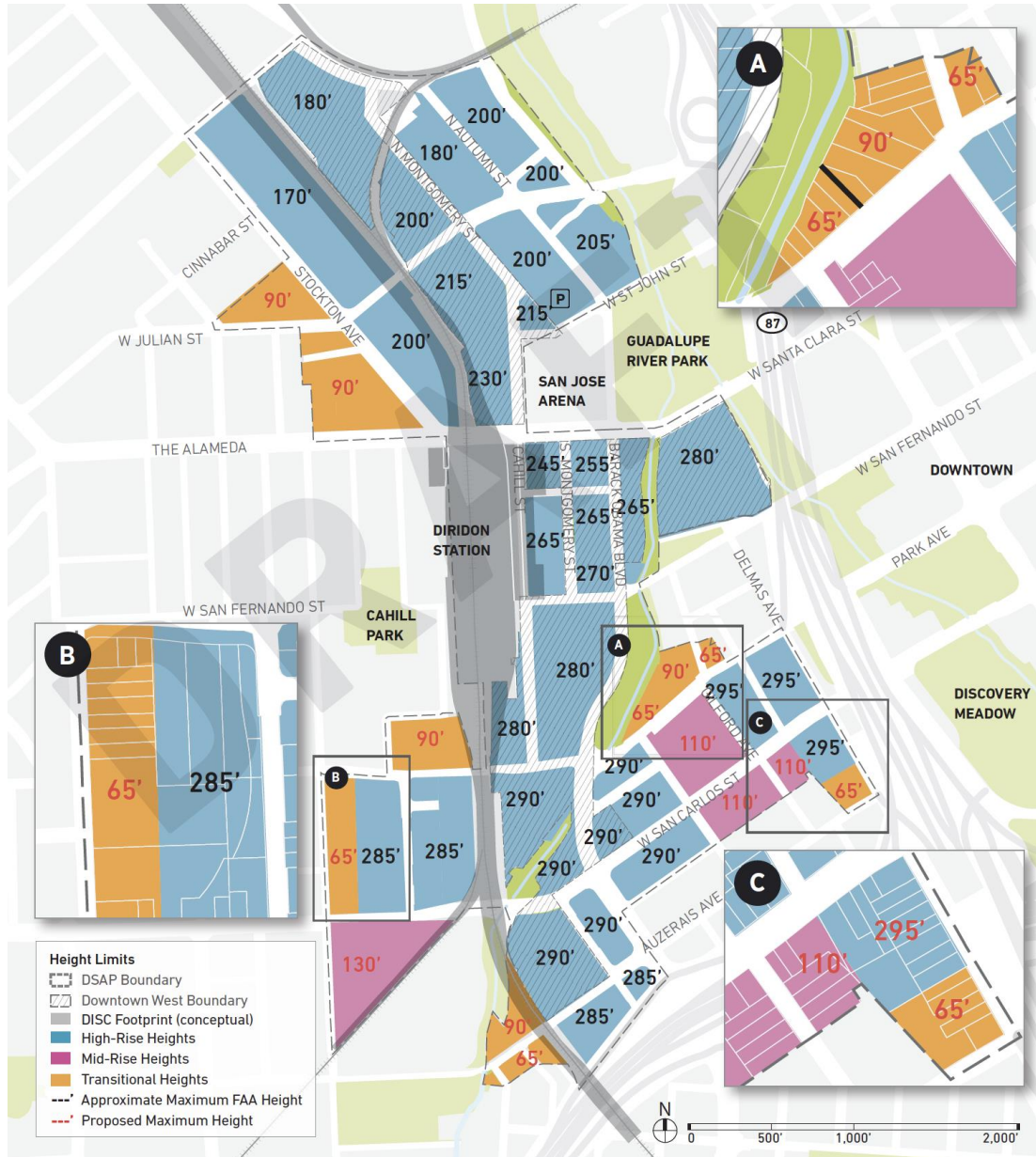


Table 3-3-1: Outer Safety Zone Overlay Criteria

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.



# Major Changes – Building Heights



High-Rise Height Limits



Mid-Rise Height Limits



Transitional Height Limits



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

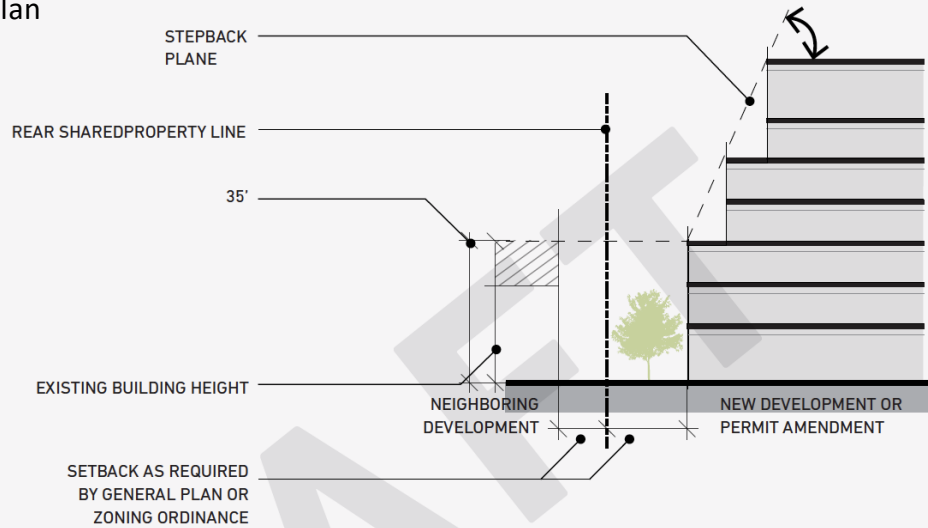
Land Use	Google's Downtown West Mixed Use Plan (DTW)		Diridon Station Area Outside DTW		Complete Diridon Station Area*	
	Total	Unit	Total	Units	Total	Units
Residential	Up to 5,900	Units	Up to 7,619	Units	Up to 13,519	Units
Office	Up to 7,300,000	SF	7,144,154	SF	Up to 14,444,154	SF
Active Use/Retail	Up 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.

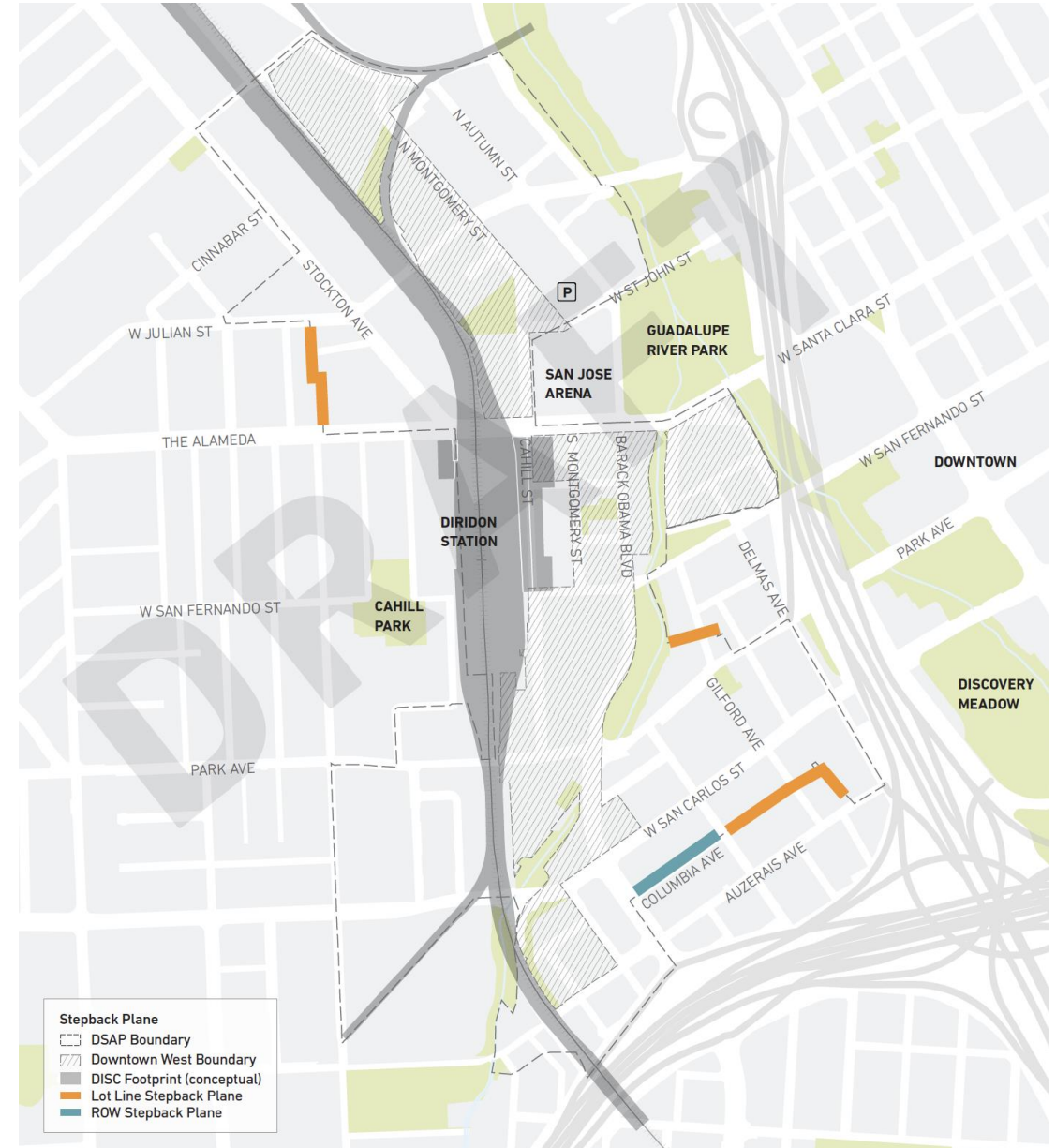
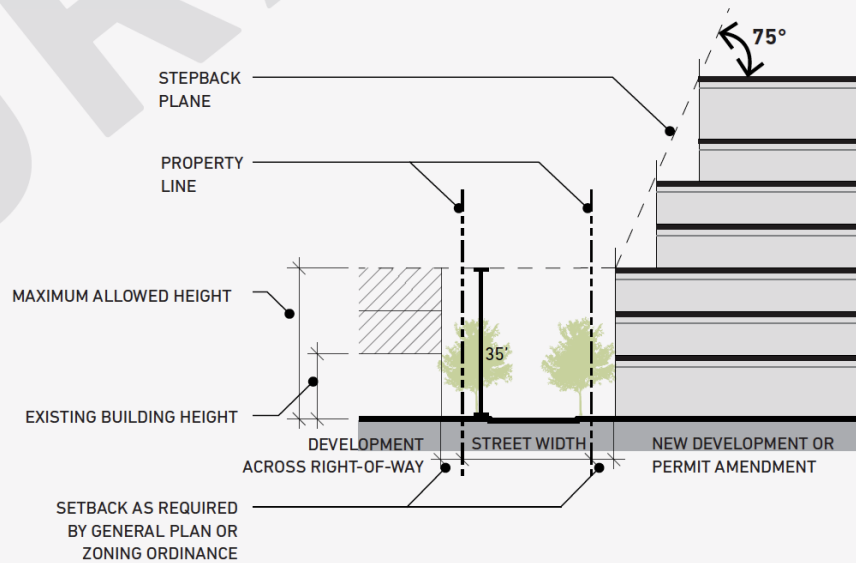
Google's Downtown West Mixed-Use Plan also contemplates other uses, such as Limited-term Corporate Accommodations, event center(s), Central Utilities, Plant(s), and logistics/warehouse

# Major Changes – Design Standards

Lot Line Stepback Plan Diagram

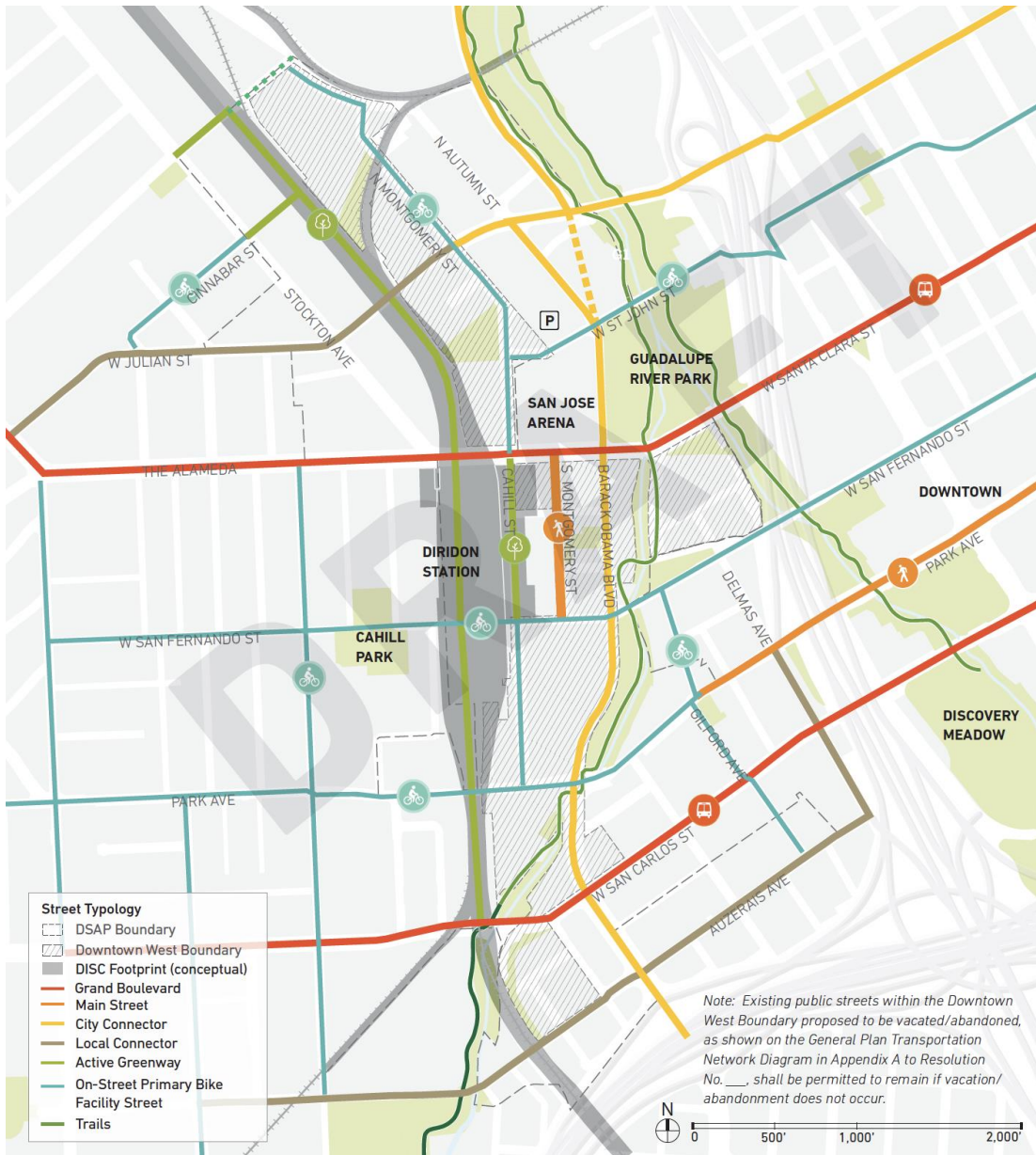






Right of Way Stepback Plan Diagram





# Major Changes – Transportation



				
Grand Boulevard	PRIMARY	PERMITTED	PERMITTED	PERMITTED
Primary Bicycle Facility	PERMITTED	PRIMARY	PERMITTED	PERMITTED
Main Street	PERMITTED	PERMITTED	PRIMARY	PERMITTED
Connector	PERMITTED	PERMITTED	PERMITTED	PERMITTED
Trail		PERMITTED	PERMITTED	
Active Greenway		PERMITTED	PERMITTED	

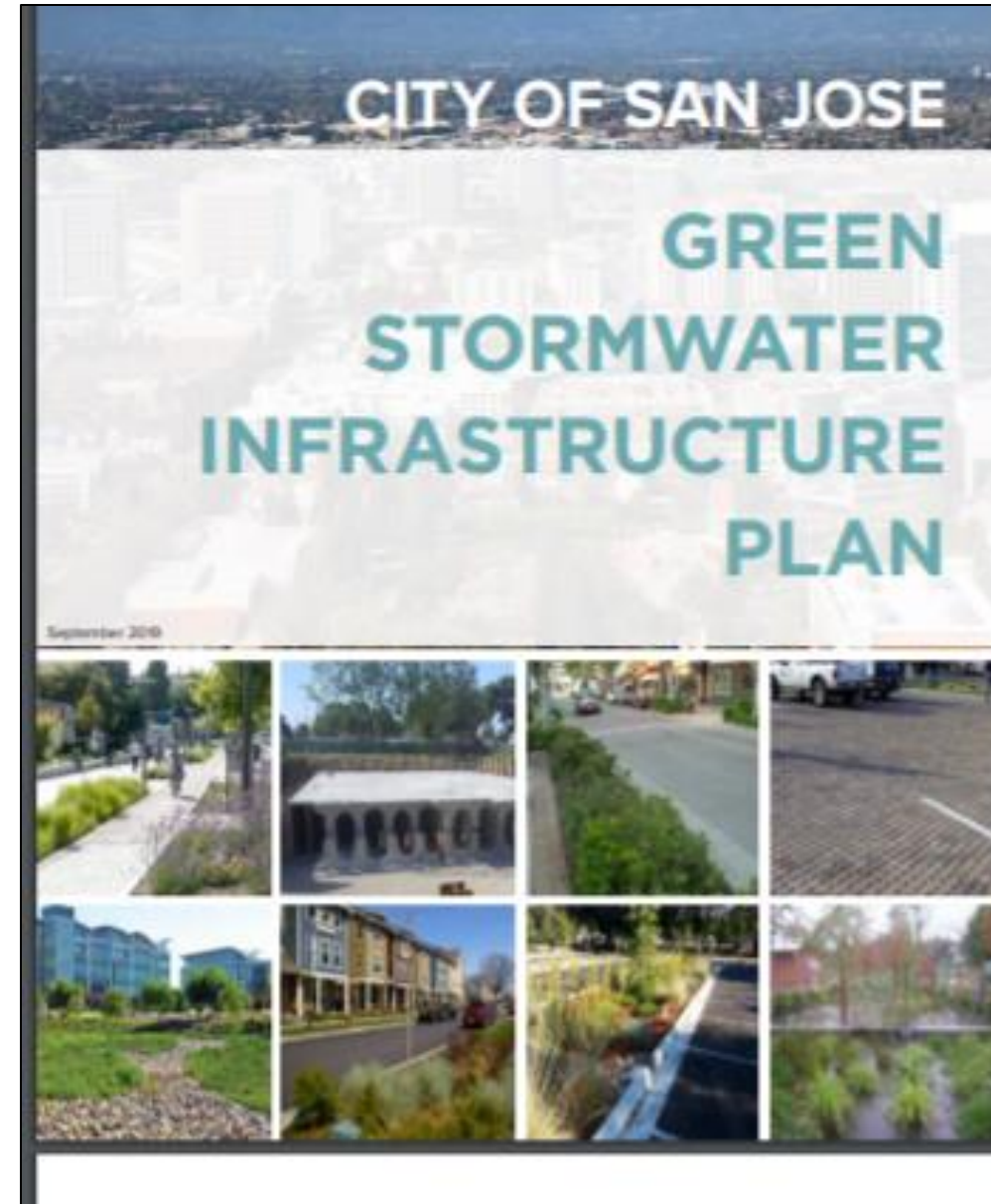


## District Approach

- Manage public parking as a shared resource
  - New commercial parking incentivized to be shared/publicly available
  - Existing landowners encouraged to enter into shared parking agreements
  - Use pricing to efficiently manage parking – especially for events
- “Unbundle” residential parking – rent/sold separately from the residential units
- Establish a Transportation Management Association to implement and monitor TDM programs

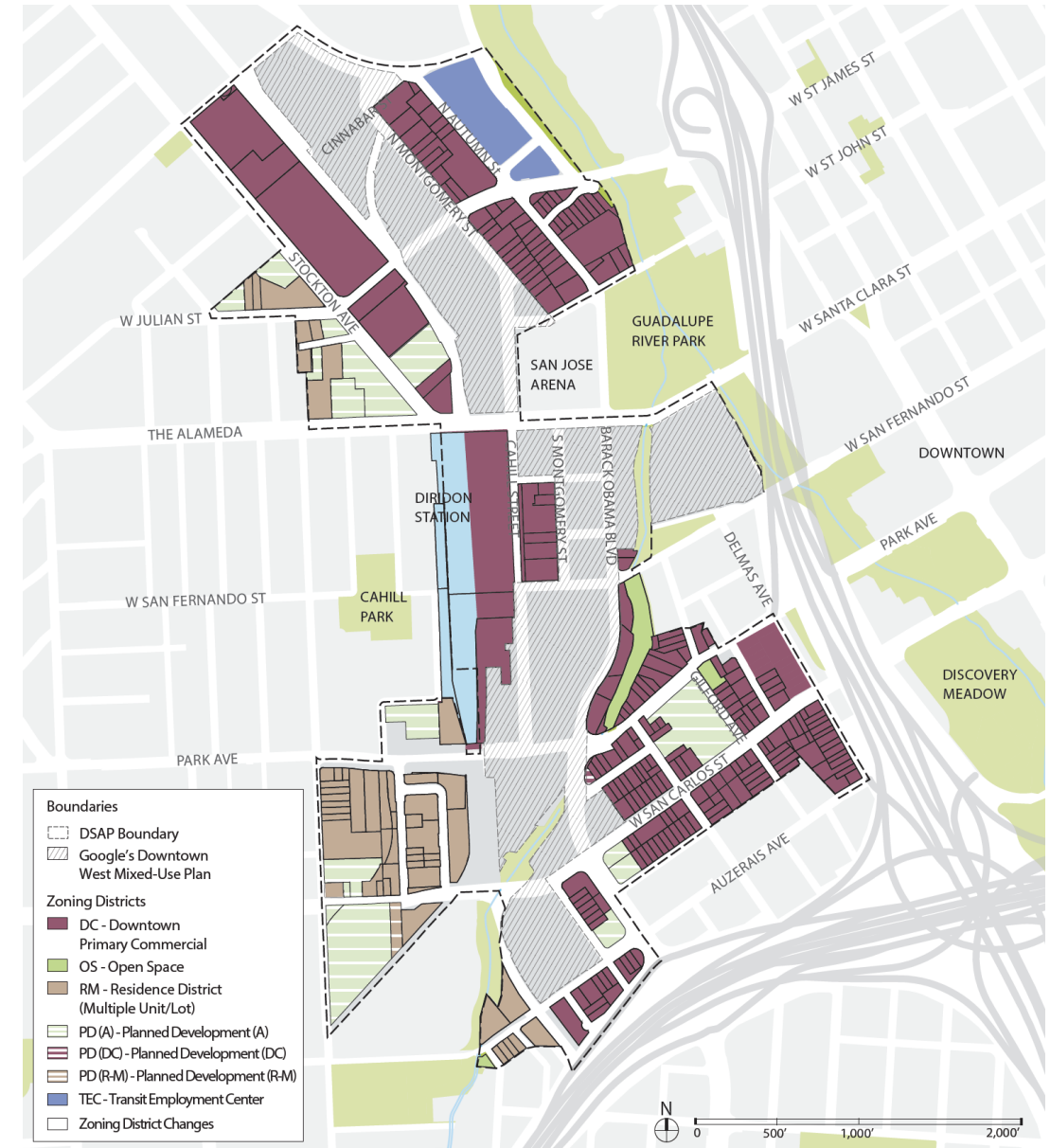
The Diridon Station Area development will embody the City's robust environmental plans and policies including:

- **Climate Smart San José** – measures to reduce greenhouse gas emissions resulting from energy and mobility and to conserve water
- **San Jose Reach Code and Natural Gas Infrastructure Prohibition Ordinances** – including all-electric buildings and EV charging infrastructure
- **Green Stormwater Infrastructure Plan** – improving the water quality of stormwater runoff
- **Green Building Policy** – with varying LEED® certification requirements based on the project type



The Conforming Rezoning analyzes Zoning Ordinance changes within the Diridon Station Area to:

- Comply with Senate Bill (SB) 1333 to bring the existing sites' Zoning Districts into conformance with the existing and amended Diridon Station Area Plan
- To support the amended Diridon Station Area Plan's vision.





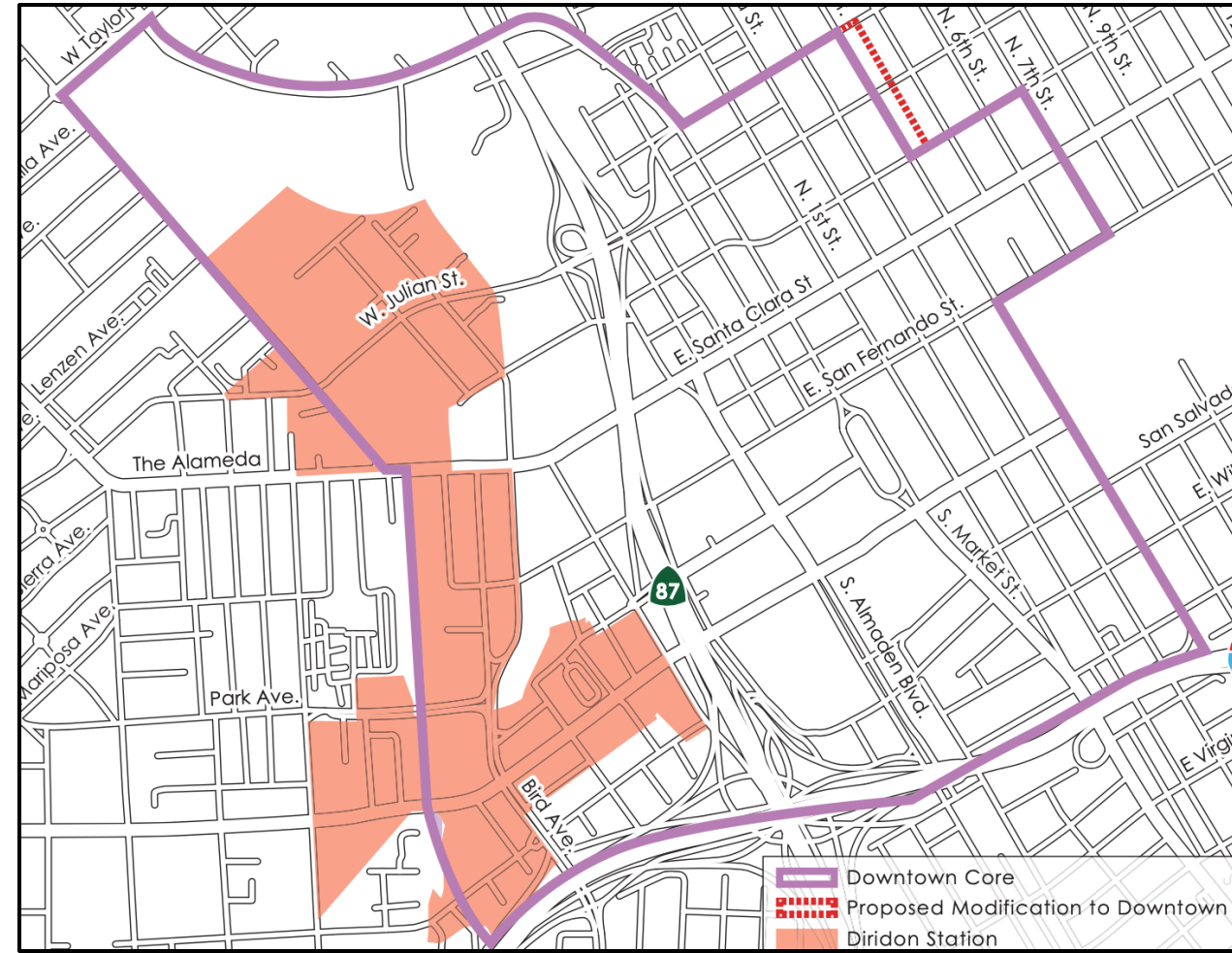
## Initial Study/Addendum to the Downtown Strategy 2040 EIR

### DSAP is a Sub Area of Downtown

- Development Downtown, including DSAP sub-area, evaluated in Downtown Strategy 2040 EIR (2018)
  - Superseded 2014 DSAP EIR
  - Measures in Downtown Strategy 2040 EIR apply to development in DSAP

### Public Review March 2 – April 1, 2021

- Not required for an Addendum, but part of community outreach and public participation in the planning process
- 17 comment letters received from Local Agencies, Individuals, Advocacy Groups, and Businesses
- Response to Comments and Errata, posted to City's website April 23, 2021



## Initial Study/Addendum to the Downtown Strategy 2040 EIR

### Criteria for Preparation of an Addendum instead of Supplemental EIR

- *No Substantial Project Changes* “which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.”
- *No Substantial Changes in Circumstances* resulting in new impacts or the increase in severity of previously identified impacts
- *No Substantial New Information* resulting in new impacts or increase in severity of previously identified significant impacts

### Subsequent Project-Level Environmental Analysis

- Individual development projects required to prepare project-level CEQA analysis
- Will evaluate project impacts to resource areas identified in Downtown Strategy 2040 EIR
- Same process as all development projects Downtown (i.e. Downtown West, Cityview Plaza, San Carlos Marriott)

Staff recommends that the Planning Commission recommend to the City Council all of the following actions:

1. Adopt a Resolution adopting an Addendum to the Downtown Strategy 2040 Final Environmental Impact Report
2. Adopt a Resolution overruling the Santa Clara County Airport Land Use Commission's (ALUC) determination that the proposed City-initiated General Plan Amendment and Conforming Rezoning are inconsistent with the ALUC noise and height policies
3. Adopt a Resolution approving the General Plan Amendment (File No. GP20-007)
4. Approve an Ordinance rezoning certain real property within the boundaries of the Diridon Station Area Plan (File No. C20-002)

**Board of Directors**

Kevin Zwick, Chair  
*United Way Bay Area*

Gina Dalma, Vice Chair  
*Silicon Valley Community Foundation*

Candice Gonzalez, Secretary  
*Sand Hill Property Company*

Andrea Osgood, Treasurer  
*Eden Housing*

Shiloh Ballard  
*Silicon Valley Bicycle Coalition*

Bob Brownstein  
*Working Partnerships USA*

Amie Fishman  
*Non-Profit Housing Association of Northern CA*

Ron Gonzales  
*Hispanic Foundation of Silicon Valley*

Javier Gonzalez  
*Google*

Poncho Guevara  
*Sacred Heart Community Service*

Janice Jensen  
*Habitat for Humanity East Bay/Silicon Valley*

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Jennifer Loving  
*Destination: Home*

Mary Murtagh  
*EAH Housing*

Chris Neale  
*The Core Companies*

Kelly Snider  
*Kelly Snider Consulting*

Jennifer Van Every  
*The Van Every Group*

**STAFF**

Leslye Corsiglia  
*Executive Director*

**TRANSMITTED VIA EMAIL**

April 27<sup>th</sup>, 2021

Planning Commission  
City of San José  
200 E. Santa Clara St.  
San José, CA 95113

Dear Chair Caballero, Vice Chair Bonilla, and Commissioners Case, Garcia, Lardinois, Oliverio, and Torrens:

**RE: Diridon Station Area Plan Amendments and Affordable Housing Implementation Plan**

On behalf of Silicon Valley at Home and our members, we write today to express our support for the staff-recommended Amendments to the Diridon Station Area Plan, including the Affordable Housing Implementation Plan. As a member of the Station Area Advisory Group (SAAG), SV@Home has been actively involved in all community engagement and policy development efforts around Diridon from the very beginning. We would like to thank staff for their excellent work developing this comprehensive plan and for their cooperative approach to receiving and including community feedback. The Planning and Housing Departments should be commended for this achievement.

The Amendments to the Diridon Station Area Plan set the framework and expectations for development across the 240-acre Station Area, inclusive of Google's Downtown West proposal. And while Downtown West will catalyze development across the Area, the development of a complete, vibrant neighborhood can be made possible only through a forward-looking, ambitious, but achievable, vision. We believe that this Plan accomplishes this, and key to its overall success will be the success of its residential components.

SV@Home strongly supports staff recommendations on the overall land use plan and distribution of uses, the development capacity numbers, and the allowable heights for the entire Station Area. These factors are critical to the Plan's total housing capacity number: 13,519 new homes. When these new homes are added to recent and underway residential development in the Area, the Station Area will approach a total of 15,000 homes, a key goal that tracks with SV@Home's own data-driven capacity analysis. Importantly, this housing-rich vision relies on the other staff recommendations on land use and height allowances. Modifications, especially any reductions, to these allowances would undermine the potential for housing across the Station Area. **Therefore, we urge the Planning Commission to approve staff recommendations on land use, housing capacity, and height allowances to meet San José's overall housing vision for the Station Area.**

We support staff's significant work in developing an assessment, through the Affordable Housing Implementations Plan, of the challenges that lie ahead for both reaching the target of 25% affordable within the Station Area, and responding to the Council and community mandate to address the risks of displacement in adjacent communities. We believe that the extension of the City's current 3Ps approach (production, preservation, and protection) to the local housing crisis is the right frame to craft a response to these challenges, and

April 27, 2021

Re: Diridon Station Area Plan Amendments and Affordable Housing Implementation Plan

Page 2 of 2

support the comprehensive range of policy proposals and recommendations for proactive administrative efforts presented in the Plan. This will not be simple or easy. City Staff will need the full support of the City Council and the community, in assembling the resources and prioritizing policies to implement the Plan. Monitoring its progress will be essential to its success. We believe that that the collective commitment to this effort is both clear and sincere, and that the successful racial and economic integration of the Station Area, and surrounding neighborhoods, will be a gauge for generations of San Joséans in assessing equitable growth in the city.

Overall, we are excited by the opportunity presented by the redevelopment of Diridon Station and are strongly supportive of staff's housing-rich vision. SV@Home is looking forward to continuing to work closely with the City and the community to ensure that the overall housing and affordable housing goals are met.

Sincerely,



Leslye Corsiglia  
Executive Director



**FW: Support jobs and homes near transit - Planning Commission 2021-04-28 Agenda Items 8(a) and 8(b)**

Severino, Lori <Lori.Severino@sanjoseca.gov>

Wed 5/5/2021 2:18 PM

To: Ruano, Jose <Jose.Ruano@sanjoseca.gov>; Rood, Timothy <timothy.rood@sanjoseca.gov>; Eidlin, Eric <eric.eidlin@sanjoseca.gov>; Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>

FYI

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**From:** PlanningSupportStaff

**Sent:** Wednesday, May 5, 2021 9:38 AM

**To:** Agendadesk <Agendadesk@sanjoseca.gov>

**Cc:** Tu, John <john.tu@sanjoseca.gov>; Han, James <James.Han@sanjoseca.gov>; Severino, Lori <Lori.Severino@sanjoseca.gov>

**Subject:** FW: Support jobs and homes near transit - Planning Commission 2021-04-28 Agenda Items 8(a) and 8(b)

**Correspondence for City Council packet**

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**From:** Pat Blevins [REDACTED]

**Sent:** Tuesday, May 4, 2021 8:27 AM

**To:** PlanningSupportStaff <[PlanningSupportStaff@sanjoseca.gov](mailto:PlanningSupportStaff@sanjoseca.gov)>

**Subject:** Support jobs and homes near transit - Planning Commission 2021-04-28 Agenda Items 8(a) and 8(b)

[External Email]

I don't know if its too late to offer an opinion about how the City can support both jobs and homes near transit, but if I may, I think this is the most positive choice.

By placing new homes, whether houses or rental units far from transit lines the City just increases our already intractable problem with traffic. Further, with no real traffic control offered by the police department, individuals drive recklessly and put people's lives in danger.

But if people could live near where they work or have easy access to clean, public transportation, car traffic would not worsen.

Thank you for considering this opinion after the Commission meeting was held.

Patricia Blevins

San Jose

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**FW: Lowing come housing close to Google Headquarters**

Severino, Lori &lt;Lori.Severino@sanjoseca.gov&gt;

Wed 5/5/2021 2:22 PM

**To:** Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>; VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>; Clements, Kristen <Kristen.Clements@sanjoseca.gov>; Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Breslin, Emily <Emily.Breslin@sanjoseca.gov>; Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>; Eidlin, Eric <eric.eidlin@sanjoseca.gov>; Rood, Timothy <timothy.rood@sanjoseca.gov>; Ruano, Jose <Jose.Ruano@sanjoseca.gov>

FYI

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**From:** PlanningSupportStaff**Sent:** Thursday, April 29, 2021 1:21 PM**To:** Agendadesk <Agendadesk@sanjoseca.gov>**Cc:** Han, James <James.Han@sanjoseca.gov>; Tu, John <john.tu@sanjoseca.gov>; Severino, Lori <Lori.Severino@sanjoseca.gov>**Subject:** FW: Lowing come housing close to Google Headquarters**Correspondence for City Council packet**

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**From:** Susan Babbel [REDACTED]**Sent:** Wednesday, April 28, 2021 6:10 PM**To:** PlanningSupportStaff <[PlanningSupportStaff@sanjoseca.gov](mailto:PlanningSupportStaff@sanjoseca.gov)>**Subject:** Lowing come housing close to Google Headquarters

[External Email]

I have noticed that on the maps the proposed low income housing to be placed near the new Google headquarters, is all located within a very small area. I live at Cahill Park as an owner, and live across the street from the low income housing built a year ago. The transition has been difficult with many more call responses from police, fire response teams, and ambulances. Theft of packages has gone up dramatically since it opened. Trash in the area has gone up, as well as cars double parked and parked illegally of people visiting those that live in the building. My concern is with so many more units going up within a several block radius, that area of town will become the new projects.

I realize there is a great need for low income housing, of which I approve of, so I would like to propose that managers live on site, and security round-the-clock be hired to help with all of the above mentioned problems. Additionally, there have been many more smokers that come outside to smoke. They end up crossing the street to Cahill Park since they have to be 25 feet away from a building. So they come to our building. smoking and trash both need to be thought of in the proposals.

Finally, there is no parking. I realize that everyone is supposed to take public transportation, but in reality that does not always happen. As it is my friends that come to visit have to park far away to see me. Many of them do not live close to public transportation.

Thank you for taking the time to listen to a long time, original Cahill Park owner.

Susan

[Sent from Yahoo Mail for iPhone](#)

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**FW: Downtown West & DSAP Amendment: Emails for CC**

Hill, Shannon &lt;Shannon.Hill@sanjoseca.gov&gt;

Wed 5/5/2021 11:29 AM

**To:** Canales-Mora, Elizabeth <Elizabeth.Canales-Mora@sanjoseca.gov>**Cc:** Downtown West Project <downtownwest@esassoc.com>; Keyon, David <david.keyon@sanjoseca.gov>; Tu, John <john.tu@sanjoseca.gov>; Han, James <James.Han@sanjoseca.gov>; Ruano, Jose <Jose.Ruano@sanjoseca.gov>

Hi Elizabeth,

Please include the email below in the package for the 5/25 City Council hearing.

Thanks!

Shannon Hill  
Planner, Environmental Review  
Planning, Building & Code Enforcement  
City of San José | 200 East Santa Clara Street  
[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov) | (408) 535 - 7872

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**From:** mary cassel <[REDACTED]>  
**Sent:** Friday, April 30, 2021 3:30 AM  
**To:** Hill, Shannon <Shannon.Hill@sanjoseca.gov>  
**Subject:** Re:

[External Email]

I Hope this is safe!!!! Reg Dierdon planning : better put some parking towers in - cars Will come and our neighborhood streets are already overcrowded. Where would we park? We can't put up parking **P** towers !!!

On Wed, Apr 28, 2021, 6:34 PM Hill, Shannon <[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)> wrote:

Hi Mary,

Your email below has been forwarded to the Planning Commission for their consideration at tonight's Planning Commission meeting.

Best regards,

Shannon Hill  
Planner, Environmental Review  
Planning, Building & Code Enforcement  
City of San José | 200 East Santa Clara Street  
[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov) | (408) 535 - 7872

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**From:** mary cassel <[REDACTED]>  
**Sent:** Wednesday, April 28, 2021 5:21 PM  
**To:** Hill, Shannon <[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)>  
**Subject:**

[External Email]

Name : Mary Cassel

Concerned about changes proposed - open. Space and parks - dierdon

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## FW: Diridon Station Area Plan

Severino, Lori <Lori.Severino@sanjoseca.gov>

Wed 5/5/2021 5:08 PM

**To:** Dave Javid <dave@plantoplace.com>; Ruano, Jose <Jose.Ruano@sanjoseca.gov>; Rood, Timothy <timothy.rood@sanjoseca.gov>; Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>; Eidlin, Eric <eric.eidlin@sanjoseca.gov>; Burnham, Nicolle <nicolle.burnham@sanjoseca.gov>; Mendez, Zacharias <Zacharias.Mendez@sanjoseca.gov>

FYI

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**From:** Ann Chung [REDACTED]  
**Sent:** Wednesday, May 5, 2021 5:03 PM  
**To:** Severino, Lori <Lori.Severino@sanjoseca.gov>  
**Subject:** Diridon Station Area Plan

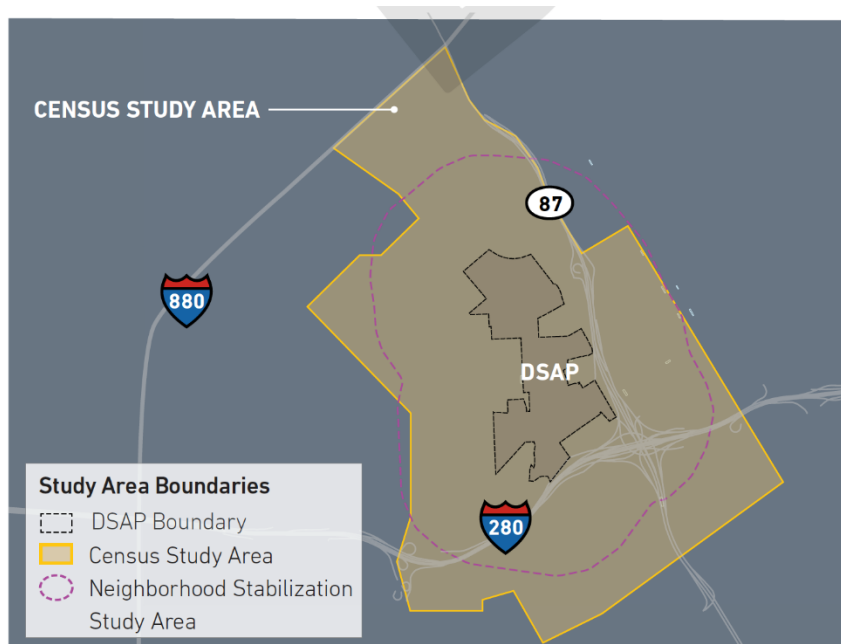
[External Email]

I think the Diridon Station Area should have less parking lots. It would also be nice to have rooftop gardens accessible to the public for free.

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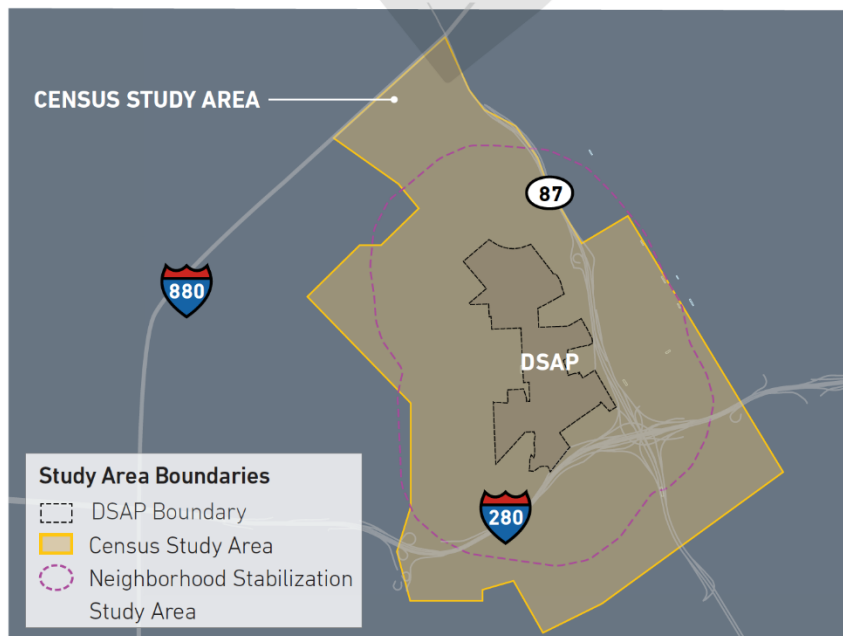
## 2.5 Affordable Housing

The Diridon Affordable Housing Implementation Plan (Affordable Housing Plan) summarized here characterizes the need for affordable housing in the Diridon Station Area (DSA) and surrounding communities, in light of the large-scale transit investments planned for Diridon Station, Google’s Downtown West Mixed-Use Plan, and other future development, which will transform the Diridon Station Area. These combined investments will enhance job and transit access to the region. They are likely to increase the value of properties in the area and attract new development and more residents, workers, and visitors. At the same time, it is important to ensure that existing residents – especially lower-income households – can also benefit from these investments.



In 2015, U.C. Berkeley and Working Partnerships USA published a case study on the Diridon Station area that documented uses over time and identified displacement of former residents as a key issue. This work illustrates the need to house residents at a variety of incomes as the Diridon Station Area grows. It also supports the City’s taking a holistic approach to consider not just incremental production of housing, but also complimentary strategies that protect existing renters and existing affordable homes in the area. While the Affordable Housing Plan does not reach back to document residents who used to live in this area, the City intends to

~~redocument~~document the history of these former residents in its future work.



As a comprehensive approach to housing growth in the Diridon area, the Affordable Housing Plan outlines potential strategies to **produce** new affordable housing units, **preserve** the affordability of the neighborhoods for lower-income residents, and **protect** vulnerable residents from displacement. It applies to the Diridon Station Area and surrounding neighborhoods within approximately one-half mile (the Neighborhood Stabilization Area) and is based on an analysis of demographic and housing data, the local policy context, and best practices from other cities and regions.

Note that development and implementation of these strategies will require a combination of non-City funding, legislative and judicial support, City Attorney review, City Council action, and the community's involvement. Implementation would be subject to these constraints.

## GOALS AND TARGETS ~~AND GOALS~~

### PRODUCTION

Build-out of ~~this~~the Amended Diridon Station Area Plan, including Google's (DSAP) and the Downtown West Mixed-Use Plan project, if approved, has the potential to add ~~between 10,619 and 13,519~~up to 12,900 new housing units in the ~~Plan area~~DSA by 2040.

Based on City Council direction, staff is recommending **a goal that 25 percent of all housing units in the Diridon Station Area be affordable to renters with a range of incomes from extremely low-income to moderate-income households**, ~~including Google's Downtown West~~

~~Mixed-Use Plan, at buildout of the land use plan (2040). While there are~~ The DSA is currently 141 units of income-restricted affordable housing (or 20%) in the Diridon Station Area as of 2019, the overall close to this goal is to achieve 25% affordability for the Diridon Station Area including existing units. Therefore, it is assumed that at least about 25% of future new housing production would need to be deed-restricted affordable units to maintain this share and achieve the affordability goal.

The Affordable Housing Plan envisions the production of new affordable units for households at a range of incomes, ~~from including~~ extremely low- to, very low-, low-, and moderate-income households. The new apartments ~~will~~ are intended to house the general public as well as formerly-homeless residents, families, seniors, residents with disabilities, and other populations. ~~Under the 25-percent goal, the number of affordable housing units to be added is estimated at between 2,655 and 3,380 units by 2040 in the Diridon Station Area.~~ In addition, this Affordable Housing Plan includes a **sub-goal that a minimum of 30 percent of new affordable units be for extremely low-income residents at or below 30 percent of area median income**, including those eligible for permanent supportive housing. ~~This sub-goal would result in 797 to 1,014 extremely low-income units created or preserved by 2040.~~ To the extent enough public subsidies were available, this target could be exceeded.

## **PRESERVATION**

In the area within a half-mile of the Diridon Station Area, or the Neighborhood Stabilization Area, about 15 percent of housing units (1,322 units) are deed-restricted affordable units that provide long-term affordability to lower-income residents. ~~In addition, there are another~~ Another 319 deed-restricted affordable units were in the pipeline as of mid-2020. ~~This~~ The Affordable Housing Plan establishes a goal to preserve the affordability of all existing affordable units, as well as forthcoming new deed-restricted units, ongoing ~~-- targeting no net loss of existing deed-restricted affordable units in the Neighborhood Stabilization Area through 2040 and beyond.~~

In addition, about 10 percent of existing housing units (840 out of 8,512 units) in the Neighborhood Stabilization Area ~~are in older multi-family buildings that~~ are regulated by the City's Apartment Rent Ordinance (ARO). The ARO provides tenants with protections by limiting rent increases to five percent annually, with other increases that may be awarded after a fair return petition process, and requiring defined "just causes" for evictions. It is estimated that approximately two-thirds of ARO units (560 out of 840 units) are occupied by ~~low~~ lower- and moderate-income households. ~~However,~~

Many of the units-multifamily buildings in the area are protected under the ARO and are unsubsidized, so lower- and moderate-income households may still face housing cost burdens. There are also older multifamily buildings and duplexes in the area that are not deed-restricted,

~~and therefore do not provide long-term affordability.~~ ARO-protected but offer relatively affordable rents. As the area develops, there will be increasing pressure to redevelop these properties, potentially displacing lower-income renters. Acquiring, rehabilitating, some of these units and converting ~~these units~~ them to deed-restricted homes is an important strategy for ensuring that the lower- and moderate-income tenants of multi-family/multifamily apartments in the neighborhood stabilization area can remain in place. ~~As many of these units occur in small buildings, doing this work will require intensive work.~~

~~The~~ therefore, the Affordable Housing Plan ~~establishes a goal~~ includes the strategy to develop a Preservation Pilot ~~program~~ program to acquire and rehabilitate existing duplexes and multi-family/multifamily units, and turn them into long-term, deed-restricted affordable homes that are affordable to lower- and possibly moderate-income households. It ~~ALSO~~ sets a goal to preserve 10% of duplexes and multi-family/multifamily units in the Neighborhood Stabilization Area most likely to go up for sale, ~~OR (530 units. The affordable housing plan also sets a goal).~~ As many of ~~no net loss of existing restricted affordable~~ these units occur in small buildings, achieving this target will require intensive work.

## PROTECTION

Lower-income renter households are more vulnerable to displacement than homeowners. It is estimated that there are approximately 3,900 low-income renter households in the Neighborhood Stabilization Area with an income below 80% of the area median income. ~~Lower-income households are far more likely to be Black/African American, Hispanic/Latinx, American Indian/Alaskan Native, and Native Hawaiian/Pacific Islander than the general San José population.<sup>1</sup> Many (AMI). While some of these renters live in deed-restricted or ARO units, many do not have inadequate~~adequate protections from excessive rent increases and evictions. ~~Anti-displacement policies, including enhanced renter protections, can help to reduce incidences of homelessness.~~

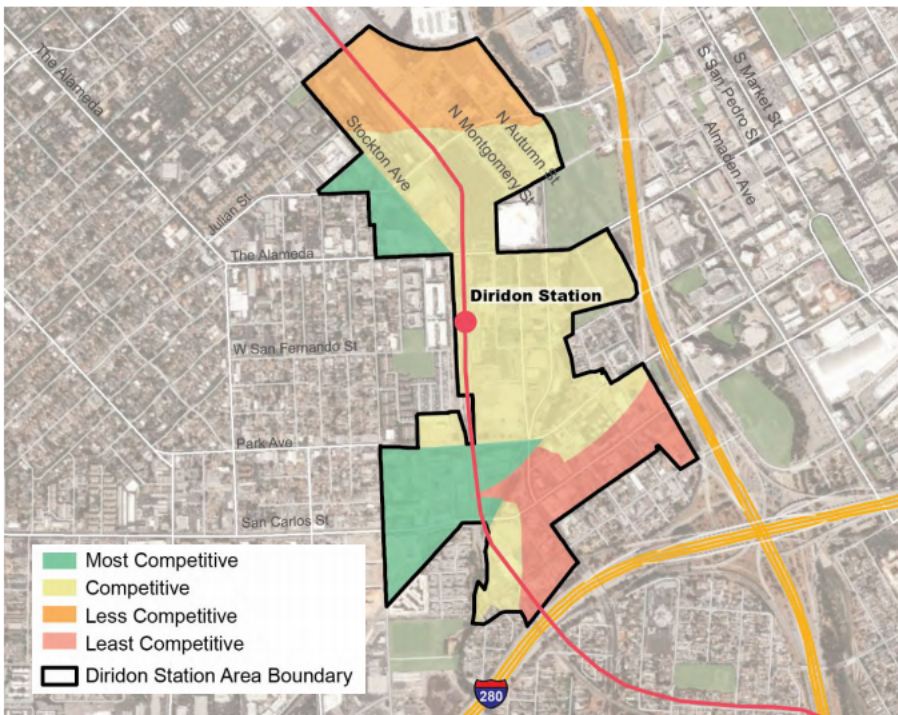
~~About~~ without just causes. For example, about 27 percent of renters live in single-family, duplex, or condo units, which have very weak tenant protections compared to multi-family/multifamily units protected under the City's Apartment Rent Ordinance ARO. The majority of renters who live in single-family homes and duplexes are not protected by existing local and State laws. Enhanced renter protections can help to reduce incidences of displacement and homelessness. It can also help advance racial equity, as lower-income households are far more

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<sup>1</sup>U.S. Census, American Community Survey 2014-2018 5-Year data for San José.

likely to be Black/African American, Hispanic/Latinx, American Indian/Alaskan Native, and Native Hawaiian/Pacific Islander than the general San José population.<sup>2</sup>

The Affordable Housing Plan aims to **maintain the number of low-income renters in the Neighborhood Stabilization Area** (approximately 3,900 households) to ensure that existing lower-income residents can stay in place and benefit from the new investments that will occur in the Diridon Station Area.



**Figure 2-5-1: Measure a: locational scoring competitiveness in Diridon Station Area (Diridon Affordable Housing Implementation Plan DRAFT, Nov 2020)**

<sup>2</sup> U.S. Census. American Community Survey 2014-2018 5-Year data for San José.





**Figure 2-5-1: Measure a: locational scoring competitiveness in Diridon Station Area (Diridon Affordable Housing Implementation Plan DRAFT, Nov 2020)**

## STRATEGIES

### PRODUCTION

The strategies around affordable housing production are listed below. The affordable housing production goal is focused primarily on construction within the [Diridon Station Area DSA](#). New affordable units will be provided through a variety of methods, such as inclusionary requirements for market-rate development projects and [stand-alone stand-alone](#) deed-restricted affordable projects subsidized by public, private, and philanthropic funders.

**1. Maximize competitiveness for State funding sources by prioritizing sites within a one-half mile walkshed of Diridon Station for affordable housing.** Affordable housing projects can apply for competitive funding sources, including the [state's State's](#) Affordable Housing [for and](#) Sustainable Communities program (AHSC), Transit-Oriented Development ~~(TOD)~~ Housing Program, [\(TOD\)](#), and Infill Infrastructure Grant Program (IIG), as well as the County's Measure A funds. Projects will be most competitive for these sources when located within a short walk – ideally within the one-half mile walkshed of Diridon Station. Therefore, to the extent possible, the sites within this walkshed should be prioritized for future affordable housing development projects.

**2. Partner with transit agencies and affordable housing developers to leverage Affordable Housing ~~for~~and Sustainable Communities grants for affordable housing developments near the Station.** Affordable housing proposals near Diridon Station are potentially most competitive for AHSC funds because of the potential to leverage GHG reductions associated with transit investments at Diridon, including Caltrain electrification and eventually ~~VTA's BART~~the VTA Bart Silicon Valley Phase II Extension Project-Phase II. There are also high-frequency bus routes and light rail stations in and near the Station area. First-last mile pedestrian and bike improvements may also ~~be leverageable.~~<sup>3</sup>qualify for AHSC funds<sup>4</sup> The City will continue coordination with VTA across the planned transportation and housing efforts to maximize competitiveness for transit-oriented development funding sources.

**3. Prioritize the use of Commercial Linkage Fee revenues generated in the Diridon Station Area for affordable housing projects within the Plan area.** The City Council approved a new Commercial Linkage Fee in September 2020. Depending on the amount of commercial space approved in the ~~Diridon Station Area~~DSA, this could produce tens of millions of dollars for affordable housing over the next two decades. Reinvesting fees generated through DSA development in the DSA will help align affordable housing development with job growth in both space and time.

**4. Update regulations to facilitate mass timber and other innovative and cost-effective construction technologies.** The introduction of cost-effective innovative technologies such as mass timber has the potential to greatly reduce the cost of housing construction, making mid-rise and high-rise development projects more financially feasible. The City of San José can put policies in place to facilitate the transition to new construction technologies by updating building codes and permitting processes. San José's building code would need to adopt new standards consistent with the Universal Building Code in order for mass timber to be implemented at a larger scale, especially for taller buildings.

**5. Implement park fee credit changes that support the Inclusionary Housing Ordinance.** The City discounts its park fees by 50 percent for deed-restricted housing units affordable at 80 percent of the area median income and below. The City Council also recently approved a time-limited reduction of up to 50 percent for deed-restricted moderate-income housing units (with rents for households at 81 to 100 percent of the area median income) to encourage the

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<sup>3</sup>Timing is key for AHSC applicants in that the transit improvement must be a near-term project in order to be incorporated. For example, the Caltrain electrification project is likely suitable for an AHSC application soon, while the BART extension, which will be substantially completed by 2028 (followed by testing), will take place too far in the future to be leverageable now.

<sup>4</sup> Timing is key for AHSC applicants in that the transit improvement must be a near-term project in order to be incorporated. For example, the Caltrain electrification project is likely suitable for an AHSC application soon, while the BART extension, which will be substantially completed by 2028 (followed by testing), will take place too far in the future to be leverageable now.

production of a broader cross-section of units.<sup>5[1]</sup> In addition, a proposed change to the fee on a per-square-foot basis rather than on a per-unit basis may improve the development feasibility of certain market-rate units. An evaluation and update of the park fee program is underway and should be complete by 2022.

**6. Support policies that increase the production of accessory dwelling units (ADUs) in the Diridon Station Area and surrounding neighborhoods.** Facilitating ADU construction is one way that the City can meet its goals to produce more moderate-income and middle-income housing. Building small ADUs in established residential neighborhoods is a straightforward and sensitive way to increase the housing supply while providing existing homeowners opportunities to supplement mortgage payments with rental income. The City has implemented reforms that facilitate accessory dwelling unit production, including easing multiple building requirements in conformance with new State laws<sup>6</sup> and offering pre-approved ADU designs through the ADU/Single-Family Master Plan Program.<sup>7</sup> The City should further explore ways to incentivize the creation of new deed-restricted ADUs, not just for single-family properties, but also for lots that currently contain duplexes or small ~~multi-family~~multifamily buildings.

**7. Explore ways to increase access to new affordable housing for residents with disabilities.** Living close to major transit is a necessity for many residents with physical disabilities. As the Diridon Station Area integrates housing at a range of affordability levels, the City should explore ways to ensure access to new affordable homes in this area for residents with disabilities. The City should incent or require ‘universal ~~design~~design’ for the affordable apartments it subsidizes. The City should also require that marketing plans for affordable apartments include outreach to people with disabilities, and should explore requiring or tracking that affordable, accessible apartments are occupied by people with disabilities.

**8. Design and implement State authorized City-approved local tenant preferences for affordable homes in the Diridon Station Area.** As part of its work on San José’s Citywide Residential Anti-Displacement Strategy, City staff are developing an Anti-Displacement Tenant Preference and Neighborhood Tenant Preference. Both preferences have the potential to help prevent local lower-income renters vulnerable to displacement from being forced to leave San José. Preferences give applicants to affordable apartments who meet the preference eligibility criteria priority over the ~~ability~~general public to ~~apply~~be considered for ~~set-aside~~a portion of

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<sup>5</sup>-Resolution 79913, <https://records.sanjoseca.gov/Resolutions/RES79913.pdf>.

[1] Resolution 79913, <https://records.sanjoseca.gov/Resolutions/RES79913.pdf>.

<sup>6</sup> In conformance with new state laws that took effect in 2020, San José eliminated minimum lot size requirements and design standards, increased maximum ADU building size, and relaxed parking replacement requirements for ADUs in garages. The full list of changes is located here: <https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/secondary-unit-ordinance-updates>

<sup>7</sup> Strategic Economics, “San José Moderate-Income Housing Analysis Appendix,” 2019; City of San José Planning, Building and Code Enforcement, “Pre-approved ADUs,” <https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/adu-permit-plan-review-process/adu-single-family-master-plan-program>

the affordable apartments that would otherwise be available to the general public. In this way, preferences may increase the likelihood of priority applicants getting into the housing they seek. The City should analyze and design its local preferences for City Council ~~and~~, State of California, and affordable housing financing approval so they are implemented on affordable units in the Diridon Station Area and Neighborhood Stabilization Area on a deal-by-deal basis.

**9. Approve a City subsidy per unit amount appropriate for the Diridon Station Area.**

Standalone affordable housing developments are likely to contain deeply-affordable units, including permanent supportive housing, in the Station Area. ~~Urban~~ Land costs and urban building forms appropriate for the Station Area are also likely to be more expensive than developments in lower-rise areas. For project feasibility, the City should acknowledge and preapprove higher affordable housing subsidy amounts per unit appropriate for the product to be built in this Area. The Affordable Housing Plan's analysis of recently built projects indicates that \$225,000 per unit is ~~an appropriate~~ the approximate amount of City subsidy ~~target~~ that may be required, assuming a development obtains no development funding from the County. Staff will conduct additional analysis on the appropriate subsidy level.

**PRESERVATION**

Preservation of ~~existing multifamily units would formalize~~ affordable homes will be realized through two primary methods: extending the length of affordability of older for existing restricted-affordable housing, and the Preservation Pilot Program. The Preservation Pilot Program is focused on the half-mile around the Diridon Station Area, a lower-density area, recognizing that the Station Area itself is planned for redevelopment with high-density housing. The strategies for housing preservation are listed below.

**1. Extend affordability restrictions on existing deed-restricted affordable housing.** City staff should do focused work to extend the length of affordability for existing restricted-affordable housing in both in the Diridon Station Area and the Neighborhood Stabilization Area. Units in the Diridon Station Area will count towards achieving the overall balance goal of 25% restricted affordable housing. This work will likely require the City to offer subsidies in exchange for lengthened affordability, especially for unsubsidized properties for the long term with restrictions resulting from the City's past Inclusionary Housing programs, or to subsidize or forego City loan repayments to support developments' financial restructuring and rehabilitation.

**2. Establish a Preservation Pilot Program.** The City does not have a history of ~~acquiring~~ funding the acquisition, rehabilitation, and ~~converting~~ conversion of privately-owned multifamily housing into deed-restricted affordable housing. ~~The~~ Therefore, the first step is to develop a Preservation Pilot Program specifically for the Neighborhood Stabilization Area, ~~which is a half-~~

~~mile area around the DSA. to preserve existing multifamily and duplex units and formalize the affordability of these older properties for the long term.~~ Considering that this selection process may ultimately depend on which property owners are motivated to sell, a screening process is needed to prioritize properties that could be good candidates for preservation. The program could screen properties based on the condition/quality, ~~adjacent development activity, or location.~~ location, or whether they are adjacent to development activity. This Pilot program would work in conjunction with the other preservation strategies, which are intended to streamline the property acquisition, affordability restriction implementation, property rehabilitation, and property maintenance aspects of the program.

~~The City goal is to preserve 10% of duplexes and multi-family units most likely to go up for sale, or 530 units. The Affordable Housing Plan also sets a goal of no net loss of existing restricted affordable permanent units, and no net loss of homeless shelter beds and interim housing units for the unhoused.~~

~~The Preservation Pilot program and achieving the goals set would require multifaceted strategies that streamline acquisition, affordability restriction implementation, property rehabilitation and property maintenance. These include:~~

**3. Conduct outreach to ~~non-profit~~ nonprofit and community-based organizations with capacity to conduct preservation activities.** The City could provide information to interested nonprofits to develop a base of qualified developers for preservation activities and begin to build the program. The City could also help make connections between emerging nonprofits and experienced developers that will joint venture and increase nonprofits' capacity.

**4. Identify funding sources for preservation.** Typically, preservation projects require a significant amount of subsidy from cities, because it is harder to qualify for Low-Income Housing Tax Credits and other funding sources focused on production. The City could potentially access its Measure E revenues to fund preservation projects.

**5. Identify funding sources and partners to build local organizations' capacity.** Preservation activities are often focused on particular neighborhoods and are driven by local residents' desire to improve conditions for their area. Local community-based and tenant organizations are natural candidates to do this challenging work that has limited profitability. San José lacks experienced community development corporations as many other cities have. Therefore, dedicated funding for ongoing capacity building and partner organizations to teach real estate development skills are needed to grow the capacity of existing local organizations that want to do preservation work in the Neighborhood Stabilization Area around Diridon.

**6. Implement complimentary policies that support preservation activity.** Right of first refusal policies (such as Tenant Opportunity to Purchase and Community Opportunity to Purchase acts) elevate the position of lower-income tenants interested in communal ownership models and ~~non-profit~~ nonprofit housing entities: who are motivated to help keep housing stable and affordable over the long-run. Development of asset building and homeownership strategies, as part of these programs or in addition, could also involve community land trusts active in this geographic area. The City should continue its support of land trust formation. The City could also identify ~~candidate~~ candidate buildings for acquisition ~~and~~ rehabilitation based on the property conditions and the financial capacity of the property owner to make improvements. This could entail bringing problematic buildings with multiple tenant complaints and/or tax delinquencies under public or ~~non-profit~~ nonprofit stewardship.

## PROTECTION

The Affordable Housing Plan's protection strategies incorporate many of the elements from the recently approved Citywide Residential Anti-Displacement Strategy, in addition to other implementation actions that are specific to the needs of residents in the Diridon Station Area and surrounding neighborhoods in the Neighborhood Stabilization Area.

Because the majority of the tenant protection strategies would be implemented Citywide, it is not possible to quantify the costs associated with implementing these strategies specifically at the Neighborhood Stabilization Area scale.

**1. Establish a Housing Collaborative Court to provide legal support for tenants facing eviction.** Many households in the Diridon Station Neighborhood Stabilization Area are vulnerable to eviction, and this will be exacerbated after the expiration of the temporary COVID-19 moratorium. The Citywide Residential Anti-Displacement Strategy recommends coordinating with the Santa Clara County Courts and the State to establish a Housing Collaborative Court and partially fund the costs for legal services for evictions during COVID-19. If this strategy is successful, the City could explore a longer-term arrangement together with the County to continue providing funding for legal services to increase tenant representation and help prevent evictions. The cost of implementation is not yet determined, but this strategy would be applicable to the entire City. Until this model is established, the City should devote additional funding for legal support to prevent local tenants against evictions.

**2. Create a "satellite office" in the Plan area DSA to provide education resources to tenants and landlords.** The City of San José currently provides support for tenant and landlord education of their rights under the Apartment Rent Ordinance (ARO), Tenant Protection Ordinance (TPO), and Ellis Act Ordinance through its Rent Stabilization Program ~~(RSP)~~. The City also has local enforcement tools so that tenants who have experienced violations to these laws

can submit a petition to the ~~City's~~ Rent Stabilization Program for an administrative hearing. Establishing a satellite office in the ~~Diridon Station Area~~ DSA would improve residents' access to services, so that they can understand their rights under existing local and ~~state~~ State laws, and potentially reduce unlawful evictions and rent increases. ~~Having~~ In addition to a physical office space to use could also make it easier for, the City staff ~~and could consider~~ other ways to increase access to tenant and landlord education, such as digital tools, pop-up or mobile sites, and partnerships with community-based organizations ~~to give "Know Your Rights" trainings to residents and property owners pertaining to City ordinances and other laws.~~

**3. Consider options for enforcing the Tenant Protection Act of 2019 (AB 1482).**<sup>8</sup> AB 1482, signed into law in 2020, prevents rent-gouging and requires just causes for eviction. AB 1482 covers many homes in the ~~Diridon Station Area and surrounding neighborhoods~~ Neighborhood Stabilization Area, but the only enforcement mechanism is suing under State Law. The Council-approved Citywide Residential Anti-Displacement Strategy recommends the City to sponsor State legislation for local education and enforcement to help increase understanding and compliance with AB 1482 as well as the City's ordinances.

**4. Expand San ~~José's~~ José's existing Tenant Protection Ordinance (TPO) to include all rental units (including ~~duplex~~ duplexes, single-family homes, and ~~rented~~ condo/townhome rental units).** The TPO in its present form only protects renters in buildings with three or more units. Expanding the TPO to units in these other types of buildings would provide just cause eviction protections and relocation assistance for an additional 2,318 renter households, who comprise 27 percent of renter households in the Neighborhood Stabilization Area.

**5. Expand San ~~José's~~ José's existing Apartment Rent Ordinance (ARO) to include ~~duplexes~~ renter-occupied duplex units.** The ARO, which limits rent increases for existing leases to 5 percent annually, ~~(unless a petition allows a greater increase)~~, only protects buildings occupied in 1979 or earlier with three units or more. There are currently 422 renter households in duplexes that were built in this timeframe, 380 of which are in investor-owned duplexes. Expanding the ARO to protect renters in either all older duplexes, or just investor-owned duplexes, would increase the share of renters in the Neighborhood Stabilization Area covered by the ARO from just 10 percent to 14 percent.

**6. Explore applicability of a Certificate of Preference program.** In addition to implementing all approved tenant preferences in new and preserved units, ~~the~~ City staff should explore whether a Certificate of Preference program could be established in the Diridon area. It is possible that this type of program could allow current, and perhaps past, residents who lived in this area and were displaced due to the Station development to receive enhanced preferences to rent

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<sup>8</sup> AB 1482 (Chiu, 2019). [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB1482](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1482)

affordable units, or to buy a home using a City program. These types of programs have benefitted residents displaced by federal redevelopment programs in the 1950s and 1960s, but it is possible they could be supported by remaining State redevelopment law or federal law under certain circumstances.



