

**Fw: CC Agenda 2/23/21 10.2 Amendment to the San José Citywide Design Standards and Guidelines. - Do Not Apply to Evergreen's Extremely Large Sites**

City Clerk <city.clerk@sanjoseca.gov>

Tue 2/16/2021 5:33 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

**From:** Robert Reese [REDACTED]

**Sent:** Tuesday, February 16, 2021 4:55 PM

**To:** Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Perez, Raul <Raul.Perez@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Kline, Kelly <Kelly.Kline@sanjoseca.gov>; Devalcourt, Joel <Joel.Devalcourt@sanjoseca.gov>; Gomez, David <David.Gomez@sanjoseca.gov>; Chapman, Helen <helen.chapman@sanjoseca.gov>; Ramirez, Lucas <lucas.ramirez@sanjoseca.gov>; david.tran@sanjoseca.gov <david.tran@sanjoseca.gov>; Brown, Stacey <Stacey.Brown@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Groen, Mary Anne <maryanne.groen@sanjoseca.gov>; Kaspar, Nick <Nick.Kaspar@sanjoseca.gov>; McGarrity, Patrick <Patrick.McGarrity@sanjoseca.gov>; Hughes, Scott <scott.hughes@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

**Subject:** CC Agenda 2/23/21 10.2 Amendment to the San José Citywide Design Standards and Guidelines. - Do Not Apply to Evergreen's Extremely Large Sites

[External Email]

Greetings San Jose Mayor Sam Liccardo and Councilmembers!

I respectfully request that the Draft to the Citywide Design Standards and Guidelines be amended as follows:

***The following sites are excluded from the Citywide Standards and Design Guidelines:***

***Evergreen Industrial Campus - 368 acres (photo below Measure B site in center)***

***Evergreen Valley College - 27 acres of Neighborhood Community Commercial General Plan Designation***

***Pleasant Hills Golf Course - 114 acres***

***Eastridge - 103 acres***

***Reid Hillview Airport - 180 acres***

Evergreen has extremely large vacant and underdeveloped sites for new development, redevelopment and repurposing. Due to either their sizes, unique rural environmental and hillside settings, relationships to unobstructed hillside views, adjacency to large parks and/or enhanced transit mobility they are not suitable for inclusion in the Citywide Design Guidelines given the constraints of the Guidelines' focus on design for considerably smaller parcels in more straightforward settings and circumstances.

Given the densities built into Envision 2040 and future land use changes Evergreen's extremely large sites hold the potential for a massive extent of new development at considerably greater densities than the sites' existing neighborhood settings. These land use changes, new development and density greatly concern residents and they are interested in knowing when they will be effectively engaged by the City so that their voices are heard. Folks are concerned about new development when already there are issues with SJPd response times, lack of SJPd presence in the neighborhoods and traffic. Different neighborhood groups have different opinions on the closure of Reid Hillview. In many instances the City's interest in facilitating community engagement lags behind the community's desire to be included and engaged in discussion over future plans for their community.

The mandatory Citywide Design Guidelines are a planning tool which is related to Form Based Zoning. San Jose has learned the hard way that Form Based Zoning has resulted in mediocre developments and proposals lacking significant community benefits in East San Jose which moved through the City approval process with diminished opportunities for community engagement and unacceptably low levels of community benefits.

The Guidelines will diminish the opportunities for true collaboration amongst the stakeholders by having to rely on predetermined outcomes required by the mandatory Guidelines. This would be at odds with real community engagement and thoughtful design solutions unique to these extremely large sites and their settings. The Google site and the Urban Villages thus far approved were not subject to the limitations of the mandatory Guidelines the City now seeks to impose on Evergreen's extremely large sites.

It would be misleading to both San Jose residents and the development community to cause them to believe that the Citywide Design Guidelines are the mandatory "Manual" by which development will be analyzed by Planning for these extremely large sites. In fact the sizes, unique rural environmental and hillside settings, relationships to unobstructed hillside views, adjacency to really large parks and/or enhanced transit mobility will by their very nature necessitate that the best design will evolve through more robust community

engagement amongst the stakeholders with the consideration of meaningful levels of community benefits when the land use changes happen.

Some of Evergreen's Urban Village sites are considerably smaller than these extremely large sites and yet are afforded the potential opportunity for unique design solutions to emerge outside of the Guidelines by convening Urban Village Advisory Groups through the Urban Village planning process which is an opportunity not being afforded these extremely large sites.

None of these extremely large sites have residential land use designations which would require the objective standards mandated by State law to be applied to them which the Guidelines endeavor to codify for residential properties.

The 368 acres in the Evergreen Industrial Campus on upper Yerba Buena Road include 200 acres which were the subject of the fake senior and veterans affordable housing pitched to San Jose residents in the failed Measure B the Evergreen Initiative in 2018. Is this site larger than the Google site? This is a truly amazing and unique rural environmental and hillside site with a relationship to unobstructed hillside views which is perhaps slated for mid-rise buildings in some kind of industrial or office use at 10,000 employee job capacity in the 2040 General Plan. The mandatory Guidelines require that mid-rise buildings run parallel to the street frontage with 75% of the 4 to 8 story buildings being within 5 feet of the setback. Running this monolithic height of the buildings parallel to the street across 75% of the site to within 5 feet of the setback annihilates the ability to maintain the views of the hillsides and will significantly impact the relationship of hillside open space to the adjacent single family residential neighborhoods. The Guidelines specifically prescribe the extent of allowable hillside grading. The allowable hillside grading is better evaluated in the context of the tradeoffs of the overall design and community benefits which emerge from robust community engagement for this extremely large parcel than through the prescriptive Guidelines.

The stakeholders involved with the design of the new development of the 27 acres at Evergreen Valley College had established effective working relationships and were making significant strides to great design solutions until the SJECCD and Republic had a difference of opinion on the terms of their land deal. This great design process was made possible by the Council's Motion during the General Plan Amendment from PQP to Neighborhood Community Commercial which required a 'master planning process with significant community engagement' along with the able assist of Councilmember Arenas and PBCE Director Hughey. The requirement that this site be subject to the Guidelines holds the potential to upend and slow down the good collaborative work that has been accomplished thus far and undermine the intent of the Council Motion for 'master planning with significant community engagement' for the site. Last week community members were invited by the SJECCD and participated in an EIR Scoping Zoom for the entire 159 Evergreen Valley College site based on its Educational and Facilities Master Plans. The Trustees are having a retreat in April regarding planning for the Evergreen Valley College 27 acres and their Eastside Initiative to which the community has been invited to participate. Our community engagement progress should be allowed to continue and not potentially inhibited by imposing the mandatory Guidelines on the 27 acres and taking us back to square one with when the new development application is filed under new City requirements which do not reflect the understandings the SJECCD and the community have thus far achieved.

The 114 acre Pleasant Hills Golf Course is located is located at Tully and White Roads and across White Road from the 203 acre Lake Cunningham Park and shares significant boundaries with single family residences. While the site is within the unincorporated area of the County of Santa Clara, the Local Agency Formation Commission considers it to be eligible for the City of San Jose to annex through a streamlined process since the site is less than 150 acres. During the General Plan Task Force process last Fall in consideration of the Evergreen East Hills Development Policy the County referenced the site's proximity to VTA's Eastridge to BART Regional Connector and noted this transit mobility attribute suggests potential residential development of the Pleasant Hills Golf Course given the enhanced mobility options.

The 293 acres in Eastridge and Reid Hillview Airport are at the center of the enhanced mobility options afforded Northwest Evergreen through VTA's Eastridge to BART and their redevelopment and repurposing would bring such phenomenal change and dense development to the area it is just not at all reasonable and prudent to include these areas in the mandatory Citywide Design Guidelines since they are a planning tool related to Form Based Zoning which unfortunately is revealing itself to have had such negative consequences for East San Jose on design, community engagement and community benefits.

The Pleasant Hills Golf Course could develop in residential uses considerably more quickly than Eastridge and Reid Hillview.

Please be aware that this Update to the Citywide Design Guidelines is occurring in the context of the Planning recommendation to the General Plan Task Force that the Evergreen East Hills Development Policy be closed. The GPTF recommendation was to maintain the EEHDP and swap out the old Level of Service metric for the VMT metric. The GPTF Motion also included additional Community Outreach prior to the GPTF work on EEHDP going to Council. The date for the Community Outreach has not yet been established. Community members over 1 year ago requested Planning to consider a focused stakeholder task force to specifically analyze the future of the EEHDP on an in depth basis and thus far Planning has not revealed why they did respond to or address the request.

I urge you to take the actions I have suggested. There is little downside in doing so and considerable upside in building early community engagement and confidence around the future land use planning, density and design of these extremely large sites in Evergreen without imposing the limitations of the mandatory Guidelines with their predetermined design outcomes.

Thank you for your time!

Best!

Robert Reese



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**David Baker Architects**  
dbarchitect.com

461 Second Street Loft c127  
San Francisco, CA 94107

# MEMORANDUM

2021-01-27

FROM: Pedram Farashbandi, AIA  
TO: City of San Jose Planning Commission  
200 East Santa Clara Street, San Jose, CA 95113  
RE: Questions and Comments on Proposed Citywide Design Standards and Guidelines Final Draft

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To the Planning Commission,

Thank you for providing an opportunity for David Baker Architects to share feedback on the proposed Citywide Design Standards and Guidelines (CDSG) Final Draft. Generally, we are pleased with the latest draft of the document. However, we've highlighted a few sections which require further clarification and/or adjustment in order to align with constructibility and addressing the critical need for more housing in the City of San Jose.

## 2.2.3 Services and Utilities Access and Location

- For S2, clarify that this requirement to cover the structure only applies when solid waste collection takes place *outside* of the building envelope. Solid waste collection could take place with trash chutes and an internal trash room.

**S2.** Provide a covered area for *solid waste* collection located outside the building envelope (see Fig. 2.10).

## 3.3.7 Materials and Color

- A short building (4-5 stories) does not necessarily need a break in material in the vertical direction. Consider changing this control to only apply to buildings above five stories.

**S4.** For buildings taller than three stories, do not provide unbroken multi-story sections of the same material, texture, or color for more than 150 feet of *façade* length and more than two-thirds of the number of floors in height.

## 4.1.1 Commercial and Industrial Frontages

- S5 requires ground floor commercial tenant spaces to be “at least 45 feet deep for a minimum of 50 percent of a primary street building facade.” Retail viability is related to *frontage length rather than depth*. And, smaller tenant spaces with inherently lower rent fees can be more inviting to local small businesses. Separately, consider relating this standard to the size of the lot. On a small site, 45 feet

deep may be impractical, consider relating this control to the size of the lot, with a minimum depth of 20 feet.

**S5.** All ground floor commercial tenant spaces must be at least 45 feet deep for a minimum of 50 percent of *primary street* building *façades*, and at least 25 feet deep for a minimum of 50 percent of *secondary street façades*.

- S6 requires a minimum 16 ft floor-to-ceiling height. High-rise code requirements (and added expense and complication) kick in once the top of the highest occupied floor exceeds 75'. If the height of the first level finished floor to ceiling is 16' you would still have to add at least 6" above to get to the top of the second floor. In a typical wood-framed project, it takes a lot of rigor to bring floor-to-floor heights below 10' so the top of your eighth level could *not* start below the 75' threshold - and you'd be forced to lose the eighth level of housing.

DBA recommends a 14'-6" maximum level 1 floor-to-*floor* height to achieve a functional commercial ground floor and allow for maximum housing above.

Also, ground floor heights are being controlled both here and in the proposed new Mixed Use Zoning classes. Please clarify which document takes precedence.

**S6.** Provide a minimum of 16-foot floor-to ceiling height for ground floor *building frontages* along *primary streets* and *public open spaces* for developments located within Urban Village boundaries and 14 feet for developments outside Urban Village boundaries (*see Fig 4.4*).

#### 4.1.2 Residential Frontages

- For S2, provide an exception for sloping sites.

**S2.** The *finished floor level* of ground floor residential units must be within four vertical feet of the closest sidewalk (*see Fig. 4.7*).

- For S4, consider increasing the limit of sub-grade podium garages to be 5 feet rather than 4 feet. Each additional foot of excavation adds significant costs to a project.

S4. Partially sub-grade podium garages along streets and pedestrian walkways must:

- Not extend more than four feet above grade.

#### 4.2.2 Common and Private Open Space Design

- S2 and S3 require particularly large common open spaces, which will be very difficult to achieve on most sites. Consider the following:
  - Reduce the dimension requirements, especially as common open space size will be driven by the per unit requirements in the zoning code.
  - Provide an exception and/or reduction in dimensions where a common open space need is fulfilled by creating more than one area in a building.
  - Provide an exception and/or reduction for a corner lot. If the intent of this control is to provide ample light and air to open spaces, the specified dimensions should be measured from building face to building face.

S2. When at least one of the buildings fronting the *common open space* is four to eight stories tall, one of its dimensions must be equal to or greater than the height of the tallest building and the other dimension must be 50 percent or more of the height of the tallest building (see Fig. 4.17 and 4.18).

S3. When at least one of the buildings fronting the *common open space* is more than eight stories tall, one of its dimensions must be 80 feet or more and the other dimension must be 50 percent or more of the height of the tallest building (see Fig. 4.18).

Sincerely,

**Pedram Farashbandi, AIA**  
Principal



**BERG & BERG ENTERPRISES, INC.**

*10050 Bandley Drive  
Cupertino, CA 95014-2188  
Ph (408) 725-0700 Fax 408-703-2035  
[mcrawford@bergvc.com](mailto:mcrawford@bergvc.com)*

2/22/21

**Mayor Sam Liccardo & Council Members**

**City of San Jose**

**200 East Santa Clara Street,**

**San Jose, CA 95110**

**Ph 408-535-4800 Fax 408-297-6422**

[mayoremail@sanjoseca.gov](mailto:mayoremail@sanjoseca.gov); [District1@sanjoseca.gov](mailto:District1@sanjoseca.gov); [District2@sanjoseca.gov](mailto:District2@sanjoseca.gov); [District3@sanjoseca.gov](mailto:District3@sanjoseca.gov);  
[District4@sanjoseca.gov](mailto:District4@sanjoseca.gov); [District5@sanjoseca.gov](mailto:District5@sanjoseca.gov); [district6@sanjoseca.gov](mailto:district6@sanjoseca.gov); [District7@sanjoseca.gov](mailto:District7@sanjoseca.gov);  
[district8@sanjoseca.gov](mailto:district8@sanjoseca.gov); [District9@sanjoseca.gov](mailto:District9@sanjoseca.gov); [District10@sanjoseca.gov](mailto:District10@sanjoseca.gov);  
[webmaster.manager@sanjoseca.gov](mailto:webmaster.manager@sanjoseca.gov); [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)

**Dear Council Members & Mayor,**

**Reference: Council Agenda 2/23/21**

**Item 10.2 Design Standards and Guidelines**

**APN 659-02-010, 660-33-001, 002, 011, 013, 014, 020, 025, 026, 027, 029, 030 & 010**

**Subject: Do Not Approve**

**We object to the Design Standards and Guideline being applied to the above APNs as we were not advised previously of their existence and proposed implementation. The guidelines should remain as they currently exist, Commercial 1990, Industrial 1992 and Residential 1997.**

**Thank you,**

**Myron Crawford**

**Cc:**

**[timothy.rood@sanjoseca.gov](mailto:timothy.rood@sanjoseca.gov)**