

## 3. Land Use

### Introduction

The Land Use Chapter describes how the Berryessa BART Urban Village Plan accommodates the housing and job capacities assigned in the General Plan. The Plan organizes housing and employment growth to support the vision for the Urban Village as a thriving mixed-use, walkable, and transit-oriented community anchored by the Berryessa/North San José BART station. The station will be the catalyst to transform the area into a hub of employment and housing growth with regional significance. The organization of land uses considers the presence of existing neighborhoods, commercial development, and open spaces around the planning area. The land use chapter also provides Goals and Policies for the planned growth consistent with the vision for the Urban Village Plan.

### Planned Growth and Objectives

Consistent with General Plan Implementation Policy IP-5.1, the Berryessa BART Urban Village identifies the locations and intensities of the jobs and housing capacities established in the General Plan for this area. Appendix 5 of the Envision San Jose 2040 General Plan calls for 22,100 jobs and 6,516 housing units within the boundaries of the Urban Village. Using the General Plan's assumption of one job for every 300 square feet, 22,100 jobs represent approximately 6,630,000 million square feet (MSF) of commercial development.

The City used a test-fit analysis to accommodate the jobs and housing capacities in the Urban Village planning area. The analysis was necessary considering the limited opportunities to fit new development within the Urban Village boundary as well as the need to preserve existing neighborhoods, as expressed in the community workshops. A key outcome of the analysis was that the planned growth set in the General Plan would have an urban form that is incompatible with the existing urban fabric, with very tall buildings overwhelming the existing single-family residential neighborhoods. As a result, the City adjusted the planned growth as described below.

### Employment Growth

The Berryessa/North San José BART station is located in the center of the planning area and will foster strong employment growth. The BART system provides regional transit infrastructure and connects the station in Berryessa with the North San José employment hub and other job centers in the Bay Area.

The Urban Village had a planned employment capacity of 22,100 new jobs equivalent to approximately 6,630,000 MSF of commercial development. Based on the recommendations of the test-fit analysis, the employment capacity was reduced to 14,000 new jobs equivalent to approximately 4,200,000 MSF. This capacity would result in mid-rise commercial buildings with lower heights that are more compatible with the surrounding neighborhoods. The reduction in planned employment capacity represents

approximately 2,280,000 MSF of commercial uses less than the original amount in the General Plan, which was reallocated to other General Plan growth areas in San Jose with the approval of this Village Plan by the City Council.

### Housing Growth

Appendix 5 of the Envision San Jose 2040 General Plan provides that the Berryessa BART Urban Village has a planned capacity of 6,561 housing units. From that capacity, 1,416 units are already entitled or built and the balance of 5,100 units are available for entitlement in new projects. The Plan allocates the remaining 5,100 units in different sites available for development within the planning area. A total of 5,100 new units in the Plan is significant and will help the City achieve its goal of building or entitling 25,000 new units, 10,000 of them affordable by 2022. This number of new units also supports a robust real estate market demand for housing in San Jose, as well as the projected residential densities desired to support BART ridership adequately.

### Districts

The urban fabric of the Berryessa BART Urban Village has limited areas for new development, with neighborhoods recently developed covering most of the land area within the urban village boundary. During the community workshops, residents expressed a strong desire to preserve existing neighborhoods and the need to concentrate growth on available sites. This Plan allocates such growth to those limited areas, identified as four distinct opportunity sites called *Districts*. The four Districts are large enough and have sufficient redevelopment opportunities to accommodate all of the planned job and housing capacities within this Urban Village Plan. The Districts are called: the Facchino District, the Flea Market South District, the East District, and the Berryessa & Lundy District (See Figure 3-1). The Plan distributes jobs and housing capacities based on each District's land size, urban context, and development potential. The planned capacities for each District are based on the test-fit analysis and development is anticipated to be generally consistent with the planned capacities for the districts.

The Districts referred to in this land-use chapter have no relationship to zoning districts. The Berryessa BART Urban Village introduces the notion of Districts as land-use planning approach to better accommodate growth and shape each opportunity site with a unique urban design. Each District has specific site planning challenges and development opportunities. Also, features such as existing roads, the BART tracks, or the natural boundaries of the riparian corridors separate and define each District. All existing neighborhoods will be preserved in the planning area, and the opportunities for new development within each District are large enough to accommodate the planned growth. The notion of Districts is, therefore, a useful planning strategy to help visualize future development and to allocate housing and job capacities,

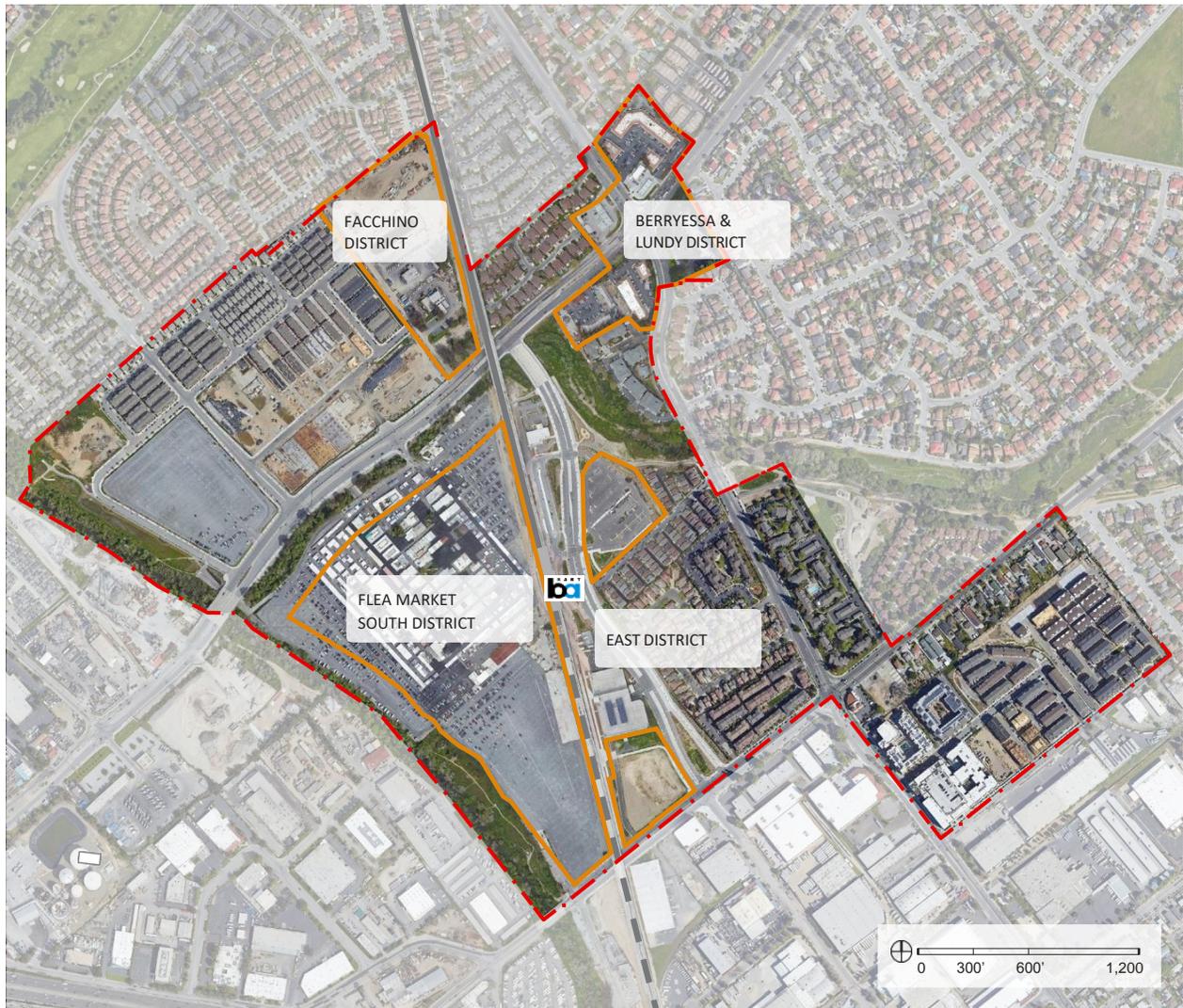


Figure 3-1: Districts

### Facchino District

The Facchino District is located in the northern portion of the Urban Village, bounded by an existing single-family residential neighborhood to the north and west, BART tracks to the east, Berryessa Road to the south, and medium-density residential to the west along Berryessa Road. Development in this District is envisioned with a mix of commercial and residential uses. Townhomes will serve as a transition buffer with the existing single-family residential areas to the north and west. Mid-rise multifamily residential will step up gradually towards Berryessa Road and to the BART tracks.

The location of the planned residential uses in the District provides privacy and compatibility with the existing residential areas, allowing the concentration of commercial uses along Berryessa Road, where it

is most suitable for employment and commercial activity. A planned neighborhood park is envisioned in the northeast portion of the District, which would help to buffer and serve as a transition area between single-family homes and the medium-density residential development. The park would be public and serve both existing and future residents. The planned capacity for the Facchino District is approximately 340,000 square feet of commercial uses and 820 dwelling units.

### Flea Market South District

The Flea Market South District is bounded by Penitencia Creek and Berryessa Road to the north, the BART tracks and station to the east, Mabury Road to the south, and Coyote Creek to the west. The existing San José Flea Market site and associated parking areas occupy most of this District's area, excluding the land covered by the Coyote and Penitencia open space corridors. The Flea Market site has direct access to the Berryessa/North San José BART station with two entrances north and south of the station. On a land area basis, the Flea Market South District is the largest in the Berryessa BART Urban Village and has the potential to accommodate most of the housing and job capacities. Therefore, the Flea Market South District's target capacities are ~~up to~~ 3,000 dwelling units and ~~up to~~ 3.0 million square feet (MSF) of commercial development; however greater development capacities could be supported.

The Plan allocates an equal distribution of commercial and residential land to provide a fair jobs-housing balance and adequately fit the capacities of this District. The land designated for residential is located on the northwestern portion of the District fronting the Coyote and Penitencia Creeks, nearby but not directly adjacent to the BART tracks. This location allows residential development to enjoy vistas along the open space corridors and maintain privacy. The land designated as commercial is planned along the BART tracks. Commercial development on this land will benefit the most from its proximity to the BART station as there is a direct correlation between high-transit ridership and the proximity to employment opportunities.

### East District

The East District is located east of the BART station on the opposite side of the Flea Market site. The main entrance to the station and all BART facilities, including parking, are in this District. The East District has only two sites currently available for development. The northern site is located east of the BART station, and it is bounded by Penitencia Creek to the north, the existing single-family residential neighborhoods to the east and south, and Station Way to the west. The BART station utilizes this site for surface parking, however, it is anticipated that it will be redeveloped in the future. The southern site is located along Mabury Road, and the BART parking garage bounds it to the north, Station Way to the east, Mabury Road to the south, and BART tracks to the west. The planned capacities for the East District are approximately 710,000 square feet of commercial development and 570 dwelling units, distributed between the two sites.

The East District is generally envisioned to be developed with the southern site facing Maybury Road as commercial, and the northern site as residential. Based on land size, a commercial project on the southern

site can fit the full commercial capacity of 710,000 square feet, while the northern site can fit the full residential capacity of 570 units, consistent with the desired urban form for this District. However, each site could also accommodate a share of the commercial and residential capacities for this District, using a vertical or horizontal mixed-use development approach.

Of all the four Districts in the Berryessa BART Urban Village, the East District is the only one developed with roads and infrastructure completed as part of the recent construction of the BART station. The City anticipates that most of the areas in this District will remain unchanged; however, the existing parking structure serving the BART station could be repurposed in the future as other modes of mobility can support transit ridership. In the eventuality that this parking structure or other transit facilities are no longer necessary, the City could consider additional redevelopment opportunities in this area for high-density commercial or residential uses. At that point, the City will study additional jobs and housing capacities for this District.

### Berryessa & Lundy District

The Berryessa & Lundy District is located in the northeast section of the Urban Village at the intersection of Berryessa Road and Lundy Avenue. The District is bounded by Penitencia Creek to the west and bordered by existing single-family homes on the other three sides. The recommended capacities for this District are approximately 130,000 square feet of commercial and 710 dwelling units, generally distributed on the four corner areas of the intersection, based on each area's total land size. Medium-density residential or mid-rise commercial development is generally envisioned in this District. Projects can be developed as vertical mixed-use, with residential uses on top of neighborhood-serving commercial on the ground-floor, or, where larger sites allow, projects can be developed as horizontal mixed-use. This District also offers the possibility to have 100% commercial projects.

### Land Use Policy Overview

The primary objective of the Berryessa BART Urban Village land use policy is to support mixed-use development capable of fostering a robust sense of community typical of a regional transit Urban Village. Residential development is envisioned as medium-to-high density housing projects. Commercial development is envisioned for small-to-large commercial land uses such as office, retail, service, restaurants, and entertainment that can serve the new community of the Urban Village or beyond. In terms of employment, the Plan envisions commercial uses that can provide opportunities for local as well as regional jobs. Development projects with office or research and development (R&D) space for high-tech or biotech jobs often require large floor plates and meet the jobs density envisioned for the Plan (1/300 square feet). These uses can greatly benefit from and support mass transit such as BART because of their characteristically high employment density. In general, the Plan also supports the development of professional offices and a mix of service and institutional uses that can generate multiple jobs locally.

This Plan does not support land uses that are auto-oriented and have the potential to generate significant traffic (see General Plan Policy LU-1.7 and Policy LU-1.8). These uses create a direct conflict with the pedestrian-oriented character of the Urban Village and do not support transit ridership. Existing auto-oriented uses such as gas stations may continue their operations; however, they are considered temporary uses to be replaced over time by more pedestrian and transit-supportive uses. Additionally, most heavy and light industrial uses are prohibited within the Urban Village boundary. The exception is research and development (R&D) uses that support the employment capacity of the Plan. Industrial uses attracted to the BART station's synergies and the Urban Village community shall be considered outside the Urban Village boundary, south of Mabury Road and west of Coyote Creek.

### Interim Uses

The City anticipates interim land uses that could occur prior to the development of commercial projects that fully support the employment capacity envisioned in this Plan. Interim uses provide economical use of commercial land in the short-term until the market can support the envisioned land uses. For this Village Plan, *interim uses* are defined as: "Lower-intensity commercial uses that do not require new construction of structures on permanent foundations or new public infrastructure, and therefore can be redeveloped to support the construction of commercial buildings that meet the employment capacity and commercial FARs envisioned in the Village Plan." Because Interim land uses do not involve the construction of permanent buildings, commercial FARs are not applicable (see Policy LU-2.3). Interim land uses can be distinguished in the Plan as *new interim uses* or *existing interim uses*.

~~Examples of new interim land uses that could be allowed include~~ Land uses such as Urban Market, public markets, farmer's markets, swap-meets, seasonal sales such as for Halloween or Christmas, temporary entertainment, or civic, educational, and other types of placemaking uses are allowed as permanent uses in the designated open space or placemaking areas identified in the BBUV open space chapter. These land uses are not planned in the commercially designated areas of the Plan and therefore do not count towards the FAR requirements of any District, unless they are planned as formal retail uses to occupy ground-floor areas (see Policy LU-2.4). The potential relocation of the existing San Jose Flea Market as a new interim use on commercial land for the Flea Market South District is supported by this plan, however this Plan also supports the Flea Market operating as a permanent placemaking use in the BART plaza and central open space areas identified in the BBUV open space chapter (See Policy LU-2.6).

Examples of *existing* interim uses include the current Flea Market operation and associated surface parking areas, as well the existing surface parking for BART in the East District. ~~The potential relocation of the existing San Jose Flea Market as a new interim use on commercial land for that District is highly desirable (See Policy LU-2.6).~~ Other examples of *existing* interim uses include auto-oriented commercial uses in the four areas of the Berryessa and Lundy intersection. These areas are envisioned for redevelopment with projects that meet the planned capacities for this District. The Plan prohibits surface parking in general, unless it is proposed as a *new interim use* associated with certain land uses (See Policy LU-2.4 and Policy LU-2.7)

## Land Use Designations

As previously discussed, growth in the Berryessa BART Urban Village Plan is organized into four Districts or opportunity areas to concentrate new development in specific areas and preserve existing neighborhoods. The proposed land-use plan and the corresponding land use designations support a distinct identity and urban form in each District. At the same time, they also ensure consistency and compatibility with existing residential areas. Commercial land use designations will foster new employment opportunities near the BART station, while residential land use designations will support the development of compact, walkable, and mixed-use housing projects that will benefit from proximity to the BART station as well as employment opportunities within the urban village area. All envisioned commercial and residential land use designations would support transit ridership overall.

The proposed land use designations in this Plan come from the designations recommended in the 2040 General Plan for Urban Village plans. The *Land Use Plan* in Figure 3-2 shows the distribution of land use designations within the Berryessa BART Urban Village planning area. They are also supportive of the development intensities and urban form polices laid out the Urban Design Chapter. For reference, the *Height Diagram*, in particular, shows the maximum height limits (See Figure 3-3).

All land use designations support the planned jobs and housing capacities for this Village Plan. As a general principle, this Urban Village Plan allows a range of commercial Floor Area Ratio (FAR) and residential density (dwelling units per acre) in each land use designation. The commercial and residential capacities assigned to each District are a *goal* or *target* to achieve within the provided ranges, with the capacity target generally falling in the middle of the range. This approach allows for flexibility of individual projects coming to the City for approval with commercial FAR and residential densities below or above the provided targets, with the cumulative development of many projects “evening out” and meeting the envisioned capacities in each District overtime (See Policy LU-1.3). As a result, entitlements of projects can receive any residential density and commercial FAR allowed within each range of a given land use designation. It must be noted that if a development proposal within a given District were to result in the capacity of that District being exceeded, then an updated environmental analysis would need to be conducted and the Plan amended by the City Council.

Regarding the criteria for the allowed range in each of the land use designations below, the minimum residential densities and minimum commercial FARs support projects that are commercially feasible today and represent a desirable minimal building height. The top range of commercial FARs is consistent and support the maximum building heights in each District. All areas set aside for public parks, riparian corridors, flood control management purposes, or dedicated to street right-of-way were excluded when intensities in each District were established.

For the purposes of calculating a proposed project’s minimum and maximum densities under the land use designations below, residential density should be calculated on a net basis, with public right of way and parks excluded from the density calculation. Commercial FAR’s should be calculated only using the building square footage, and public right of way, surface parking lots or parking structures, either stand alone or imbedded within a building, should not be included (see Policy LU-1.4).

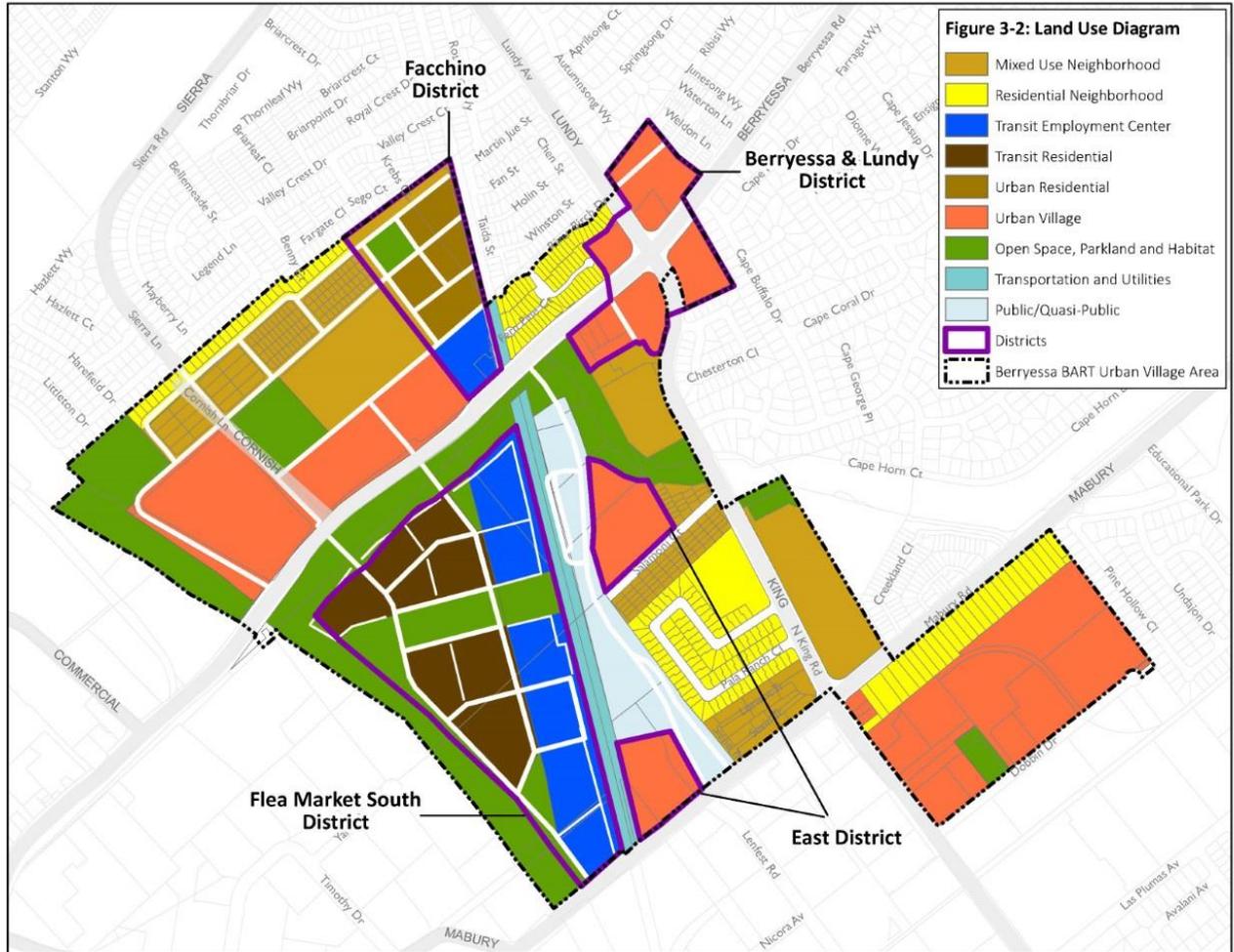


Figure 3-2: Land Use Plan

*Note: “The land use designations of the Facchino District will not take effect until the effective date of a conforming rezoning for that District that is approved by the City Council.”*

### Urban Village

Residential Density – Varies by District as follows:

East District: 75 – 300 DU/AC

Berryessa & Lundy District: 55-125 DU/AC

Other Areas within the Urban Village: 55 – 95 DU/AC

Commercial FAR’s - Varies by District as follows<sup>1</sup>:

<sup>1</sup> Commercial FARs on each of land use designations are net FARs and implemented on a building basis, excluding parking (both surface and parking garage) and public right-of-way.

## Chapter 3 – Land Use

Berryessa & Lundy District: Minimum commercial FAR 0.2 required for ground floor commercial uses.

Berryessa & Lundy District: Commercial FAR up to 5.0 (100% commercial projects)

East District: Commercial FAR 3.5 to 5.5 (100% commercial project)

Other Areas within the Urban Village: Commercial FAR up to 3.5 (100% commercial projects)

The Urban Village land use designation in the General Plan supports a wide range of commercial uses, including retail sales and services, professional and general offices, and institutional uses as standalone uses or in a mixed-use format, as well as residential uses in a mixed-use format. Residential and commercial mixed-use projects can be vertical mixed-use with residential above retail for example, or, where a larger site allows, they can be mixed horizontally, with commercial and residential uses built adjacent to each other on one site.

The Urban Village land use designation can be found in the East District, the Berryessa & Lundy District, and areas outside these Districts. For new growth, this land use designation has been refined in this Plan to meet the development intensities envisioned in each District based on size, growth capacity, and desired urban form. For the East District, the Urban Village designation allows a range of residential density between 75 and 300 DU/AC. For the Berryessa and Lundy District, the Urban Village designation allows a range of residential density between 55 and 125 DU/AC, applicable to residential projects on top of ground-floor neighborhood commercial space with a minimum commercial FAR of 0.2.

Since the Urban Village land use designation in the General Plan allows 100% commercial projects, this Plan provides commercial FARs for those types of projects. For the Berryessa & Lundy District, projects can have a commercial FAR up to 5.0, applicable to all four corner areas of the Berryessa Road and Lundy Road intersection. For the East District, the range of commercial FARs is 3.5 to 5.5 FAR which supports between 521,000 and 818,000 square of space approximately. The East District could also be developed on a vertical or horizontal mixed-use approach with variable FARs under the Urban Village land use designation (see Policy 1.5).

Outside those Districts but within the boundaries of the Urban Village Plan, the Urban Village land use designation can be found north of Berryessa Road in the northwest quadrant of the planning area. This land use designation can also be found in a large residential area in the south at the intersection of Mabury Road and King Road. Outside the Districts, all areas with the Urban Village designation were recently developed. As such, the Plan anticipates that those areas will remain unchanged for the horizon of the Plan. If parcel-specific infill projects were proposed in those areas, residential densities and commercial intensities generally in comparable to those of adjacent properties shall control, with commercial FAR's not to exceed 3.5. (See additional direction in Policy LU-4.1) and residential densities not to exceed 95 DU/AC, but not be less than 55 DU/AC.

## Transit Employment Center

Commercial FAR vary by District as follows:<sup>2</sup>

Franchino District: Commercial FAR 3.0 to 5.0

Flea Market South District: Commercial FAR 3.5 to 10

The Transit Employment Center land use designation in the General Plan is best suited for areas of intense employment growth. Within this Urban Village plan, the Transit Employment Center designation is applied to areas within walking distance of the Berryessa/North San José BART Station, which are envisioned for intensive job creation. Uses allowed in this designation include retail and service commercial uses on the first two floors, office, research and development (R&D), as well as other supportive commercial uses such as personal services. In particular, this Village Plan envisions types of businesses with high employee densities that would place a premium on being adjacent to the BART Station and would support BART ridership. Flex office space with large floor plate formats that are highly adaptable to current or future decentralized employment needs is highly desirable.

Despite the intense commercial character of this land use designation, there are certain industrial and other uses allowed by the General Plan in this land use designation that are not allowed in this Village Plan. For example, warehouses are not considered a supportive commercial use because they command a low density of jobs per square foot (See Policy LU- 1.2). Overall, the focus on the Transit Employment designation in the Berryessa BART Urban Village is high-density employment growth, typically associated with office uses. Therefore, office/R&D uses are the only industrial uses that are allowed in this Urban Village.

This Plan has adjusted the range of FARs under the Transit Employment Center designation to generally support the desired urban form and development intensities of each District that has this designation. The range of commercial FAR for the Facchino District is 3.0 to 5.0 FAR, supporting between 288,000 and 480,000 square feet of space approximately. The range of commercial FAR for the Flea Market South District is 3.5 to 10 FAR. The overall FAR range in the Flea Market South District supports approximately between 1,500,000 and 3,400,000 square feet of commercial space. Minimum commercial FARs are envisioned to be implemented on a building basis, excluding parking (both surface and parking garage), roads, and public right-of-way (See Policy LU-1.4). Additional flexibility in maximum FARs is allowed, provided that future development shape the desired urban form in each District, focusing on the development of towers on key locations (See Policy LU-1.6).

## Transit Residential

*Flea Market District only*

Residential Density: 95 - 500 DU/AC

Commercial FAR 2.5 to 4.5 (100% stand-alone commercial projects)

The Transit Residential designation of the General Plan authorizes new high-density, residential, or mixed-use residential development in sites located within walking distance of mass transit, such as the Berryessa/North San José Station. Transit Residential is typically associated with high-density residential development, with vertical integration of commercial retail on the first floor, which supports a pedestrian-

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<sup>2</sup> Commercial FARs on each of land use designations are net FARs and implemented on a building basis, excluding parking (both surface and parking garage) and public right-of-way.

oriented environment. This designation also supports intensive commercial employment uses in the General Plan, such as office, retail, hotels, hospitals, and private community gathering facilities. While Transit Residential is envisioned in this Village Plan to support multifamily residential uses preferably, including mixed-use residential with ground-floor commercial, coworking space, or other community amenities (See General Plan Policy LU-1.1). Like the General Plan land use designation, this Plan allows 100% commercial projects in the Transit Residential land use designation. The Transit Residential designation in the land use plan only applies to the Flea Market South District. This District contains the largest proportion of available land for development in the planning area, and only that District can support residential uses at the highest intensity and building height in the Plan.

The Transit Residential designation in this Plan facilitates the construction of both for-sale and rental housing products, and the range of residential density from 95 to 500 DU/AC for the Flea Market South District supports both. For-sale or condominiums projects are generally larger in area than rental apartments and therefore require a lower density; thus, a density of 95 DU/AC was considered to support for-sale housing products and condominiums (See General Plan Policy LU-6.5). It is anticipated that most of the housing products in the Flea Market District will be rental apartments, and a density of 150 DU/AC should support the rental apartment market. Using a density of 150 DU/AC, the Flea Market District would support the construction of approximately 2,145 residential units while the maximum density of 500 DU/AC would support about 7,150 units. Residential density in this designation is net DU/AC because all areas set aside for public parks, riparian corridors, flood control management purposes, or dedicated to street right-of-way have been excluded (See General Plan Policy LU-1.4).

### Urban Residential

*Facchino District Only*

Residential 75 to 250 DU/AC

Commercial FAR 2.0 to 4.0 for 100% stand-alone commercial projects<sup>3</sup>

This designation in the General Plan is suitable for portions of Urban Village areas with medium-density residential development. The Urban Residential designation also allows for scaling-down building heights towards low-density residential neighborhoods. The Urban Residential designation is most appropriate for the residential character of the Facchino District. This land use designation will enable a transition between medium-density residential and the adjacent single-family homes to the north and west. Urban Residential will also allow compatibility with the commercial development fronting Berryessa Road and the new high-density residential on the District's western boundary.

Urban Residential is envisioned in this Village Plan to support mid-rise multifamily residential uses preferably, including mixed-use residential with ground-floor neighborhood-serving commercial uses or other community amenities (See General Plan Policy LU-1.1). However, the General Plan generally allows commercial uses under Urban Residential, so this Village Plan would also allow 100% commercial projects that support transit ridership, such as coworking space, cultural activities, or community services to nearby residents. The Urban Residential land use designation in the Berryessa BART Urban Village supports a residential density that ranges from 75 to 250 DU/AC in the Facchino District. For context, the

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<sup>3</sup> Commercial FARs on each of land use designations are net FARs and implemented on a building basis, excluding parking (both surface and parking garage) and public right-of-way.

minimum density of 75 DU/AC supports the development of approximately 320 units and the maximum density of 250 DU/AC supports the development of approximately 1,062 units, using the area designated as Urban Residential in the land use plan. For condos and for-sale residential the Plan allows a density range of 95-100 DUs considering the larger size of those units (See General Plan Policy LU-6.5).

### Mixed-Use Neighborhood

*Franchino District and other areas outside of the Districts*

Residential density up to 30 Du/AC

Commercial FAR 0.25 to 2.0

The Mixed-Use Neighborhood designation in the General Plan is intended for development primarily with either townhouse or small lot single-family and also to existing neighborhoods that were historically developed with a wide variety of housing types and residential densities. For existing residential areas (outside the Districts), the Mixed-Use Neighborhood designation is applied north of Berryessa Road and along King Road. These areas are envisioned to be preserved for the horizon of the Plan. If redevelopment occurs in the future, the governing density and FARs established in the General Plan for this designation will apply to those areas.

For new development, the Mixed-Use Neighborhood designation is applied to specific areas in the Facchino district only. The goal of the Plan is to concentrate planned growth in District areas, which results in mid- and high-density residential development in most Districts. In the Facchino District, a limited amount of residential uses under the Mixed-Use Neighborhood designation will serve as a transitional buffer between the mid-density residential in the District and the adjacent single-family residential neighborhoods. This transitional buffer will minimize the height impacts of tall residential buildings on adjacent homes. The Mixed Use Neighborhood designation has an allowable residential density of up to 30 DU/AC.

### Residential Neighborhood

Areas outside of the Districts

Residential 8 DU/AC, FAR up to 0.7

The Residential Neighborhood land use designation is applied to areas outside of the four Districts, but within the Urban Village boundaries. This land use designation is particularly suitable for the existing residential areas that are already developed with a mix of single-family residences, duplexes, and apartments as indicated on the Land Use Plan (Figure 3-2).

The Residential Neighborhood land use designation is applied to areas within the Urban Village that are outside of the Districts and are already developed with uses consistent with this land use designation. The Residential Neighborhood land use designation intends to preserve the character of the existing neighborhoods only. Some *infill projects* may be permitted under the Residential Neighborhood designation if such projects strictly conform to the prevailing neighborhood character and fit the existing urban fabric, as defined by density, lot size and shape, building massing, and other considerations. *Infill projects* in this Plan refer to individual projects on existing parcels, and not to new large-scale developments such as those planned in the four Districts of the Urban Village. For reference, the Residential Neighborhood land use designation in the General Plan calls for a residential density of 8 DU/AC or as needed to match existing neighborhood character, and a FAR up to 0.7 (1 to 2.5 stories).

Therefore, this Plan uses the same development intensities of the General Plan as an overall land use policy in this land use designation.

### Public/Quasi-Public

Density/ FAR: N/A

The Public/Quasi-Public category is used in the General Plan to designate public land uses. Those uses include schools, colleges, corporation yards, homeless shelters, supportive housing for the homeless, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums and cultural spaces, governmental offices, and airports. Also, some private entities, including private schools, daycare centers, and hospitals, may be considered under this designation. The Public/Quasi-Public category also applies to facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses.

The appropriate intensity of development can vary considerably depending on the potential impacts on surrounding uses and the particular Public/Quasi-Public use developed on the site. All the areas designated as Public/Quasi-Public within the Urban Village reflect existing uses or uses already under development. The only areas in this Village Plan that are designated as Public/Quasi-Public are related to the BART facilities and operation in the East District. BART facilities include bus stop areas and a police station that supports the security of the BART areas in the East District.

### Transportation and Utilities

Density/ FAR: N/A

Lands with this designation have transportation or utility corridors as primary uses. This designation is mostly applied to active or inactive railroad lines and high-voltage power line corridors. But it is also appropriate for other similar infrastructure corridors that are not either in the public right-of-way or on lands designated as Public/Quasi-Public. All the areas designated as Transportation and Utilities within the Urban Village reflect existing uses or uses already under development. The only areas in this Village Plan with the Transportation and Utilities land use designation are the BART station and its tracks.

### Open Space, Parkland and Habitat

Density/ FAR: N/A

Properties with an Open Space, Parkland, and Habitat land use designation can be publicly or privately-owned and are typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves, and other permanent open space areas. New development on lands within this designation is prohibited. The exceptions are improvements such as trails or multi-use paths that support the function of such areas or compatible placemaking commercial uses such as kiosks and commercial vendors that activate the open space subject to other applicable laws and policies for such uses of these areas. Such placemaking uses should not include the development of permanent structures and should be readily removable. Overall, allowed uses under this designation must minimize potential environmental and visual impacts. Within the Urban Village, areas with this land use designation include the Coyote Creek riparian corridor, the Penitencia Creek riparian corridor, and designated parks.

## Building Heights

The land use designations and corresponding development intensities specified in the land use chapter are consistent with the urban form and design policies discussed in this Plan in Chapter 5 Urban Design. Each District has different building heights, which were established to meet the vision, character, and the desired urban form in each District (See Figure 5-4 Building Heights Diagram in Urban Design Chapter).

A signature land use policy of this Plan calls to intensify development in specific sites of the Urban Village while reinforcing the urban design vision for the Plan. The land-use plan and the urban design framework identify those sites as “Towers.” Sites designated as “Towers” are the tallest buildings in the area plan that are envisioned to concentrate residential or commercial development intensity. To accomplish this, the Village Plan has flexible residential densities or commercial FARs on those specific sites designated as “Towers” (See General Plan Policy LU-1.6) provided that buildings do not exceed the maximum heights established in the Plan.

## Land Use Goals and Policies

The section below includes land use goals and policies specific to the Berryessa BART Urban Village Plan. These goals and policies supplement the general goals and policies of the General Plan, and are intended to further implement the General Plan’s Urban Village Strategy for this Village.

### Vibrant Urban Village

**Goal LU-1: Grow the Berryessa BART Urban Village into an economically vibrant area that fosters a balance of employment generation and residential development, both essential to support BART transit ridership at the Berryessa/North San José Station.**

**Policy LU-1.1:** Prioritize the development of residential projects in land use designations that support the residential capacities of each District. While other land uses are not strictly prohibited under the residential land use designations, the goal is to foster the development of residential development in specific areas of each District.

**Policy LU-1.2:** Develop commercial projects adjacent to the BART station, and on lands planned for employment uses, at intensities that support the employment capacities and jobs-density envisioned by this Plan, and support BART ridership.

**Policy LU-1.3:** Allow a range of commercial FARs and residential densities specific to each District. Permitted land uses under each land use designation shall support the commercial FARs and residential densities of each District.

**Policy LU-1.4:** Ensure that the minimum commercial FARs and minimum residential densities on each of land use designations are net FARs and densities. Minimum commercial FARs shall be implemented on a building basis, excluding parking (both surface and parking garage) and public right-of-way. Residential densities shall be implemented on a net basis and exclude public rights of way, public parks, riparian set

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back and flood control areas. Overall, commercial FARs and minimum residential densities shall not be averaged within each District or among blocks within a District.

**Policy LU-1.5:** Allow the East District to be developed with mixed-use development on both the northern and the southern sites. Each site could have different commercial FARs and residential densities, as long as both sites support the employment and residential capacities planned for this District. Ensure that employment-intensive and BART-supportive commercial uses are included in the southern site.

**Policy LU-1.6:** Provide flexibility to allocate more commercial FAR or residential density on certain areas of the Urban Village to support the urban design envisioned in each District, with emphasis in the development of “Towers,” provided that such FARs do not exceed the maximum building heights for those areas (See Figure 3-3 Building Height Diagram).

**Policy LU-1.7:** Prohibit self-storage, mini-storage, and “big box” building formats, including large buildings for entertainment such as movie theaters.

**Policy LU-1.8:** Prohibit new drive-through, gas stations, large-format retail, and auto-centric uses within the Berryessa BART Urban Village.

**Goal LU-2: Attract innovative, leading-edge technology industries to the Urban Village, by encouraging placemaking that complements and reinforces the vitality of a tech-hub, and establishes the Village as a unique and desirable business address.**

**Policy LU-2.1:** Allow temporary entertainment, civic, cultural, and other placemaking uses such as an Urban Market in the public right-of-way to activate the area, draw visitors, and serve residents at various times of day, evening and weekends, as permitted and authorized in accordance with local law.

**Policy LU-2.2:** Allow neighborhood community, coworking, entertainment, civic, cultural, and other placemaking uses in the ground-floor level of commercial or multifamily residential buildings. Such uses will activate the area, draw visitors, and serve residents.

**Policy LU-2.3:** Allow new *interim uses* as temporary uses prior to the redevelopment of property consistent with this Plan. New interim uses are defined in the Plan as lower-intensity commercial uses that do not require new construction of structures on permanent foundations or new public infrastructure, and therefore can be redeveloped to support the construction of commercial buildings that meet the employment capacity and commercial FARs envisioned in the Village Plan.

**Policy LU-2.4:** Allow entertainment, civic, cultural, and other placemaking uses such as an Urban Market as permanent uses ~~interim uses~~ in the Flea Market South ~~and East~~ District, but only on the BART plaza and central open space of such District, as identified in the BBUV open space chapter. ~~Interim uses do not involve the construction of buildings, and therefore commercial FARs do not apply to interim uses. These land uses are not planned in the commercially designated areas of the Plan and therefore do not count towards the FAR requirements of any District, unless they are planned as formal retail uses to occupy ground-floor areas.~~

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**Policy LU-2.5:** Allow the operation of a seasonal or temporary farmer’s market as an *interim use* in the Transit Employment Center land use designation of the Flea Market South District.

**Policy LU-2.6:** Allow the current operation of the existing San José Flea Market in the present site as an *interim use* in the Flea Market South District. Support the relocation of the San Jose Flea Market operation into the Transit Employment Center land use designation as a new *interim use* in the Flea Market South District.

**Policy LU-2.7:** Prohibit new surface parking in the Urban Village, unless it is approved to support the functioning of entertainment, civic, cultural, placemaking, or other *interim uses*, as defined in the Interim Land Use Section of this Chapter and Policy LU-2-3 above. Surface parking is only allowed in the Transit Employment Center designation of the Flea Market South District to support *interim uses*.

**Action Item 1 » *If needed, the City should work with the businesses that would be displaced from the redevelopment of the Flea Market to assist them with finding other tenant spaces within the general area in which they could locate their business.***"

### **Goal LU-3: Foster mixed-use development that is pedestrian-focused, enhances the quality of life for residents in surrounding communities, and supports public transit.**

**Policy LU-3.1:** Encourage ground-floor active uses in the Transit Employment Center land use designation in the Facchino District along Berryessa Road, with direct pedestrian access from Berryessa Road. (For a definition of Active Uses see the Definitions section at the end of the Chapter.)

**Policy LU-3.2:** Require ground-floor active uses in the Urban Residential land use designation in the Facchino District.

**Policy LU-3.3:** Encourage ground-floor commercial development (including business supportive uses) facing the Green Street in the Transit Employment Center land use designation in the Flea Market South District, including activating land uses that support transit ridership, walking, and biking. Such uses shall have direct pedestrian access from a public road (see Green Street road design in the Circulation Chapter), and direct pedestrian access to the plaza in front of the BART station.

**Policy LU-3.4:** Support ground-floor neighborhood commercial uses in the Transit Residential land use designation in the Flea Market South District. Such commercial development shall have direct pedestrian access from any public street.

**Policy LU-3.5:** Development in the Flea Market South District shall have ground-floor active uses that front the central open space, including retail storefronts, restaurants, or sidewalk seating. Those land uses shall support pedestrian traffic, placemaking, and transit ridership.

**Policy LU-3.6:** Ensure that mixed-use or 100% commercial development in the Berryessa & Lundy District has ground-floor neighborhood commercial and active uses for at least 50% of the frontage along Berryessa and Lundy Roads.

**Policy LU-3.7:** For development in the East District encourage ground-floor commercial and active uses fronting Mabury Road and Station Way.

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**Policy LU-3.8:** For development within the northern site in the East District encourage ground-floor neighborhood commercial and active uses along Station Way.

**Policy LU-3.9:** Ground floor commercial and active use spaces provided under the policies above shall be consistent with the Citywide Design Standards for Parking Garage Design, Commercial Frontages, and Mitigating Blank Walls.

### Preserve Character of Existing Neighborhoods

**Goal LU-4: Protect the residential and mixed-use character of existing neighborhoods within the Urban Village boundary and integrate them with the new urban fabric of the Districts in the Urban Village.**

**Policy LU-4.1:** Allow new commercial *infill projects* within of the existing neighborhoods on a parcel-by-parcel basis, if project scale, building massing, and land uses are comparable with those of adjacent properties. Residential infill projects consistent with densities supported by the sites General Plan Land Use Designation, as outlined in this Chapter above, shall also be supported.

**Policy LU-4.2:** Existing motor vehicle uses, including gas stations, auto-repair, automobile sale and rental lots, and auto parts sales within the existing neighborhoods are allowed as *existing interim uses* and shall be redeveloped with pedestrian and transit-supportive uses over time. Expansion of these uses is prohibited.

### Transit-Oriented Development – Multi-Modal Accessibility

**Goal LU-5: Foster land uses that support transit ridership and enhance the multi-modal accessibility of the Berryessa/North San José BART station.**

**Policy LU-5.1:** Ensure that all land uses in the Berryessa BART Urban Village support pedestrian activity, multi-modal accessibility, and an urban character radiating from the BART station.

**Policy LU-5.2:** To support the multi-modal circulation system planned for the Berryessa BART Urban Village Plan, new residential and commercial development shall be consistent with the Citywide Design Standards for the pedestrian and bicycle orientation of buildings and site plans.

**Policy LU-5.3:** Future multi-modal connections under the BART tracks (including motor vehicle connections) shall be consistent with the circulation system developed for the Berryessa BART Urban Village Plan and block layout of the Flea Market South District.

### Parking Footprint

**Goal LU-6: Reduce the impacts of parking to foster the development of a pedestrian-oriented urban environment consistent with the vision for a Regional Transit Urban Village plan.**

**Policy LU-6.1:** Plan and design any parking structure to have ground-floor commercial, neighborhood-serving community commercial, community amenity spaces, or civic/cultural space on any side of the parking structure facing the public rights-of-way of the Sierra Road extension, the Main Streets facing the central open space, and the Green Street, all in the Flea Market South District. The provision of these

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ground floor spaces shall be consistent with the San José Citywide Design Standards and Guidelines for ground floor uses in parking garages.

**Policy LU-6.2:** Require parking structures located within the Transit Residential land use designation to be incorporated as part of multifamily residential blocks or buildings. Parking shall not be visible from any public-right-of-way, and parking structures shall be "wrapped" by housing units.

**Policy LU-6.3** Locate parking structures for commercial development behind office/R&D towers, so they are adjacent to the BART track line (applicable to the Flea Market South District only).

**Policy LU 6.4** Ensure that the footprint of parking structures for commercial development does not exceed more than 50% of the net developable area of commercial blocks in the Flea Market South District.

**Policy LU-6.5:** Discourage *stand-alone parking structures* in all Districts. This Policy excludes the existing BART parking structure in the East District. (For a definition of stand-alone parking structures see the definitions section at the end of this chapter.)

**Policy LU-6.6:** Encourage parking to be provided in at least one underground level first and not occupy more than the first three floors, if provided on podiums of commercial or residential buildings. Parking shall not be visible from the street or mid-block connection.

**Policy LU-6.7:** If provided within podiums of commercial or residential buildings, ground-floor parking shall not be visible from the street. Portions of the building adjacent to the street should be occupied by the primary land use (for example, residential or commercial uses) or active uses, as supported and/or required by this plan.

### Diversity of Housing

**Goal LU-7: Support a range of housing types within the Berryessa BART Urban Village and facilitate development to achieve the planned residential capacities.**

**Policy LU-7.1:** Ensure that the Inclusionary Housing Ordinance, Commercial Linkage Fee Ordinance, Rent Stabilization Program, Apartment Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and other City housing laws and policies are implemented (including amendments thereto from time to time).

**Policy LU-7.2:** Encourage a mix of unit sizes and types within multi-family residential development to accommodate a diversity of household types within the Urban Village, including singles and family households

**Policy LU-7-3:** Encourage the development of affordable-by-design using, for example, innovative construction techniques, smaller unit sizes, micro-units, co-op housing, and inter-generational housing.

**Policy LU-7.4** Encourage the development of senior housing, family housing, and housing for the developmentally disabled and formerly homeless within the Urban Village and with easy access to transit options.

**Policy LU-7.5** Encourage the development of condominiums and other forms of ownership housing in the Flea Market and Facchino Districts.

**Goal LU-8: Twenty five percent of the new dwelling units built within the Berryessa BART Urban Village are affordable to very low, low, and moderate-income households.**

*Policy LU-8.1:* Encourage the integration of market-rate and deed-restricted affordable units on-site within a housing development.

*Policy LU-8.2:* If projects are proposed as 100% affordable, they should be designed and built with a comparable construction quality as market-rate housing projects. Affordable housing projects should be seamlessly integrated with market-rate projects from the architecture and urban design standpoints.

*Policy LU-8.3:* Focus the City’s affordable housing resources into the Berryessa BART Urban Village to further achievement of the Goal that 25% of the housing in the Village is affordable.

## Definitions

Active Uses - Uses and occupancy types that encourage actual or visual engagement between building tenants and the public. Examples include but are not limited to retail storefronts, bars and restaurants, entertainment venues and businesses, personal services businesses, art galleries, gyms and fitness studios, offices, salons, etc.

Stand-Alone Parking Structures - Individual buildings with two or more parking levels, structurally independent, designed with the primary purpose to concentrate, manage, and store automobile parking (temporary or permanent). Stand-Alone Parking is planned, designed, and built to operate on its own. Stand-Alone Parking does not include parking structures provided to serve a commercial or residential development.