



**SPUR**

San Francisco | San Jose | Oakland

San Jose Planning Commission  
200 E. Santa Clara Street  
San Jose, CA 95113

May 9, 2017

*Submitted Electronically*

**Re: Santana Row/ Valley Fair Urban Village Draft Plan**

Dear Planning Commissioners:

Thank you for the opportunity to provide comments on the Santana Row/ Valley Fair Urban Village Plan. SPUR is a member-supported, non-profit organization that advocates for good planning and good government in San Jose, San Francisco and Oakland.

SPUR is a strong believer in the city's vision to promote growth in central San Jose and near transit. We have provided input on early drafts of the Santana Row/ Valley Fair urban village plan and are glad to see it reach this important milestone. We appreciate that staff carefully considered our recommendations and comments throughout the process. We also appreciate working with the Winchester Advisory Group, and the dedication that they have shown to making their neighborhood a better place.

We understand that the urban design chapter has become a source of disagreement. To that end, we offer the following additional context and comments, as well as recommendations on specific design standards and guidelines in Attachment A. We also offer recommendations about the implementation and financing of this plan, and future urban village plans.

**Urban Design**

Many of SPUR's comments on prior drafts focused on the urban design policies and standards that would create a walkable place. Walkable places are comfortable, convenient, healthy and sustainable, but they can be very difficult to achieve — especially in suburban environments that were designed for driving like this urban village.

**1. We strongly recommend retaining a two-tier system of minimum standards**

**that would be codified in a zoning district, as well as a set of guidelines.**

*Walkable communities don't emerge automatically.* Cities have to set ground rules of urban design through the municipal code and standards in urban village plans in order for new development to have the greatest positive impact on the city. Unfortunately, guidelines are easily ignored because they are not binding.

Therefore, we recommend using a two-tiered approach of both minimum enforceable standards and more aspirational (and optional) guidelines. The codes and standards should be minimum expectations, with lots of room for flexibility and tailoring in the guidelines. *Having both minimum expectations and aspirational guidelines promotes a “do no harm” approach for walkability.* SPUR surveyed a half-dozen cities in California as a basis for our urban design standards—ensuring that our recommendations for San Jose are neither too high nor too low. The results of this survey can be found here:

<https://docs.google.com/spreadsheets/d/1DIEwX6ytZV06IB20K72PrgWdv7XI5Oy1sJKPvmt8Qh0/edit#gid=0>

We have heard at the city's Ad-Hoc Development committee that the existing system of guidelines can be confusing and does not make clear what is actually expected of developers. Developers often receive conflicting guidance from city staff through the review process, requiring many sets of changes to the design. Having a two-tiered system adds clarity and saves time.

We emphasize that the standards should be a small set of minimum expectations for walkability. In SPUR's *Cracking the Code*,<sup>1</sup> we recommend a total of 34 standards that should be enforceable as code and incorporated in an Urban Village Zoning District. The design standards in the final draft of the plan number far less than 34 and focus on walkability, and we support this direction.

*Binding urban design standards are not meant to be prescriptive, and there are ways to allow for exceptions.* Exceptions may be warranted when a site is very constrained—such as if it unusually shaped or very small, or when uses offer an exceptional cultural or economic opportunity for the city. However, the city and developer should work together to find an alternative that meets the intent of the urban design standard to the degree feasible

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<sup>1</sup> Cracking the Code. <http://www.spur.org/publications/white-paper/2015-11-13/cracking-code>

- 2. Instead of adopting standards and guidelines for each urban village, we recommend that the city adopt a small, streamlined set of minimum expectation for urban design standards as a special Urban Village Zoning District that applies to every urban village.** This means that the same standards for walkability would be applied citywide, with lots of room for communities to add more distinguishing design *guidelines* that are appropriate for their neighborhoods.

Recognizing that there are nearly 70 urban villages that vary in size and character, it may be worthwhile to create a few Urban Village Zoning Districts. For example, there may be one for transit urban villages, and another one for those on the outskirts of the city and that are more auto-oriented. However, there would be a very limited number of Zoning Districts overall and their contents would be applied to all urban villages that “fit” within that typology. This saves staff time and effort, and creates more certainty that the city will get the type of walkable neighborhoods that it hopes to create and that are building blocks of the General Plan, greenhouse gas emissions goals, transportation mode-shift goals, and more.

In addition, San Jose intends to hire a Chief Urban Designer in the near future. With this added capacity, we recommend that the Chief Urban Designer work with the Planning Department develop these Urban Village Zoning Districts to add consistency across the urban villages and advance citywide goals.

## **Implementation Chapter**

- 1. We strongly support that the implementation plan proposes to develop a zoning district** that would support the planned capacity of jobs and housing, as well as some physical controls that will create great places. Previous versions only proposed to rezone commercial sites. The new district-scale approach is more consistent with planning best practices and makes it easier to build mixed-use projects. It moves away from the existing structure, which tends to cause confusion and delay in the development process. As described above, we hope that this zoning district will not be one-off for the Santana Row/ Valley Fair Urban Village only—but rather for this urban village and those that are similar to it in size, character and form.
- 2. We strongly encourage that the Implementation Chapter include a table that provides greater specificity about the implementation of this plan.** The table

could outline the following: the objective, policy number, implementation action for that policy, the timeline for completing that implementation action and lead agency responsible for completing that implementation action. This provides clarity for residents and developers, as well as a roadmap for capital and program budgets in coming years. For example:

Objective	Policy Number	Implementation Action	Timeline	Lead Agency
Create a transportation network of safe, comfortable, convenient and attractive routes for people who walk, bike, take transit and drive.	6-1 to 6-120	3. Develop a multimodal transportation and streetscape plan...	2017-2019	Department of Transportation, in partnership with Department of Public Works, VTA

This level of specificity is common practice in other cities, including Oakland, San Francisco, Portland and Los Angeles.

**3. We support Mayor Liccardo’s direction to create an urban village fee that would raise new revenue for the public benefits outlined in the plan.** This is a common practice that supports the creation of new housing and new community amenities like parks and complete streets. For example, last year the city of Oakland established fees for different “zones” within the city; housing and commercial uses each have their own impact fee.

**However, it is critical that this urban village fee be set based on what is economically feasible.** If fees are set too low, San Jose will get less money for important public improvements. But if fees are set too high, and the development is rendered infeasible, then no public benefits and no new development is created. It is important to take the time to set the urban village fee at the right level.

It is also important for San Jose to look at all the fees that are assessed on new growth (both housing and commercial). If necessary, it may make sense to update fees to reflect the ability of new development to pay for improvements. Since new housing construction is largely confined to urban villages, updating the fee schedule citywide would effectively be the same as coming up with new standard fees for all urban villages. One option would be for the city to create zones with different urban village fees based on financial feasibility, similar to

impact fees in Oakland. These zones could even align with the Urban Village Zoning Districts that incorporate standards for urban design.

4. **We encourage the addition of an implementation action to establish a transportation demand management program based on performance targets for this urban village.** The Circulation and Streetscape chapter calls for the establishment of a transportation demand management program and transportation demand management association. These are actionable implementation steps that should be made explicit in the urban village plan, and should be put into place in the near-term to reduce the transportation and congestion impacts of new development. Making it clear at the outset that new development will need to participate in a transportation demand management program also adds clarity to the development process.
  
5. **We encourage the Planning Commission to work with City Council, and others to identify funding for these implementation actions.** These implementation actions will require resources to be allocated to the responsible agencies from the general fund. Many of the urban village plans have been funded with grant funds, but these follow-up actions are both essential and currently unfunded. In order to see the plan’s vision come to fruition—and for the community to get the needed public benefits such as parks and complete streets—this step cannot be delayed.

We believe that this urban village has the potential to serve as a model for suburban retrofits both in San Jose and across the nation. Thank you for the opportunity to provide input on this draft plan.

Sincerely,



Laura Tolkoff  
San Jose Policy Director

cc: Councilmember Dev Davis, Councilmember Chappie Jones, Michael Brilliot, Leila Hakimizadeh, Doug Moody, Ramses Madou, Lesley Xavier

## Attachment A: Recommendations on Design Standards and Guidelines

Although we recommend adopting a two-tiered set of standards—with the standards codified as an Urban Village Zoning District, we have also provided comments on the design standards and guidelines within the existing framework of the draft plan. Here, we are operating with the understanding that design standards are enforced and guidelines are optional and aspirational. Most of our recommendations focus on providing clarity and flexibility, while providing firm standards for the ground floor, site access and parking to improve walkability.

#	Recommendation	Rationale
<b>Design Standards</b>		
DS-1	Keep as is	
DS-2	Keep as is	
DS-3	Rewrite to: On primary frontages, ground floor spaces must have at least 12-foot clear or 15-foot floor-to-floor height. On secondary frontages, ground floor spaces must have at least 10-foot clear or 12-foot floor-to-floor height.	
DS-4	Keep as is. The exception is appropriate.	
DS-5	Rewrite to: Primary building entries, either individual or shared, shall be prominent and easy to identify and shall face a public street, pedestrian path or paseo.	Currently the city's code does not permit projections into the public right-of-way. We recommend that this prohibition be removed. Ok to leave "incorporate a projection (porch, stoop, bay window, etc), recess or combination of porch or recess" as a guideline.

DS-6	Make into guideline	Buildings do not need to be tripartite, but they do need to have a great base (ground floor). This could be aspirational (guideline) but not a requirement.
DS-7	Consider only applying this to buildings/parcels of a certain size threshold.	May be too difficult for small parcels to comply
DS-8	Keep as is	
DS-9	Keep as is	
DS-10	Consider only applying this to parcels of a certain size threshold.	May be too difficult for small parcels to comply
DS-11	Remove and replace with something to the effect of: new buildings abutting existing residential neighborhoods should aim to soften the streetwall. Specify the minimum amount of daylight needed, while allowing the developer to determine the best way to meet those performance standards.	Preserving a 45-degree daylight plan may be too restrictive, particularly for small parcels.
DS-12	Keep as is	
DS-13	Keep as is	
DS-14	Make into guideline	
DS-15	Keep as is	Essential to provide entrances that are accessible and visible from public right of way in order to support walkability.

DS-16	Consider changing to: Off-street surface parking is prohibited on primary pedestrian corridors. Off-street surface parking on secondary frontages must be screened from view and require a conditional use permit.	This may be more permissive than the standard as currently rewritten, because it allows some variation based on the type of street. Additionally: consider also adding another design standard that states: All off-street parking on ground floors must be set back a minimum of 25 feet from the building face along public streets, except for service Alleys. All off-street parking on upper levels or along service alleys must be completely visually screened from the street. These additional standars help to avoid the deadening effect of parking and supports visual interest.
DS-17	Keep as is	
DS-18	Keep as is	
DS-19	This is confusing because this is a standard, yet all of the items related to energy use, waste reduction, etc. are guidelines.	
DS-20	Keep as is	

#	Recommendation	Rationale
<b>Design Guidelines</b>		
DG-1	Make into a standard	
DG-2	Make each bullet point into a standard.	
DG-3	Keep as is	
DG-4	Make into a standard. Rewrite to: On primary frontages, for every 50 feet of frontage there must be one pedestrian entry to the building.	Primary frontages in urban villages are where pedestrian interest and comfort are paramount. Long, inaccessible stretches of building frontage are not appropriate in these locations. Frequent entrances help to reduce walking distance and creates visual interest.



DG-5	Rewrite to: On secondary frontages of corner lots, a minimum of 50 percent of the ground floor street frontage must be occupied by an active use.
DG-6	Rewrite to: Franchise architecture is discouraged. The goal is to create a sense of place unique to San Jose.
DG-7	Rewrite to: Entrances to residential, office or other upper-story uses should be clearly distinguishable in form and location from ground-floor commercial entrances. An exception is a shared entrance with multiple elevator banks to upper-story uses.
DG-8	Keep as is
DG-9	Remove--this duplicates the ground floor active use standards
DG-10	Keep as is
DG-11	Keep as is
DG-12	Keep as is
DG-13	Remove Pop-up activation does not require different physical/ structural treatments from permanent activation--only from a permitting perspective.
DG-14	Make into guideline and put under Parking and Loading Section
DG-15	Keep as is
DG-16	Keep as is
DG-17	Remove. Alternatively, consider removing the first sentence of this guideline.
DG-18	Keep as is

DG-19	Remove--recommend specifying that on pedestrian frontages (rather than residential frontages), there must be at least one pedestrian entry to the building, as this will be a mixed use area.	
DG-20	Remove	The focus should be on articulating the ground floor, even if it is uniform or repetitive. The danger with this guideline is that designers attempt to break up the façade design in a way that makes the building or the block feel overly disjointed.
DG-21	Keep first sentence. Remove "Street-facing facades should include vertical projections at least four feet in depth for a height of at least two stories for every 25 horizontal feet".	Good idea to have bulk controls to support light, air and sun access to the streets, but should be focused more in relation to the context (adjacent uses, structures and streets). Consider creating a section that is focused on tower controls (separation, reduction, bulk) that are based on adjacent uses and adjacent streets (e.g., alley v. major street)
DG-22	Remove	Not clear how this improves the quality of the building design
DG-23	Consider reducing the separation based on best practices. To maintain solar access, the city could request that developers submit a study of solar access with their planning applications based on the site, proposal and context. Many computer programs can generate such a report.	The Central SOMA plan requires minimum of 85' distance between towers for towers over 160'. An eight story tower is 120 or less. .
DG-24	Keep as is	
DG-25	Remove	
DG-26	Keep as is	
DG-27	Keep as is	
DG-28	Keep as is	
DG-29	Keep as is	City does not currently allow but this may

		change.
DG-30	Remove	Focus on ground floor articulation
DG-31	Keep as is	
DG-32	Keep as is	
DG-33	See DG-23. This guideline articulates the overall goal for the access to sunlight, views, sky view, public realm and skyline profile.	
DG-34	Keep as is	
DG-35	Consider relocating to the following section 5.2-3.2 Building Placement and Transitions.	
DG-36	See comments on DS-11. Continue to specify setbacks on particular frontages. Primary frontages: 80% of building ground floor frontage must be within 5 feet of the property line or the required building face line. Secondary frontage: 80% of building must be within 10 feet of property line or the building face line. Additionally, many of the bullets in this guideline read as standards ("shall").	Note that many of the parcels designated "transitional standards apply" are very small parcels, so the 45-degree daylight plane requirements may make development infeasible.
DG-37	Remove 45 degree daylight plane. See comments on DS-11 . Consider using the setbacks only; for example, city of Seattle's equivalent to urban villages requires setback of 15' for floors above the second floor to soften streetwall.	
DG-38	Good idea. Please clarify: Under what conditions "may" these areas accessible for	

public use count toward front setback requirements?

	This should be part of the implementation chapter. If determined to be a needed community benefit, this should be made into a standard.	
DG-39		
DG-40	Keep as is	
DG-41	Keep as is	Consistent with citywide environmental goals.
DG-42	Keep as is	
	Keep as is, and consider putting time limitations for loading/unloading (e.g., between hours of X and Y)	
DG-43		
DG-44	Keep as is	
DG-45	Remove	
DG-46	Keep as is	
DG-47	Keep as is	
DG-48	Keep as is	
DG-49	Keep as is	
	Clarify: does this refer to privately accessible or publicly accessible open spaces? If private only, remove.	
DG-50		
DG-51	Keep as is	
DG-52	Remove--duplicates DG-51	
	Consider basing on parcel size and/or identifying where these should be on a map.	
DG-53	Otherwise, remove.	
DG-54	Keep as is	
DG-55	Delete first sentence	
	Remove--duplicates other guidelines	
DG-56		
		Supports transit-oriented development, rather than transit-adjacent development.
DG-57	Consider making a standard	
DG-58	Keep as is	
DG-59	Remove--duplicates DS-58	

DG-60	Consider tailoring based on size of development, as this is not occupiable/ leasable space.	
DG-61	Consider limiting to primary and secondary pedestrian corridors	
DG-62	Keep as is	
DG-63	Keep as is	
DG-64	Keep as is	
DG-65	Consider rewriting to: Consider establishing shared...	
DG-66	Keep as is	
DG-67	Consider making a standard	
DG-68	Keep as is. This should be a stronger piece of the streetscape and circulation chapter.	As more transportation becomes on-demand (e.g., Lyft and Uber, as well as automated vehicles and goods movement), having abundant and well-managed curb space helps curtail street congestion and car accidents.
DG-69 to DG-74	Keep as is	
DG-75	Consider moving to section 5.2-4.3	
DG-76	Keep as is	
DG-77-81	Keep as is	
DG-82-84	Keep as is	

*Based on the draft urban village plan distributed on 5/2/17*