

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO ADOPT THE WINCHESTER BOUELAVRD AND SANTANA ROW VALLEY FAIR URBAN VILLAGE PLANS AND ASSOCIATED GENERAL PLAN AMENDMENT**

**May 2017 General Plan Amendment Cycle (Cycle 2)**

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

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

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

**WHEREAS**, on May 10, 2017, the Planning Commission held a public hearing to consider the following proposed Winchester Urban Village Plan and the Santana Row Valley Fair Urban Village Plan, and associated General Plan Amendments, at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed plans and amendments:

- A. The Winchester Urban Village Plan, attached hereto and incorporated herein by reference as Exhibit "A" ("Winchester Urban Village Plan"); and
- B. The Santana Row Valley Fair Urban Village Plan, attached hereto and incorporated herein by reference as Exhibit "B" ("SRVF Urban Village Plan"); and
- C. General Plan Amendments associated with the Winchester Urban Village Plan and Santana Row Valley Fair Urban Village Plan, File No. GP17-008 specified in Exhibit "C" hereto ("General Plan Amendment GP17-008") (hereinafter collectively referred to as "General Plan Amendments"); and
- D. Text revisions to the Santana Row Valley Fair Urban Village Plan, attached hereto and incorporated herein by reference as Exhibit "D" ("Santana Row Valley Fair Urban Village Plan – Text Revisions"); and
- E. Text revisions to the Winchester Urban Village Plan, attached hereto and incorporated herein by reference as Exhibit "E" ("Santana Row Valley Fair Urban Village Plan – Text Revisions");

**WHEREAS**, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendments; and

**WHEREAS**, on June 27, 2017, and continued to August 8, 2017, the City Council held a duly noticed public hearing to consider the proposed Winchester Boulevard and Santana Row/Valley Fair Village Plans, and associated General Plan Amendments, at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed plan and amendments; and

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

**WHEREAS**, pursuant to Title 18 of the San José Municipal Code, public notice was given that on June 27, 2017 at 6:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the City Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendments; and

**WHEREAS**, prior to making its determination on the General Plan Amendments, the City Council reviewed and considered the Determination of Consistency with the Envision San José 2040 General Plan Environmental Impact Report (certified by Resolution No. 76041), Supplemental Environmental Impact Report to the Envision San José 2040 General Plan EIR (certified by Resolution No. 77617), and the November 1, 2016 Addendum thereto; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed General Plan Amendments;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ AS FOLLOWS:

**SECTION 1.** The City Council's determinations regarding the Winchester Urban Village Plan, Santana Row Valley Fair Urban Village Plan, and General Plan Amendment GP17-008 are specified and set forth in Exhibits "A," "B," "C" "D", and "E" respectively, attached hereto and incorporated herein by reference.

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

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

STATE OF CALIFORNIA                    )  
  ) ss  
COUNTY OF SANTA CLARA            )

I hereby certify that the amendments to the San José General Plan specified in the attached Exhibit A were adopted by the City Council of the City of San José on \_\_\_\_\_, as stated in its Resolution No. \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

**EXHIBIT "A"**

**Winchester Urban Village Plan**

Council District 1.

CEQA: Determination of Consistency with Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and the November 1, 2016 Addendum thereto, in conformance with CEQA.

**EXHIBIT "B"**

**Santana Row Valley Fair Urban Village Plan**

Council District 1.

CEQA: Determination of Consistency with the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and the November 1, 2016 Addendum thereto, in conformance with CEQA.

**EXHIBIT "C"**

**GP17-008.** A General Plan Amendment to modify the Winchester and Santana Row Valley Fair Urban Village boundaries and changes to designations on the Land Use/Transportation Diagram on properties within the boundaries of those Urban Village Plan areas as shown on the Winchester and Santana Row Valley Fair Urban Village land use maps as attached hereto.

Council District 1.

CEQA: Determination of Consistency with the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and the November 1, 2016 Addendum thereto, in conformance with CEQA.



## EXHIBIT "D"

### **Santana Row Valley Fair Urban Village Plan – Text Revisions**

The Santana Row Valley Fair Urban Village Plan (Exhibit B of this Resolution), is hereby amended as follows:

1. The following sections of the Land Use Chapter are hereby amendment as follows:

- a. 3.3 Land Use Policy Overview: The primary objectives of the Santana Row/Valley Fair Urban Village Plan are to retain the existing amount of commercial space within the Urban Village area and to increase the job generating commercial uses. This Plan does not establish specific objectives for the different types of commercial or employment uses, but these uses are largely envisioned to be a mix of retail shops, personal service uses (such as dry cleaners and salons), and professional and general offices. The Plan supports a wide variety retail uses including: 1) small or mid–sized retail that serves the immediately surrounding neighborhoods; 2) larger-format retail uses serving the broader community, such as a grocery; and 3) large-format retail uses that serve the greater region.

Additionally, since the Santana Row/Valley Fair Urban Village focuses on creating a rich and inviting pedestrian environment, new drive-through uses are not supported. While auto-oriented uses are not prohibited (such as auto repair, automobile sales with on-site inventory storage, and rentals, or sales of auto parts), these are considered interim uses to be replaced over time by more pedestrian and transit-supportive uses.

- b. Policy 3-17: Motor vehicle uses, including auto repair, automobile sales s with on-site inventory storage, and rental lots, and auto parts sales are allowed as interim uses. Ultimately this Plan intends that they be redeveloped with pedestrian and transit supportive uses over time.

- c. Urban Village  
65 to 250 DU/AC

The Urban Village designation supports a wide range of commercial uses, including retail sales and services, professional and general offices, and institutional uses as stand-alone uses or in a mixed use format. This designation also allows 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, in one integrated development. All new development under this designation must include ground floor commercial uses along Winchester Boulevard. This Plan does not establish a maximum FAR for commercial or mixed residential/commercial development for properties designated Urban Village, but should provide a commercial FAR based on the average commercial FAR of the entire Village at the time of a development proposal. This requirement is to meet the overall goal of the Urban Village job capacity. ~~does establish a minimum number of dwelling units per acre for the residential portion of mixed use projects.~~ The intensity of new commercial development will effectively be limited by the maximum height limits established in this Plan and shown on the Height Diagram by transitional height and parking requirements established in the Zoning Ordinance.

d. Urban Village Commercial  
FAR up to 8

Urban Village Commercial FAR up to 8 The Urban Village Commercial land use designation is applied to properties on Winchester Boulevard and Moorpark Avenue adjacent to, and on the south side of Interstate 280. This area was identified as an opportunity for new commercial development that could build off the success and vibrancy of the commercial development in the adjacent Santana Row/ Valley Fair Urban Village. This designation supports commercial activity that is more intensive than that of the Neighborhood/Community Commercial land use designation. Appropriate uses in this designation include a variety of commercial uses, mid-rise office buildings and hotels, along with ground floor neighborhood serving commercial and retail uses.

Lower intensity commercial land uses could be supported, but these uses are intended to be interim until there is a market that supports higher intensity uses. This Plan supports the aggregation of smaller parcels with this designation in order to form parcels ideal for larger, mid-rise development. Development under this designation should be developed with an urban and pedestrian-oriented form with the presence of parking and automobile circulation minimized from the adjacent public right-of-way. This designation does not support drive-through use, stand-alone self-storage and big-box retail (except in a vertical mixed-use format).

e. Urban Residential  
45-95 DU/AC

This designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, and private community gathering facilities. This designation is used to identify portions of Urban Village areas where the density of new development should be limited to a medium intensity in order to provide for a gradual transition between surrounding low-density neighborhoods and other areas within the Urban Village suitable for greater intensification. Development in this designation would typically be residential, commercial or mixed uses over parking; however, this designation also allows commercial only development. All new development under this designation with frontage along Winchester Boulevard must include active ground floor uses along Winchester Boulevard.

f. 3.3-1 VIBRANT COMMERCIAL CORRIDOR

GOAL LU-2: The combined commercial FAR of all the parcels within the Urban Village boundary should not drop below 1 to meet the job capacity identified in this Urban Village.

~~Policy 3-4: New development that includes residential uses should not be developed such that the combined FAR of the area designated Urban Village drops below 0.30.~~

2. The following sections of the **Urban Design Chapter** are hereby amendment as follows:

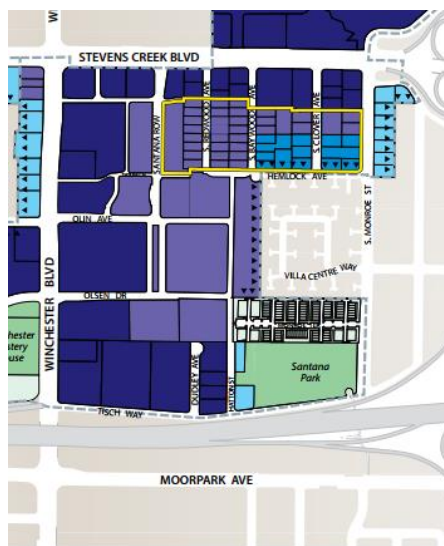
- a. Guideline DG-20: Buildings, not including large format retail buildings, that are wider than 150 feet should be subdivided into portions that read as distinct volumes that are a maximum 80 feet in width.
- b. 5.2-3.2 Building Placement and Transitions; Standard DS-10: Where the existing sidewalk in front of a development project is less than the required sidewalk (20 feet along Winchester and Stevens Creek boulevards and 12-15 feet on all other streets; see Chapter 6), the project must make up the difference such that the entire required sidewalk width is publicly accessible and functions as a sidewalk.
- c. 5.2-3.2 Building Placement and Transitions; Standard DS-11: See figures 5-3 for transitional height standards. For buildings on Hemlock Avenue (between South Baywood Avenue and South Monroe Street), stories above 4 stories or 45 feet must stepback so as not to intercept a 45-degree daylight plane inclined inward from the building edge.

- d. 5.2-4.3 Parking and Loading; Standard DS-18: Loading and service areas shall not be visible ~~from the right-of-way~~ the Winchester and Stevens Creek Boulevards and shall be located at the rear of a property, in structures, in side streets or in the interior of blocks.
- e. 5.2-3.1 Building Height: While more intense land uses generally allow taller heights, building height does not correspond directly to land use. As shown in Figure 5-2(below), the Village's tallest height limit—150 feet—is applied along major corridors —Winchester and Stevens Creek boulevards and the I-280 and I-880 corridors. Additional height may be permitted if community amenities are provided, as described in Chapter 7.

In general, maximum height limits are “feathered down” from Winchester and Stevens Creek Boulevards toward the residential uses within and adjacent to the Village. In the area north of Hemlock Avenue between Santana Row South Baywood and Monroe Street, where parcels are typically small in size, a reduced height of 65 feet is applied on project sites less than ~~0.75~~ one acre in size, in an effort to encourage lot consolidation and avoid large-scale buildings on small sites.

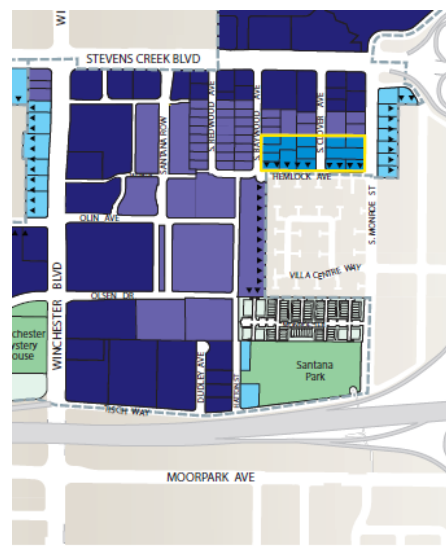
f. Figure 5-2: BUILDING HEIGHT DIAGRAM

*Existing Height Diagram*



typical)  65 Feet for parcels less than 1 acre in size

*Proposed Height Diagram*



typical)  65 Feet for parcels less than 1 acre in size

g. Figure 5-3: New Development Adjacent to Residential Neighborhood Land Use Designation

For buildings on Hemlock Avenue (between South Baywood Avenue and South Monroe Street), buildings above 4 stories or 45 feet must stepback so as not to intercept a 45-degree daylight plane inclined inward from the building edge. The rule for buildings within 60 feet of property line does not apply to the buildings equal or less than 65 feet (the 45-degree daylight rule applies).

3. The following sections of the **Circulation and Streetscape Chapter** are hereby amendment as follows:

- a. Policy 6-13: Large scale office employers should c~~C~~onsider programing on-site childcare services within new development.
- b. Policy 6-18: Employers should consider offering a p~~P~~arking cash-out programs should be implemented by all employers to employees, which would provide the employee the option of receiving cash for their parking space and encourage taking transit, biking, walking or carpooling to work.
- c. Policy 6-37: Improve transit convenience by bringing placing future transit stops closer to key ~~transit transfer~~ intersections (e.g., Winchester & Stevens Creek boulevards), where feasible.
- d. Policy 6-92: Coordinate with the City of Santa Clara to install ~~Install~~ pedestrian-oriented street lighting at approximately 100 feet on center as part of implementation of the Winchester Boulevard Concept. Ornamental double-head or “high-low” pedestrian- and roadway-oriented lighting are recommended.
- e. 6.4-1.6 On-Street Parking: A permit parking program should be considered for ~~Metered parking should be installed in~~ residential neighborhoods adjacent to commercial areas to discourage spillover and long-term parking by employees of the commercial areas. Metered parking should also be installed in commercial areas to encourage turnover of parking spaces and help manage on-street parking supply, while also providing short-term parking for visitors to the commercial area.
- f. Policy 6-98: Consider the installation of metered parking in commercial areas and implementing a permit parking program in residential neighborhoods adjacent to commercial areas in accordance with the City’s permit parking program.

Council District 1.

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## EXHIBIT "E"

### Winchester Urban Village Plan – Text Revisions

The Winchester Urban Village Plan (Exhibit A of this Resolution), is hereby amended as follows:

1. The following sections of the Land Use Chapter are hereby amendment as follows:
  - a. Urban Village  
65 to 250 DU/AC

The Urban Village designation supports a wide range of commercial uses, including retail sales and services, professional and general offices, and institutional uses as stand-alone uses or in a mixed use format. This designation also allows 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, in one integrated development. All new development under this designation must include ground floor commercial uses along Winchester Boulevard. This Plan does not establish a maximum FAR for commercial or mixed residential/commercial development for properties designated Urban Village, but new developments should provide a commercial FAR based on the average commercial FAR of the entire Village at the time of a development proposal. This requirement is to meet the overall goal of the Urban Village job capacity goal. ~~does establish a minimum number of dwelling units per acre for the residential portion of mixed use projects.~~ The intensity of new commercial development will effectively be limited by the maximum height limits established in this Plan and shown on the Height Diagram by transitional height and parking requirements established in the Zoning Ordinance.

- b. Urban Village Commercial  
FAR up to 8

Urban Village Commercial FAR up to 8 The Urban Village Commercial land use designation is applied to properties on Winchester Boulevard and Moorpark Avenue adjacent to, and on the south side of Interstate 280. This area was identified as an opportunity for new commercial development that could build off the success and vibrancy of the commercial development in the adjacent Santana Row/ Valley Fair Urban Village. This designation supports

commercial activity that is more intensive than that of the Neighborhood/Community Commercial land use designation. Appropriate uses in this designation include a variety of commercial uses, mid-rise office buildings and hotels, along with ground floor neighborhood serving commercial and retail uses.

Lower intensity commercial land uses could be supported, but these uses are intended to be interim until there is a market that supports higher intensity uses. This Plan supports the aggregation of smaller parcels with this designation in order to form parcels ideal for larger, mid-rise development. Development under this designation should be developed with an urban and pedestrian-oriented form with the presence of parking and automobile circulation minimized from the adjacent public right-of-way. This designation does not support drive-through use, stand-alone self-storage and big-box retail (except in a vertical mixed-use format).

c. Urban Residential  
45-95 DU/AC

This designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, and private community gathering facilities. This designation is used to identify portions of Urban Village areas where the density of new development should be limited to a medium intensity in order to provide for a gradual transition between surrounding low-density neighborhoods and other areas within the Urban Village suitable for greater intensification. Development in this designation would typically be residential, commercial or mixed uses over parking; however, this designation also allows commercial only development. All new development under this designation with frontage along Winchester Boulevard must include active ground floor uses along Winchester Boulevard.

- d. 3.3-1 VIBRANT COMMERCIAL CORRIDOR; GOAL LU-2: The combined commercial FAR of all the parcels within the Urban Village boundary should not drop below 0.4 to meet the job capacity identified in this Urban Village.
- e. ~~3.3-1 VIBRANT COMMERCIAL CORRIDOR; Policy 3-4: New development that includes residential uses should not be developed such that the combined FAR of the area designated Urban Village drops below 0.30.~~



2. The following sections of the **Urban Design Chapter** are hereby amendment as follows:
  - a. 5.2-5.3 Parking and Loading; Standard DS-21: Loading and service areas shall not be visible from ~~the right-of-way~~ Winchester Boulevard and shall be located at the rear of a property, in structures, or in the interior of blocks.
  - b. Figure 5-3: NEW DEVELOPMENT ADJACENT TO RESIDENTIAL NEIGHBORHOOD LAND USE DESIGNATION

The building height diagrams depicted on this page are scenarios of a parcel with a maximum 85-foot height. Buildings that are less than 65 feet high can use a 20-foot rear/side setback when located adjacent to Residential Neighborhood or Urban Residential Land Use Designation. The rule for buildings within 60 feet of property line does not apply to the buildings equal or less than 65 feet (The 45-degree daylight rule applies).

Council District 1.

CEQA: Determination of Consistency with the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and the November 1, 2016 Addendum thereto, in conformance with CEQA.