

APPENDIX I

RESOLUTION NOS. 78942, 78943, AND 78944

RESOLUTION NO. 78942

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CERTIFYING THE DOWNTOWN STRATEGY 2040 PROJECT ENVIRONMENTAL IMPACT REPORT (SCH #2003042127) AND MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, AVOIDANCE MEASURES CONSISTENT WITH CITY POLICIES AND REQUIREMENTS, AND ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED

WHEREAS, the City of San José, a municipal corporation (“City”) has prepared that certain strategy for the Downtown area entitled the “Downtown Strategy 2040” proposed for approval by the City of San José’s City Council; and

WHEREAS, the Downtown Strategy 2040 (“Downtown Strategy 2040”) is an update and replacement of the “*Strategy 2000: San José Greater Downtown Strategy for Development*” (also referred to as “Downtown Strategy Plan 2000” and referred to herein as “Downtown Strategy 2000”) adopted by the City Council on June 21, 2005 (Resolution No. 72766). The Downtown Strategy 2000 strategic planning goals and objectives either have been achieved or are no longer current with the adoption of the Envision San José 2040 General Plan (“General Plan”) and the subsequent dissolution of the San José Redevelopment Agency, as well as other changed circumstances. Many of the urban design principles and guidelines found in the Downtown Strategy 2000 have been incorporated into the General Plan and the others are presently being updated; and

WHEREAS, the new Downtown Strategy 2040 (“Project”) is necessary to respond to changed circumstances and conditions and increase the Downtown capacity for new

development to 2040 consistent with the General Plan vision. For purposes of this new Downtown Strategy 2040, the primary action is to increase the development capacity within the Downtown boundary, as defined in the General Plan, by transferring 4,000 dwelling units and 10,000 jobs from later horizon General Plan growth areas to Downtown. A minor geographic boundary expansion is included in the Downtown Strategy 2040 for the east side of North 4th Street between St. John and Julian Streets; and

WHEREAS, approval of the Downtown Strategy 2040 would constitute a project under the provisions of the California Environmental Quality Act of 1970, together with related state and local implementation guidelines and policies promulgated thereunder, all as amended to date (collectively, "CEQA"); and

WHEREAS, the City is the lead agency for the Project, and has prepared a Final Program Environmental Impact Report for the Project pursuant to and in accordance with CEQA, which Final Environmental Impact Report is comprised of the Draft Environmental Impact Report for the Project (the "DEIR"), together with the First Amendment and Second Amendment to the DEIR (collectively, all of said documents are referred to herein as the "FEIR"); and

WHEREAS, on November 28, 2018, the Planning Commission of the City of San José reviewed the FEIR prepared for the Downtown Strategy 2040 Project and recommended to the City Council that it find the FEIR was completed in accordance with the requirements of CEQA and further recommended the City Council adopt this Resolution; and

WHEREAS, CEQA requires that, in connection with approval of a project for which an environmental impact report has been prepared that identifies one or more significant environmental effects of the project, the decision-making body of a public agency make

certain findings regarding those effects and adopt avoidance measures to minimize impacts consistent with City policies and requirements and a statement of overriding considerations for any impact that may not be reduced to a less than significant level.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. That the above recitals are true and correct; and
2. That the City Council does hereby find and certify that the FEIR has been prepared and completed in compliance with CEQA; and
3. That the City Council was presented with, and has independently reviewed and analyzed, the FEIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the FEIR and the Project, prior to acting upon and approving the Project, and has found that the FEIR represents the independent judgment of the City, as lead agency for the Project, and designates the Director of Planning, Building, and Code Enforcement at the Director's office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and record of proceedings on which the decision of the City is based; and
4. That the City Council does hereby find and recognize that the FEIR contains additions, clarifications, modifications, and other information received in response to comments received on the DEIR or obtained by the City after the DEIR was issued and circulated for public review, and does hereby find that such changes and additional information are not significant new information as that phrase is described under CEQA because such changes and additional information do not indicate that any of the following would result from approval and implementation of the Project: (i) any new significant environmental impact or substantially more severe environmental impact not already disclosed and evaluated in the DEIR, (ii) any feasible mitigation measure considerably different from those analyzed in the DEIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented, or (iii) any feasible alternative considerably different from those analyzed in the DEIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented; and
5. That the City Council does hereby find and determine that recirculation of the FEIR for further public review and comment is not warranted or required under the provisions of CEQA; and

6. That the City Council does hereby make the following findings with respect to significant effects on the environment of the Project, as identified in the FEIR, with the understanding that all of the information in this Resolution is intended as a summary of the full administrative record supporting the FEIR, which full administrative record should be consulted for the full details supporting these findings.

THE DOWNTOWN STRATEGY 2040 SIGNIFICANT ENVIRONMENTAL IMPACTS

Air Quality

Impact: **Impact AQ-1:** Build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of ozone standards.

Mitigation and Avoidance Measure: To reduce emissions associated with vehicle travel, future development shall be required to implement a transportation demand management (TDM) program. During supplemental review of future projects, the TDM programs will be evaluated for consistency with General Plan policies, including those listed in DEIR Table 3.3-2. All feasible and applicable measures will be required as part of project design or as conditions of approval. Implementation of TDM programs and consistency with General Plan policies, however, would be insufficient to fully mitigate the Project's significant contribution to cumulative air quality impacts given the scale of the Project.

Finding: Operational air quality impacts associated with buildout of the Project would remain significant and unavoidable. **(Significant and Unavoidable Impact)**

Facts in Support of Finding: Although the Project includes measures to reduce impacts to the extent feasible, the measures would be insufficient to fully mitigate the Project's significant contribution to cumulative air quality impacts given the scale of the Project's emissions compared to the relatively small numeric thresholds recommended by the Bay Area Air Quality Management District. Although the Downtown Strategy 2040 could substantially reduce emissions of regional air pollutants over the long-term through implementation of the General Plan policies and proposed measures, the policies and measures would not be capable of reducing

the impact to a less than significant level given the magnitude of the impact is nearly 25 times the reactive organic gases (ROG) threshold due to the amount of development to be built over the next 20 or more years in the Downtown. Therefore, the impact would remain significant and unavoidable.

Greenhouse Gas (GHG) Emissions

Impact: **Impact GHG-1:** Build-out of the Downtown Strategy 2040 would result in significant GHG emissions under 2040 conditions.

Mitigation and Avoidance Measure: Future development allowed under the Downtown Strategy 2040 would be subject to the goals and policies throughout the General Plan, including those listed in DEIR Table 3.3-2 and DEIR Table 3.8-1, that encourage a reduction in vehicle miles traveled through land use, pedestrian, bicycle, and access to transit improvements, parking strategies that reduce automobile travel through parking supply and pricing management, and requirements for Transportation Demand Management programs for large employers. Additional policies listed in DEIR Table 3.6-1 have been adopted to reduce energy use (and thus emissions from fuel use).

Finding: Given the uncertainties about the feasibility of achieving the needed 2040 GHG emissions reductions, the Downtown Strategy 2040's contribution to GHG emissions and climate change for the 2040 timeframe is determined to be significant and unavoidable. **(Significant and Unavoidable Impact)**

Facts in Support of Finding: The Downtown Strategy 2040 is intended to reduce vehicle miles traveled (VMT), as well as associated GHG emissions, through regional transit use and increase the use of alternative transportation at the community level, a major goal of the City and the region. By intensifying development in proximity to Diridon Station (San José's largest transit hub) and other transit services included in the cumulative condition, such as the future Bay Area Rapid Transit (BART) station on Santa Clara Street, the Downtown Strategy 2040 supports use of the regional transit system for commuting. In addition, the intensification of residential and office development in Downtown can reduce the distances between jobs and housing, supporting alternative transportation modes over vehicle use for commuting. The DEIR determined that the Project would reduce VMT and GHG emissions compared to the existing General Plan.

Achieving the substantial GHG emissions reductions needed to meet the 2040 threshold will require an aggressive multiple-pronged approach that includes policy decisions and additional GHG emission controls at the federal and state level, and new and substantially advanced technologies that cannot be anticipated or predicted with any accuracy at this time. It also will require substantial behavioral changes to reduce single occupant vehicle trips, especially to and from work places. Future policy and regulatory decisions by other agencies [such as the California Air Resources Board (ARB), Public Utilities Commission (PUC), California Energy Commission (CEC), Metropolitan Transportation Commission (MTC), and Bay Area Air Quality Management District (BAAQMD)] and technological advances are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. Given the uncertainties about the feasibility of achieving the needed 2040 GHG emissions reductions, the Downtown Strategy 2040's contribution to GHG emissions and climate change for the 2040 timeframe is determined to be significant and unavoidable.

Noise and Vibration

Impact: **Impact NV-1:** Build-out of the Downtown Strategy 2040 would result in a significant unavoidable impact at existing noise-sensitive land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street due to substantial increases in traffic noise.

Mitigation and Avoidance Measure: There are several potential options available to reduce noise from project-generated traffic. In situations where private outdoor use areas, such as rear yards, are located adjacent to the roadway, new or larger noise barriers could be constructed to provide the additional necessary noise attenuation in private use areas. Typically, increasing the height of an existing barrier results in approximately one dBA of attenuation per one foot of additional barrier height. The design of such noise barriers would require additional analysis and would be appropriate only in cases where uses backed up to a roadway. However, it would not be desirable if barriers become too tall for aesthetic reasons or too costly to retrofit.

Case studies have shown that the replacement of dense grade asphalt (standard type) with open-grade or rubberized asphalt can reduce traffic noise levels along local roadways by two to three dBA DNL. A possible

noise reduction of two dBA would be expected using conservative engineering assumptions, and future traffic noise increases could be mitigated to a less than significant level by repaving roadways with “quieter pavements.” To be a permanent mitigation, subsequent repaving would also have to use “quieter” pavements.

Traffic calming could also be implemented to reduce noise levels expected with the project, consistent with the City’s Transportation Policy 5-1. Each five-mph reduction in average speed provides approximately one dBA of noise reduction on an average basis (Leq/DNL). Traffic calming measures that regulate speed improve the noise environment by smoothing out noise levels.

Residences could also be provided with sound insulation treatments if further study finds that interior noise levels within the affected residential units would exceed 45 dBA DNL because of the projected increase in traffic noise. Treatments to the homes may include the replacement of existing windows and doors with sound-rated windows and doors and the provision of a suitable form of forced-air mechanical ventilation to allow the occupants the option of controlling noise by closing the windows.

Detailed analyses would be required to identify specific measures to reduce traffic noise levels at all affected properties along roadway segments where the project would result in significant traffic noise impacts. Even with the preparation of detailed analyses and identification of site-specific measures, it would not be feasible to reduce the impacts to a less than significant level due to a variety of administrative and fiscal challenges. Therefore, the traffic noise impact at existing noise-sensitive receptors along segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street would be significant and unavoidable.

Finding: Traffic-related noise impacts associated with buildout of the Project would remain significant and unavoidable (**Significant and Unavoidable Impact**)

Facts in Support of Finding: According to CEQA, “a substantial increase” is necessary to cause a significant environmental impact. An increase of three dBA DNL is considered substantial in noise sensitive areas along the roadways analyzed in the Downtown area as noise exposures at a distance of 75 feet from the roadway centerline generally exceed 60 dBA DNL. Vehicular traffic on roadways in the city would increase as development occurs and the City’s population increases. These projected

increases in traffic would, over time, increase noise levels throughout the community. Noise levels would increase substantially (i.e., by 3 dBA DNL or more) along segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street. As discussed above, detailed analyses would be required to identify specific measures to reduce traffic noise levels at all affected properties along roadway segments where the project would result in significant traffic noise impacts. Even with the preparation of detailed analyses and identification of site-specific measures, it may not be feasible to reduce the impacts to a less than significant level due to a variety of administrative and fiscal challenges. Therefore, the traffic noise impact at existing noise-sensitive receptors along segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street would be significant and unavoidable.

Cumulative Impacts

Impact: **Impact C-AQ-1:** Build-out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of ozone standards.

Mitigation and Avoidance Measure: To reduce emissions associated with vehicle travel, future development shall be required to implement a transportation demand management (TDM) program. During supplemental review of future projects, the TDM programs will be evaluated for consistency with General Plan policies including those listed in DEIR Table 3.3-2. All feasible and applicable measures will be required as part of project design or as conditions of approval. Implementation of TDM programs and consistency with General Plan policies, however, would be insufficient to fully mitigate the project's significant contribution to cumulative air quality impacts given the scale of the project.

Finding: Cumulative operational air quality impacts associated with buildout of the Project would remain significant and unavoidable. **(Significant and Unavoidable Cumulative Impact)**

Facts in Support of Finding: Although the Project includes measures to reduce impacts to the extent feasible, the measures would be insufficient to fully mitigate the Project's significant contribution to cumulative air quality impacts given the scale of the Project's emissions compared to the

relatively small numeric thresholds recommended by the Bay Area Air Quality Management District. Although the Downtown Strategy 2040 could substantially reduce emissions of regional air pollutants over the long-term through implementation of 2040 General Plan policies and proposed measures, the policies and measures would not be capable of reducing the impact to a less than significant level given the magnitude of the impact is nearly 25 times the ROG threshold due to the amount of development to be built over the next 20 or more years in the Downtown. Therefore, the impact would remain significant and unavoidable.

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Impact: **Impact C-CUL-1:** Downtown Strategy 2040 would make a cumulatively considerable contribution to previously identified significant impacts to historic resources.

Mitigation and Avoidance Measure: Future development projects shall be required to evaluate buildings over or near 45 years of age prior to demolition or substantial alteration and implement 2040 General Plan policies and existing regulations that promote preservation of historic landmarks, districts, and properties of lesser significance.

Finding: Cumulative impacts to historic resources associated with buildout of the Project would remain significant and unavoidable (**Significant and Unavoidable Cumulative Impact**)

Facts in Support of Finding: Although the Project includes measures to reduce impacts to the extent feasible, the proposed Project could make a substantial contribution to the significant impacts previously identified in the Downtown Strategy 2000 EIR based on the number of historic resources that have been lost within Downtown (and the City in general), and the potential for remaining historic buildings to be replaced or otherwise adversely affected.

Impact: **Impact C-GHG-1:** Build-out of the Downtown Strategy 2040 would result in significant GHG emissions under 2040 conditions.

Mitigation and Avoidance Measure: Future development allowed under the Downtown Strategy 2040 would be subject to the goals and policies throughout the General Plan, including those listed in DEIR Table 3.3-2 and DEIR Table 3.8-1, that encourage a reduction in VMT through land use, pedestrian, bicycle, and access to transit improvements, parking strategies that reduce automobile travel through parking supply and pricing management, and requirements for Transportation Demand Management programs for large employers. Additional policies listed in

DEIR Table 3.6-1 have been adopted to reduce energy use (and thus emissions from fuel use).

Finding: Given the uncertainties about the feasibility of achieving the needed 2040 GHG emissions reductions, the Downtown Strategy 2040's contribution to GHG emissions and climate change for the 2040 timeframe is determined to be significant and unavoidable. **(Significant and Unavoidable Cumulative Impact)**

Facts in Support of Finding: The Downtown Strategy 2040 is intended to reduce VMT, as well as associated GHG emissions, through regional transit use and increase the use of alternative transportation at the community level, a major goal of the City and the region. By intensifying development in proximity to Diridon Station (San José's largest transit hub) and other transit services included in the cumulative condition, such as the future BART station on Santa Clara Street, the Downtown Strategy 2040 supports use of the regional transit system for commuting. In addition, the intensification of residential and office development in Downtown can reduce the distances between jobs and housing, supporting alternative transportation modes over vehicle use for commuting. The DEIR determined that the Project would reduce VMT and GHG emissions compared to the existing General Plan.

Achieving the substantial GHG emissions reductions needed to meet the 2040 threshold will require an aggressive multiple-pronged approach that includes policy decisions and additional GHG emission controls at the federal and state level, and new and substantially advanced technologies that cannot be anticipated or predicted with any accuracy at this time. It also will require substantial behavioral changes to reduce single occupant vehicle trips, especially to and from work places. Future policy and regulatory decisions by other agencies [such as the California Air Resources Board (ARB), Public Utilities Commission (PUC), California Energy Commission (CEC), Metropolitan Transportation Commission (MTC), and Bay Area Air Quality Management District (BAAQMD)] and technological advances are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. Given the uncertainties about the feasibility of achieving the needed 2040 GHG emissions reductions, the Downtown Strategy 2040's contribution to GHG emissions and climate change for the 2040 timeframe is determined to be significant and unavoidable.

Impact: **Impact C-NV-1:** Build-out of the Downtown Strategy 2040 would result in a significant unavoidable cumulative impact at existing noise-sensitive

land uses adjacent to segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street due to substantial increases in traffic noise.

Mitigation and Avoidance Measure: Options are potentially available to reduce noise from project-generated traffic. In situations where private outdoor use areas, such as rear yards, are located adjacent to the roadway, new or larger noise barriers could be constructed to provide the additional necessary noise attenuation in private use areas. Typically, increasing the height of an existing barrier results in approximately one dBA of attenuation per one foot of additional barrier height. The design of such noise barriers would require additional analysis and would be appropriate only in cases where uses backed up to a roadway. However, it would not be desirable if barriers become too tall for aesthetic reasons or too costly to retrofit.

Case studies have shown that the replacement of dense grade asphalt (standard type) with open-grade or rubberized asphalt can reduce traffic noise levels along local roadways by two to three dBA DNL. A possible noise reduction of two dBA would be expected using conservative engineering assumptions, and future traffic noise increases could be mitigated to a less than significant level by repaving roadways with "quieter pavements." To be a permanent mitigation, subsequent repaving would also have to use "quieter" pavements.

Traffic calming could also be implemented to reduce noise levels expected with the project, consistent with the City's Transportation Policy 5-1. Each five-mph reduction in average speed provides approximately one dBA of noise reduction on an average basis (Leq/DNL). Traffic calming measures that regulate speed improve the noise environment by smoothing out noise levels.

Residences could also be provided with sound insulation treatments if further study finds that interior noise levels within the affected residential units would exceed 45 dBA DNL because of the projected increase in traffic noise. Treatments to the homes may include the replacement of existing windows and doors with sound-rated windows and doors and the provision of a suitable form of forced-air mechanical ventilation to allow the occupants the option of controlling noise by closing the windows.

Detailed analyses would be required to identify specific measures to reduce traffic noise levels at all affected properties along roadway

segments where the project would result in cumulative traffic noise impacts. Even with the preparation of detailed analyses and identification of site-specific measures, it would not be feasible to reduce the impacts to a less than significant level due to a variety of administrative and fiscal challenges. Therefore, the traffic noise impact at existing noise-sensitive receptors along segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street would be significant and unavoidable.

Finding: Traffic-related cumulative noise impacts associated with buildout of the Project would remain significant and unavoidable (**Significant and Unavoidable Cumulative Impact**)

Facts in Support of Finding: According to CEQA, "a substantial increase" is necessary to cause a significant environmental impact. An increase of three dBA DNL is considered substantial in noise sensitive areas along the roadways analyzed in the Downtown area as noise exposures at a distance of 75 feet from the roadway centerline generally exceed 60 dBA DNL. Vehicular traffic on roadways in the City would increase as development occurs and the city's population increases. These projected increases in traffic would, over time, increase noise levels throughout the community. Noise levels would increase substantially (i.e., by 3 dBA DNL or more) along segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street. Detailed analyses would be required to identify specific measures to reduce traffic noise levels at all affected properties along roadway segments where the project would result in significant traffic noise impacts. Even with the preparation of detailed analyses and identification of site-specific measures, it may not be feasible to reduce the impacts to a less than significant level due to a variety of administrative and fiscal challenges. Therefore, the traffic noise impact at existing noise-sensitive receptors along segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street would be significant and unavoidable.

Impact: **Impact C-PH-1:** Future development under the proposed Downtown Strategy 2040 would make a substantial contribution to the significant

unavoidable impact related to the jobs/housing imbalance, as identified in the 2040 General Plan EIR.

Mitigation and Avoidance Measure: There are no mitigation measures to reduce the jobs/housing imbalance due to its inherent foundation as a 2040 General Plan assumption. The Downtown Strategy 2040 is intended to reduce VMT through regional transit use and increase the use of alternative transportation at the community level, a major goal of the City and the region. By intensifying development in proximity to Diridon Station (San José's largest transit hub) and other transit services included in the cumulative condition, such as the future BART station on Santa Clara Street, the Downtown Strategy 2040 supports use of the regional transit system for commuting. In addition, the intensification of residential and office development in Downtown can reduce the distances between jobs and housing, supporting alternative transportation modes over vehicle use for commuting.

The main environmental issue associated with a jobs/housing imbalance is increased VMT and the Downtown Strategy 2040 is a key strategy for reducing VMT; however, because the Project would not change the overall amount of jobs and housing planned for the City in the 2040 General Plan, the Downtown Strategy 2040 would contribute to the significant unavoidable impact identified in the 2040 General Plan EIR.

Finding: Because the Project would not change the overall amount of jobs and housing planned for the City in the 2040 General Plan, the Downtown Strategy 2040 would contribute to the significant unavoidable impact identified in the 2040 General Plan EIR (**Significant and Unavoidable Cumulative Impact**)

Facts in Support of Finding: Build-out of the 2040 General Plan would result in a jobs/housing imbalance in the City, with more jobs than employed residents. As a result of increased commuting from other jurisdictions, the 2040 General Plan EIR concluded that implementation of the 2040 General Plan would substantially increase vehicle miles travelled (VMT) per service population in the Bay area region. Therefore, the population and housing impact related to the jobs/housing balance and induced population growth outside of San José was identified in the 2040 General Plan as significant and unavoidable.

The Downtown Strategy 2040 is intended to reduce VMT through regional transit use and increase the use of alternative transportation at the community level, a major goal of the City and the region. By intensifying development in proximity to Diridon Station (San José's largest transit

hub) and other transit services included in the cumulative condition, such as the future BART station on Santa Clara Street, the Downtown Strategy 2040 supports use of the regional transit system for commuting. In addition, the intensification of residential and office development in Downtown can reduce the distances between jobs and housing, supporting alternative transportation modes over vehicle use for commuting.

The main environmental issue associated with a jobs/housing imbalance is increased VMT and the Downtown Strategy 2040 is a key strategy for reducing VMT; however, because the Project would not change the overall amount of jobs and housing planned for the City in the 2040 General Plan, the Downtown Strategy 2040 would contribute to the significant unavoidable impact identified in the 2040 General Plan EIR.

Growth Inducing Impacts

Impact: **Impact GI-1:** Future development under the proposed Downtown Strategy 2040 would make a substantial contribution to the significant unavoidable growth-inducing impact identified in the 2040 General Plan EIR.

Mitigation and Avoidance Measure: There are no mitigation measures to reduce the jobs/housing imbalance due to its inherent foundation as a 2040 General Plan assumption. The significant unavoidable growth-inducing impact identified in the 2040 General Plan EIR is associated with growth outside of the City that may result from the projected jobs/housing imbalance within the City. The specific environmental effects of growth outside the City and any mitigation measures to offset those effects will be best addressed at the time resulting development is proposed in locations outside of the City. Identification of mitigation measures for future housing growth in locations outside of the City would be speculative and would not be within the jurisdiction of the City to implement.

Finding: The Project would make a substantial contribution to the significant unavoidable growth-inducing impact identified in the 2040 General Plan EIR. **(Significant and Unavoidable Cumulative Impact)**

Facts in Support of Finding: The significant unavoidable growth-inducing impact identified in the 2040 General Plan EIR, to which the Project would make a substantial contribution, is associated with growth outside of the City that may result from the projected jobs/housing imbalance within the City. The specific environmental effects of growth outside the City and any mitigation measures to offset those effects will be best addressed at the

time resulting development is proposed. Identification of mitigation measures for future housing growth in other cities would be speculative.

FINDINGS CONCERNING ALTERNATIVES

In order to comply with the purposes of CEQA, it is important to identify alternatives that reduce the significant impacts that are anticipated to occur if the project is implemented and to try to meet as many of the project's objectives as possible. The CEQA Guidelines emphasize a common sense approach -- the alternatives should be reasonable, should "foster informed decision making and public participation," and should focus on alternatives that avoid or substantially lessen the significant impacts.

The alternatives analyzed in the DEIR were developed with the goal of being at least potentially feasible, given Project objectives and site constraints, while avoiding or reducing the Project's identified environmental effects. The following are evaluated as alternatives to the proposed Project:

- 1) No Project (No Downtown Growth) Alternative
- 2) No Project (General Plan Buildout) Alternative
- 3) Intensification West of SR 87 Alternative

1. No Project (No Downtown Growth) Alternative

- A. **Description of Alternative:** Under the No Project (No Downtown Growth) Alternative, the City would halt any growth in Downtown and instead maintain Downtown development at current levels, including implementation of current 'pipeline' development projects already entitled and have not expired under the Downtown Strategy 2000. This alternative would require the City to stop implementing its General Plan beyond current approved 'pipeline' projects, which calls for intensification and growth in the Downtown area.
- B. **Comparison of Environmental Impacts:** The No Project (No Downtown Growth) Alternative would avoid all of the environmental impacts associated with the Project.
- C. **Finding:** The objectives of the Project center on encouraging and facilitating growth and intensification in Downtown consistent with the goals and policies of the 2040 General Plan that support Downtown's growth as a primary mixed-use commercial/residential growth area and a key multi-modal transit destination. This alternative would not meet the

Project objectives, nor would it adhere to the goals and policies in the City's 2040 General Plan related to locating new growth in the Downtown area, near transit, and reducing VMT to minimize greenhouse gas emissions and to develop in a fiscally sustainable manner. Therefore, this alternative is rejected.

2. No Project (General Plan Buildout) Alternative

A. **Description of Alternative:** The Downtown Strategy 2000 was incorporated into the General Plan, which was adopted in November 2011. The General Plan increased the growth capacity for housing development by 1,860 units within Downtown above the development capacities in the Downtown Strategy 2000, while maintaining the Downtown Strategy 2000 development capacities for office, retail and hotel uses. The purpose of this alternative is to identify what development and associated environmental impacts would occur if the City does not adopt the proposed Downtown Strategy 2040; in other words, how the Downtown area would continue to grow and evolve under the current 2040 General Plan's goals, policies, and Land Use Transportation Diagram. Under the No Project General Plan Buildout Alternative, the Project area would be developed consistent with the General Plan, resulting in 4,000 fewer residential units and 3,000,000 less square feet of office space compared to the proposed Project, although that development is assumed to be implemented elsewhere in the City as currently envisioned by the 2040 General Plan.

B. **Comparison of Environmental Impacts:** The No Project (General Plan Buildout) Alternative would result in similar environmental impacts compared to the Project.

This alternative would result in a decrease in criteria pollutant emissions generated by development in the Downtown area; however, emissions would still exceed thresholds and would be considered significant and unavoidable. Additionally, though emissions generated within the Downtown area would be reduced, emissions citywide would likely increase due to increased VMT.

This alternative would result in similar cultural resources impacts compared to the Project because the Project does not propose new development in any areas in Downtown not already planned for development in the 2040 General Plan.

This alternative would result in a greater GHG emissions per service population in the Downtown area compared to the Project. Additionally,

though emissions generated within the Downtown area would be reduced, emissions citywide would likely increase due to increased VMT.

This alternative would reduce traffic-generated noise by one dBA DNL on two impacted roadway segments: The Alameda east of Race Street and First Street south of Keyes Street. However, the reductions are not large enough to reduce traffic-generated noise to less than significant levels on these roadway segments. As a result, this alternative would result in the same significant noise impact identified for the Project.

This alternative would result in the same population and housing impact as the Project because the Project would not change the total number of jobs or dwelling units planned for the City in the 2040 General Plan.

- C. **Finding:** The objectives of the proposed Project center on encouraging and facilitating growth in Downtown consistent with the goals and policies of the 2040 General Plan. In this area, the No Project (General Plan Buildout) Alternative would be consistent with the Project objectives. Where the project and the No Project Alternative differ is the extent to which growth would occur in Downtown. The Project would allow additional growth in Downtown beyond what was assumed in the current 2040 General Plan by moving planned housing and jobs from other Growth Areas to Downtown, and therefore would achieve the Project objectives to a greater extent than the No Project (General Plan Buildout) Alternative because the City wants to focus growth Downtown where such growth can currently be well-served by multi-modal transit options and reduce VMT while responding to the regional housing crisis and market demands for commercial office space. Because the No Project (General Plan Buildout) Alternative would result in very similar impacts compared to the Project but would not achieve the Project's objectives to the same extent as the Project, this alternative is rejected.

3. Intensification West of SR 87 Alternative

- A. **Description of Alternative:** The Downtown Strategy 2040 Project would allow for increased development within the Downtown boundaries. Other than those required by the General Plan and zoning district regulations on individual properties, no restrictions would be placed on where in Downtown the future development could occur. For the purposes of analyzing traffic impacts from the Project, assumptions were made for where the future development would occur in Downtown. The density of existing development in Downtown varies, with the densest areas (i.e., office and residential towers) occurring in the central area of Downtown, east of SR 87. The traffic analysis for the Project assumed that historic

land use pattern would continue and placed much of the future development east of SR 87, especially future office development.

The Intensification West of SR 87 Alternative is intended to analyze the effects of a scenario where, due to increased interest in development and redevelopment of properties in the area of Downtown located west of SR 87, there would be a shift of density of future office development compared to what was assumed for the Downtown Strategy 2040, with more future office space being located west of SR 87 instead of east of SR 87 as the traffic analysis currently evaluates. This alternative assumes that an additional 4,000 jobs (equivalent to roughly 1.2 million square feet of office space) would occur on the west side of SR 87 instead of the east side.

The Intensification West of SR 87 Alternative would not change the overall amount of development allowed under the Downtown Strategy 2040, nor would it change any components of the Project description. Instead, this alternative merely changes the assumption of where the development allowed by the Project would occur within the Downtown boundaries.

- B. Comparison of Environmental Impacts:** The Intensification West of SR 87 Alternative would result in similar environmental impacts compared to the Project.

This alternative would not result in a measurable change in criteria pollutant emissions because it would not change the overall amount of development proposed by the Project in the Downtown area.

This alternative would result in similar cultural resources impacts compared to the Project because it would not change the overall amount of development proposed by the Project in the Downtown area. Since cultural and historic resources are more heavily concentrated in the central Downtown area east of SR 87, it is possible that this alternative could avoid some impacts by shifting a portion of the future development away from this area.

This alternative would not result in a measurable change in GHG emissions because it would not change the overall amount of development proposed by the Project in the Downtown area.

This alternative would reduce traffic-generated noise on three impacted roadway segments: Autumn Street north of Santa Clara Street, Naglee Avenue west of The Alameda, and the east side of the Bird Avenue and I-280 (South) intersection. However, this alternative would increase traffic-generated noise on seven roadway segments: Bird Avenue north of San

Carlos Street, Bird Avenue south of I-280 (North), Bird Avenue south of I-280 (South), the west side of the Bird Avenue and I-280 (South) intersection, the south side of the Julian Street and SR-87 intersection, the Alameda south of Hedding Street, and the Alameda east of Race Street. The noise increases would not result in any new significant impacts compared to the Project.

This alternative would result in the same population and housing impact as the Project because the Project would not change the total number of jobs or dwelling units proposed by the Project.

- C. **Finding:** The Intensification West of SR 87 Alternative would not change the overall amount of development allowed under the Downtown Strategy 2040, nor would it change any components of the Project description. Instead, this alternative changes the assumption of where the development allowed by the Project would occur within the Downtown boundaries. This alternative, therefore, would achieve all of the Project's objectives. However, this alternative is not environmentally superior to the Project because the total amount of development is the same. The potential environmental impacts of the development capacity assumed by the Project within Downtown is not dependent upon the specific location of the new development. Therefore, this alternative is rejected.

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to the provisions of CEQA, the City Council of the City of San José hereby adopts and makes the following statement of overriding considerations regarding the remaining significant and unavoidable impacts of the Project as outlined above and the anticipated economic, social, and other benefits of the Project.

- A. **Significant Unavoidable Impacts.** With respect to the foregoing findings and in recognition of those facts which are included in the record, the City has determined the Project has significant unmitigated or unavoidable impacts, as set forth above, associated with operational air quality emissions, historic resources, GHG emissions, traffic noise, jobs/housing imbalance, and growth inducement.
- B. **Overriding Considerations.** The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project, has eliminated or substantially lessened all significant effects on the environment where feasible, and finds that the remaining significant, unavoidable impacts of the Project are acceptable in light of the economic,

legal, environmental, social, technological or other considerations noted below, because the benefits of the Project outweigh the significant and adverse impacts of the Project. The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. These matters are supported by evidence in the record that includes, but is not limited to, the Envision San José 2040 General Plan, Diridon Station Area Plan, Downtown Strategy 2040, the San José Municipal Code, the San José Design Guidelines pertaining to development in the expanded Downtown Growth Area and the Diridon Station Area Urban Village, the San José Greenprint (NOW Activate San José), the San José Bike Plan 2020 and Climate Smart San José.

C. **Benefits of the Proposed Project.** The City Council has considered the public record of proceedings on the proposed Project and other written materials presented to the City as well as oral and written testimony at all hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits:

1. **In-fill Development in an Identified Growth Area.** The Project adds development capacity for 3,000,000 square feet of office space and 4,000 dwelling units within walking, biking, bus, light rail, and heavy rail public transit distance of existing and planned commercial and residential uses in the expanded Downtown Growth area boundary and the Diridon Station Area Urban Village, advancing Major Strategies Nos. 9 and 12 in the Envision San José 2040 General Plan. The subject Project will contribute to and compliment the growth of the Downtown Growth Area and Diridon Station Area Urban Village by facilitating future housing and employment opportunities near shops, restaurants, services, and amenities accessible walking, biking, bus, and light and heavy rail public transit, reducing the number of vehicle miles traveled per person compared with the equivalent amount of residential and office capacity in a more suburban location.
2. **Increase Employment within San José.** The provision of an additional 3,000,000 square feet of office capacity within the expanded Downtown Growth Area and the Diridon Station Area Urban Village will advance goals in the Envision San José 2040 General Plan to increase the ratio of jobs/employed residents to attain fiscal sustainability for the City. Specifically, the Project will

enhance office capacity for various employment uses that are located in proximity to bus, light rail, and heavy rail public transit to contribute to the City's long-term achievement of economic development and job growth goals.

3. **Development near High-Frequency Transit Services.** The Project supports goals of the Envision San José 2040 General Plan to focus jobs within proximity to existing and planned high-frequency transit in the expanded Downtown Growth Area and the Diridon Station Area Urban Village.
4. **Establishment of a new Downtown Employment Priority Area in proximity to the planned Downtown Bay Area Rapid Transit (BART) Station.** The Project includes the establishment of a new Downtown Employment Priority Area to support Downtown San José's growth as a Regional Employment Center that will include specific sites within approximately one block of the future central Downtown BART Station generally including properties bounded by St. John Street to the north, 4th Street to the east, San Fernando Street to the south, and San Pedro Street to the west, that will provide enhanced employment capacity in the expanded Downtown Growth Area, which is well-served by existing transit and the future Downtown BART Station.
5. **Reduction in Vehicle Miles Traveled.** The Downtown Strategy 2040 is intended to reduce VMT through regional transit use and increase the use of alternative transportation at the community level, a major goal of the City and the region. By intensifying development in proximity to Diridon Station (San José's largest transit hub) and other transit services included in the cumulative condition, such as the future BART station on Santa Clara Street, the Downtown Strategy 2040 supports use of the regional transit system for commuting. In addition, the intensification of residential and office development in Downtown can reduce the distances between jobs and housing, supporting alternative transportation modes over vehicle use for commuting.

The City Council has weighed each of the above benefits of the proposed Project against its unavoidable environmental risks and adverse environmental effects identified in the FEIR, and hereby determines that those benefits outweigh the risks and adverse environmental effects of the Project and, therefore, further determines that these risks and adverse environmental effects are acceptable and overridden.

LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning, Building, and Code Enforcement, 200 East Santa Clara Street, Third Floor Tower, San José, California, 95113.

ADOPTED this 18th day of December, 2018, by the following vote:

AYES: ARENAS, CARRASCO, DAVIS, DIEP, JONES, JIMENEZ,
KHAMIS, PERALEZ, ROCHA; LICCARDO.

NOES: NONE.

ABSENT: NGUYEN.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

ATTEST:



TONI J. TABER, CMC
City Clerk

RESOLUTION NO. 78943

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 MODIFY THE LAND USE/ TRANSPORTATION DIAGRAM AND MAKE TEXT REVISIONS RELATED TO THE DOWNTOWN STRATEGY 2040

Fall 2018 General Plan Amendment Cycle (Cycle 4)

File Nos. GP17-010 and GPT17-002

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 November 28, 2018, the Planning Commission held a public hearing to consider the proposed amendments to the General Plan, File Nos. GP17-010 and GPT17-002 specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing

interested persons were given the opportunity to appear and present their views with respect to said proposed amendment; and

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

WHEREAS, on December 18, 2018, the Council held a duly noticed public hearing; and

WHEREAS, a copy of the proposed General Plan Amendment is 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 December 18, 2018 at 6:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit "A"); and

WHEREAS, prior to making its determination on the General Plan Amendment, the Council reviewed and considered and certified the Environmental Impact Report for the Downtown Strategy 2040 (Resolution No. 78943 and

WHEREAS, the Council of the City of San José is the decision-making body for the proposed General Plan Amendment.

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

SECTION 1. The Council's determinations regarding General Plan Amendment File Nos. GP17-010 and GPT17-002 is hereby specified and set forth in Exhibit "A," attached hereto and incorporated herein by reference.

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

ADOPTED this 18th day of December, 2018, by the following vote:

AYES: ARENAS, CARRASCO, DAVIS, DIEP, JONES, JIMENEZ,
KHAMIS, PERALEZ, ROCHA; LICCARDO.

NOES: NONE.

ABSENT: NGUYEN.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

ATTEST:




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 December 18, 2018, as stated in its Resolution No. 78943.

Dated: December 18, 2018.

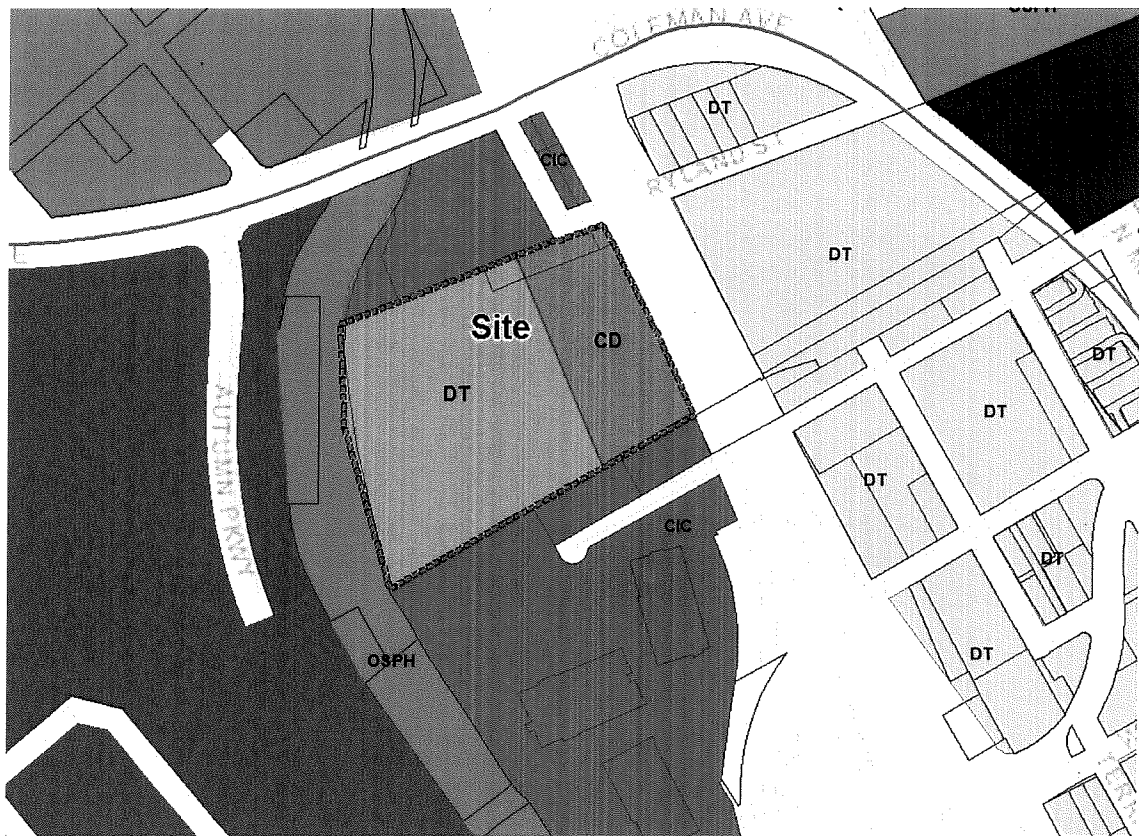


TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

File No. GP17-010. Amendments to the General Plan Land Use/Transportation Diagram and Planned Growth Areas Diagram associated with the Downtown Strategy 2040 as follows:

1. Modify the Land Use/Transportation Diagram land use designation from Combined Industrial/Commercial to Downtown on approximately seven (7) acres and Commercial Downtown on approximately three (3) acres on an approximately 10-acre site located at the intersection of Ryland Street and Santa Teresa Street between SR-87 and the Guadalupe River as shown below:



2. Modify the Land Use/Transportation Diagram to apply a Downtown Employment Area Overlay to parcels bounded by St. John Street to the north, 4th Street to the east, San Fernando Street to the south, and San Pedro Street to the west, as shown in Exhibit A-1:

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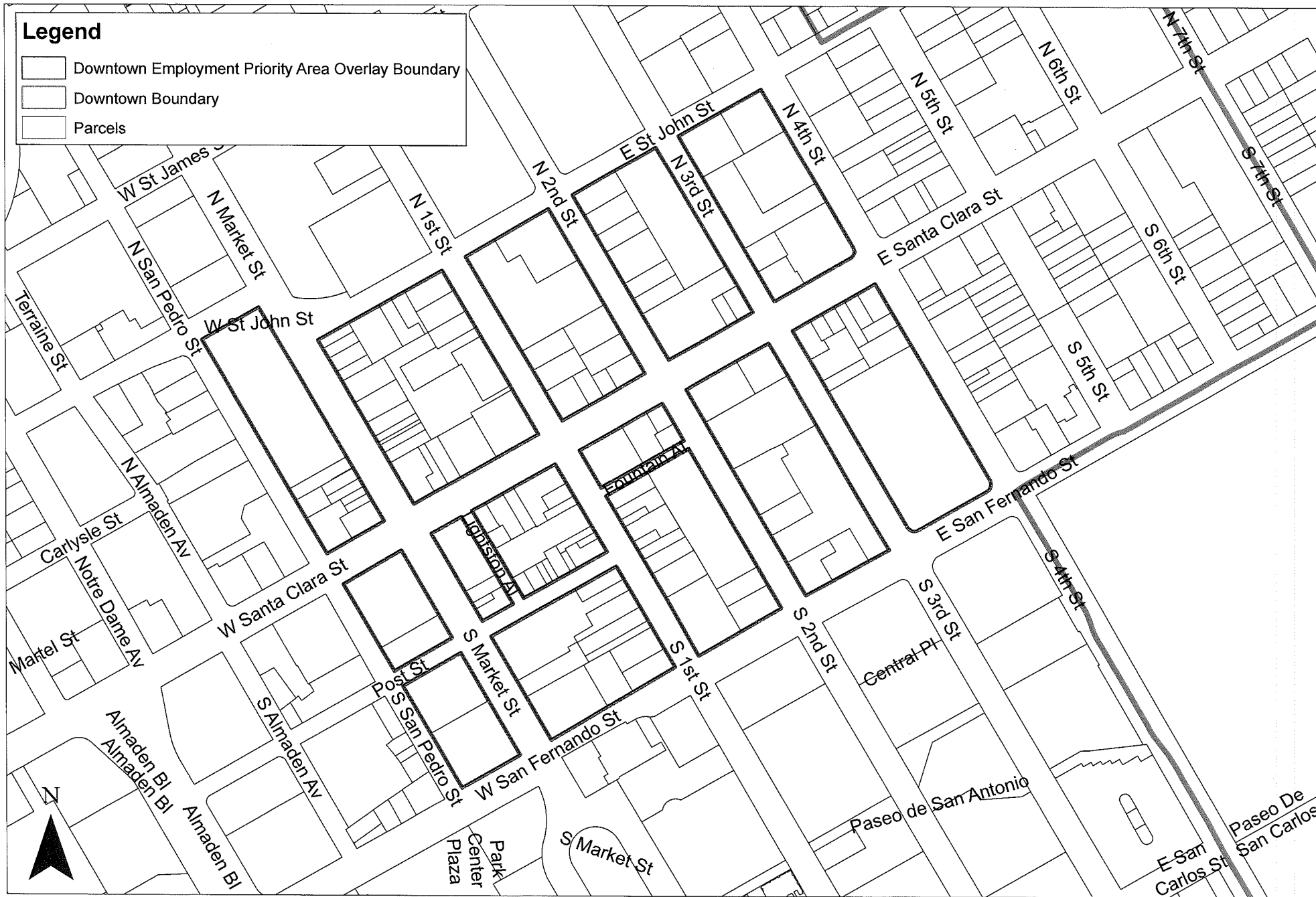
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EXHIBIT A-1 EMPLOYMENT PRIORITY AREA

Legend

-  Downtown Employment Priority Area Overlay Boundary
-  Downtown Boundary
-  Parcels



3. Modify the Planned Growth Areas Diagram to rename the "Downtown Core" to "Downtown" and remove the "Downtown Transit Employment Center," to be as shown in Exhibit A-2 and Exhibit A-3:

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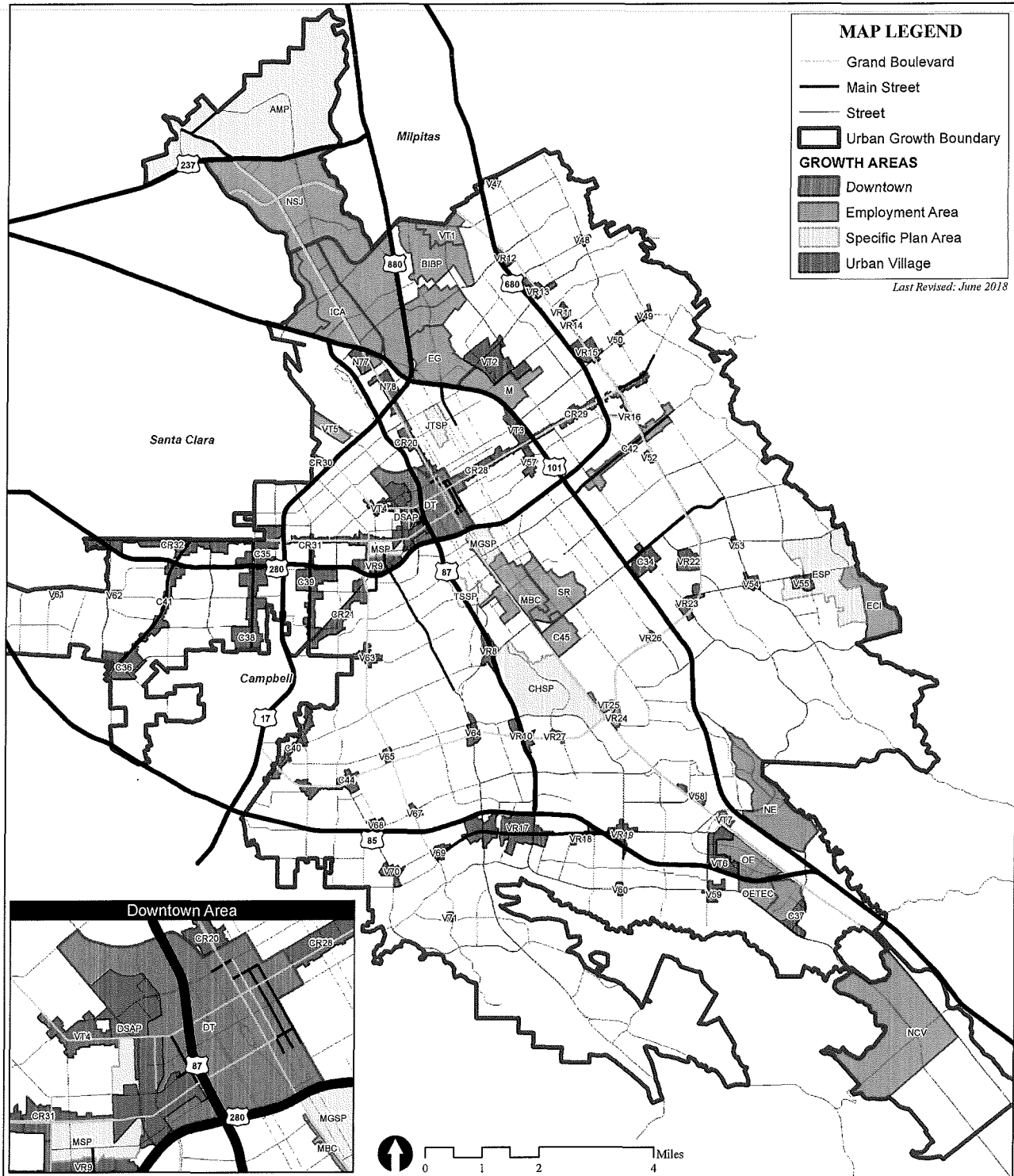
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Downtown
 DT = Downtown
 DSAP = Diridon Station Area Urban Village

Specific Plan Areas
 AMP = Alviso (Master Plan)
 CHSP = Communications Hill
 ESP = Evergreen Specific Plan
 JTSP = Jackson-Taylor (Residential Strategy)
 MGSP = Martha Gardens
 MSP = Midtown
 TSSP = Tamien Station Area

Employment Area
 BIBP = Berryessa International Business Park
 ECI = Evergreen Campus Industrial
 EG = East Gish
 ICA = Industrial Core Area
 M = Mabury
 MBC = Monterey Business Corridor
 NCV = North Coyote Valley
 NE = New Edenvale
 NSJ = North San José
 OE = Old Edenvale
 OETEC = Old Edenvale Transit Employment Center
 SR = Senter Road

Employment Areas (cont.)
 C42 = Siory Road
 C45 = County Fairgrounds

VR16 = S. Capitol Av/Capitol Ex
 VR24 = Monterey Hy/Senter Rd
 VR26 = E. Capitol Ex/McLaughlin Av
 VR27 = W. Capitol Ex/Vistapark Dr

VT1 = Lundy/Milpitas BART
 VT5 = Santa Clara/Airport West (FMC)
 VT7 = Blossom Hill Rd/Monterey Rd
 VT25 = W. Capitol Ex/Vistapark Dr

Urban Villages
 C34 = Tully Rd/S. King Rd
 C35 = Valley Fair/Santana Row
 C36 = Paseo de Sanatoga
 C37 = Santa Teresa Bl/Bernal Rd
 C38 = Winchester Bl
 C39 = S. Bascom Av (North)
 C40 = S. Bascom Av (South)
 C41 = Saratoga Av
 C43 = S. De Anza Bl
 C44 = Camden Av/Hillsdale Av

Urban Villages (cont.)
 CR20 = N. 1st St
 CR21 = Southwest Ex
 CR28 = E. Santa Clara St
 CR29 = Alum Rock Av
 CR30 = The Alameda (West)
 CR31 = W. San Carlos St
 CR32 = Stevens Creek Bl

N77 = Rincon South 1
 N78 = Rincon South 2

V47 = Landess Av/Morrill Av
 V48 = Piedmont Rd/Sierra Rd
 V49 = McKee Rd/Toyon Av
 V50 = McKee Rd/White Rd
 V52 = E. Capitol Ex/Foxdale Dr
 V53 = Quimby Rd/S. White Rd
 V54 = Aborn Rd/San Felipe Rd
 V55 = Evergreen Village
 V57 = S. 24th St/William Ct
 V58 = Monterey Rd/Chynoweth Av
 V59 = Santa Teresa Bl/Cottle Rd
 V60 = Santa Teresa Bl/Snell Av
 V61 = Bollinger Rd/Miller Av
 V62 = Bollinger Rd/Lawrence Ex
 V63 = Hamilton Av/Meridian Av

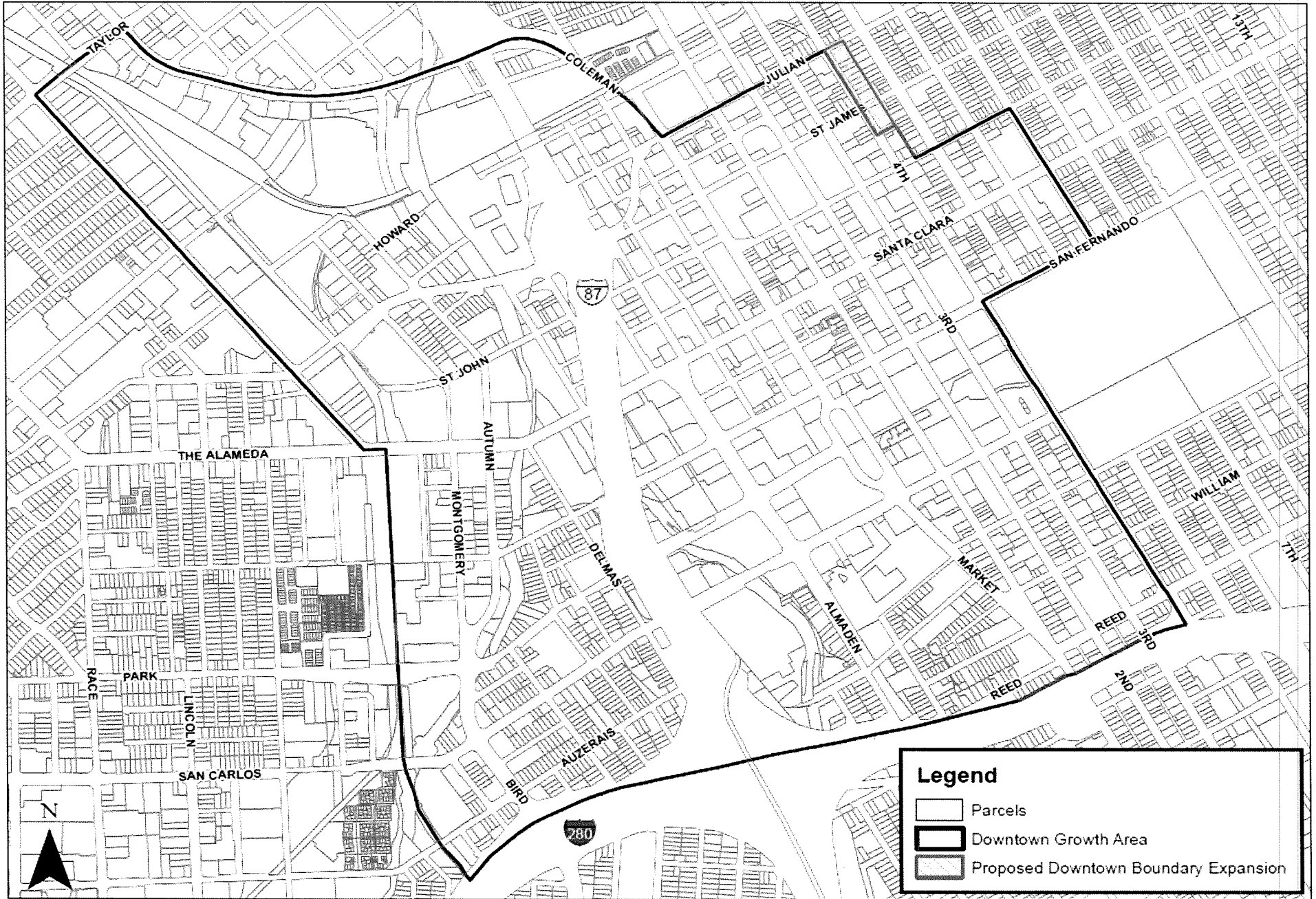
Urban Villages (cont.)
 V64 = Almaden Ex/Hillsdale Av
 V65 = Foxworthy Av/Meridian Av
 V67 = Branham Ln/Meridian Av
 V68 = Camden Av/Branham Ln
 V69 = Kooser Rd/Meridian Av
 V70 = Camden Av/Kooser Rd
 V71 = Meridian Av/Redmond Av

VR8 = Curtner Light Rail/Caltrain
 VR9 = Race St Light Rail
 VR10 = Capitol Ex/Hy 87 Light Rail
 VR11 = Penitencia Creek Light Rail
 VR12 = N. Capitol Av/Hostetter Rd
 VR13 = N. Capitol Av/Berryessa Rd
 VR14 = N. Capitol Av/Mabury Rd
 VR15 = N. Capitol Av/McKee Rd
 VR17 = Oakridge Mall and Vicinity
 VR18 = Blossom Hill Rd/Cahalan Av
 VR19 = Blossom Hill Rd/Snell Av
 VR22 = Arcadia/Eastridge
 VR23 = E. Capitol Ex/Silver Creek Rd

VT2 = Berryessa BART
 VT3 = Five Wounds BART
 VT4 = The Alameda (East)
 VT6 = Blossom Hill Rd/Hinchi

EXHIBIT A-3

Proposed Downtown Boundary Expansion



File No. GPT17-002. General Plan Text Amendments associated with the Downtown Strategy 2040 as follows:

1. Chapter 1, entitled “Envision San José 2040,” “Growth Areas” section, “Downtown” subsection, sixth paragraph (page 24) is hereby amended to read as follows:

“Downtown

The *Envision San José 2040 General Plan* reinforces the importance of San José’s Downtown as the physical and symbolic center of the City. Planned growth capacity and the General Plan policies are intended to further support the growth and maturation of the Downtown as a great place to live, work or visit.

~~The *Envision San José 2040 General Plan* maintains the Downtown Core (also referred to as the “Downtown Zoning Area”) and establishes two separate growth areas: the Downtown Growth Area and Diridon Station Area Urban Village. As shown on the Planned Growth Areas Diagram, the Downtown Core includes most of the Diridon Station Area Urban Village, while the Downtown Growth Area covers the remainder of the Core.~~

~~The *Envision San José 2040 General Plan* maintains and augments the City’s *Downtown Strategy 2000* to support high-rise development in the Downtown Growth Area. The *Diridon Station Area Plan* guides land use development in the Diridon Station Area Urban Village.~~

The boundaries for the Downtown Growth Area are defined on the Planned Growth Areas Diagram. The Downtown Growth Area is bounded by Julian Street, North 4th Street, East St. John Street, 7th Street, East San Fernando Street, South 4th Street, Interstate 280, the Union Pacific Railroad line, Stockton Avenue, Taylor Street, and Coleman Avenue. As shown on the Planned Growth Areas Diagram, the Downtown Growth Area includes most of the Diridon Station Area Urban Village.

Ambitious job and housing growth capacity is planned for the ~~two growth areas~~ covering Downtown. This growth capacity is important to achieve multiple City goals, including support for regional transit systems and for the development of Downtown as a regional job center. It also helps to advance all elements of the General Plan Vision.

2. Chapter 3, entitled “Environmental Leadership,” “Environmental Considerations / Hazards” section, Policy EC-2.3 is hereby amended to read as follows:

“EC-2.3 Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.”

3. Chapter 4, entitled “Quality of Life,” “Community Design” section, Goal CD-6 “Downtown Urban Design” is hereby amended to read as follows:

“Goal CD-6 – Downtown Urban Design

Promote and achieve the Downtown’s full potential as a regional destination and diverse cultural, recreational, civic, and employment center through distinctive and high-quality design.

Policies – Downtown Urban Design

CD-6.1 Recognize Downtown as the most vibrant urban area of San José and maximize development potential and overall density within the Downtown.

CD-6.2 Design new development with a scale, quality, and character to strengthen Downtown’s status as a major urban center.

CD-6.3 New development within the Downtown Growth Area that is adjacent to existing neighborhoods that are planned for lower intensity development

should provide transitions in height, bulk and scale to ensure that the development is compatible with and respects the character of these neighborhoods, as they are designated in the General Plan.

CD-6.36.4 Design publicly-accessible and welcoming areas, allow easy access and facilitate movement of pedestrians and bicyclists throughout the Downtown, and provide strong physical and visual connections across potential barriers (i.e., roadways and creeks). Promote Downtown as a focal point for community activity (e.g., festivals, parades, etc.) for the entire City.

CD-6.46.5 Design quality publicly-accessible open spaces at appropriate locations that enhance the pedestrian experience and attract people to the Downtown. Use appropriate design, scale, and edge treatment to define, and create publicly-accessible spaces that positively contribute to the character of the area and provide public access to community gathering, recreational, artistic, cultural, or natural amenities.

CD-6.56.6 Promote iconic architecture and encourage and incorporate innovative, varied, and dynamic design features (e.g., appearance, function, sustainability aspects) into sites, buildings, art, streetscapes, landscapes, and signage to make Downtown visually exciting and to attract residents and visitors.

CD-6.66.7 Promote development that contributes to a dramatic urban skyline. Encourage variations in building massing and form, especially for buildings taller than 75 feet, to create distinctive silhouettes for the Downtown skyline.

CD-6.76.8 Recognize Downtown's unique character as the oldest part, the heart of the City, and leverage historic resources to create a unique urban environment there. Respect and respond to on-site and surrounding historic character in proposals for development.

CD-6.86.9 Recognize Downtown as the hub of the County's transportation system and design buildings and public spaces to connect and maximize use of all types of transit. Design Downtown pedestrian and transit facilities to the highest quality standards to enhance the aesthetic environment and to promote walking, bicycling, and transit use. Design buildings to enhance the pedestrian environment by creating visual interest, fostering active uses, and avoiding prominence of vehicular parking at the street level.

CD-6.96.10 Design buildings with site, façade, and rooftop locations and facilities to accommodate effective signage. Encourage Downtown businesses

and organizations to invest in high quality signs, especially those that enliven the pedestrian experience or enhance the Downtown skyline.

CD-6.106.11 Maintain Downtown design guidelines and policies adopted by the City to guide development and ensure a high standard of architectural and site design in its center.

CD-6.116.12 Design public sidewalks with ample width to be shared by large volumes of pedestrians and bicyclists, and plant and maintain street trees to provide a tree canopy for shade to enhance the visitor experience.

CD-6.126.13 Promote creative and experimental urban forms, activities and land uses that further the economic, fiscal, environmental, and social goals of this plan and reflect San José's culture of innovation.

4. The following sections of Chapter 5, entitled "Interconnected City," are amended as follows:

a. "Land Use Designations" section, "Downtown" designation is hereby amended to read as follows:

"Downtown

Density: Up to 800 DU/AC; FAR Up to 30.0 (3 to 30 stories)

This designation includes office, retail, service, residential, and entertainment uses in the Downtown. Redevelopment should be at very high intensities, unless incompatibility with other major policies within the *Envision General Plan* (such as Historic Preservation Policies) indicates otherwise. Where single-family detached homes are adjacent to the perimeter of the area designated as Downtown, new development should serve as a transition to the lower-intensity use while still achieving urban densities appropriate for the perimeter of downtown in a major metropolitan city. All development within this designation should enhance the "complete community" in downtown, support pedestrian and bicycle circulation, and increase transit ridership.

Residential projects within the Downtown designation should generally incorporate ground floor commercial uses. This designation does not have a minimum residential density range (DU/AC) in order to facilitate mixed-use projects that may include small amounts of residential in combination with significant amounts of non-residential use. Such mixed-use projects should be developed within the identified FAR range

of up to 30.0. While this land use designation allows up to 800 dwelling units to the acre, achievable densities may be much lower in a few identified areas to ensure consistency with the Countywide Santa Clara County Comprehensive Land Use Plan (CLUP) adopted by the Santa Clara County Airport Land Use Commission (ALUC) for the Norman Y. Mineta San José International Airport. The broad range of uses allowed in Downtown could also facilitate medical office uses or full-service hospitals.

The Downtown Urban Design Policies speak to the urban, pedestrian-oriented nature of this area. As such, uses that serve the automobile should be carefully controlled in accordance with the Downtown Land Use Policies.

- b. "Special Land Use Designations and Overlays" section, following "Neighborhood Business Districts" is hereby amended to add the text as follows:

"Downtown Employment Priority Area Overlay

Density: Up to 800 DU/AC; Residential/Commercial Mixed-Use FAR 4.0 to 30.0 (3 to 30 stories); Commercial FAR Up to 30.0 (3 to 30 stories)

The Downtown Employment Priority Area Overlay (EPA Overlay) designation is applied to a portion of Downtown sites planned for intensive job growth because of the area's proximity and good access to the future Downtown BART station. The EPA Overlay is generally applied to sites located within approximately one block (walking distance) of the planned Downtown BART station on East Santa Clara Street as shown on the Land Use/Transportation Diagram. The overlay boundary is intended to respect property lines and not split parcels. Due to proximity to the future BART station, the EPA Overlay supports development at very high intensities, where such high intensity is not incompatible with other policies within the General Plan, such as Historic Preservation policies.

The EPA Overlay does not change the uses or densities otherwise allowed within the base "Downtown" land use designation. The EPA Overlay, however, requires a minimum Floor Area Ratio (FAR) of 4.0 for commercial (job generating) uses, including office, retail, service, hotel, or entertainment uses, prior to allowing residential uses, as supported by the "Downtown" General Plan Land Use/Transportation Diagram designation. Typically, the base land use designation will be "Downtown" with an allowed FAR of up to 15.0 (3 to 30 stories) and density of up to

800 DU/AC. For example, a new development project on a one-acre site within the EPA Overlay would be required to provide at least 174,240 square feet of commercial space before the General Plan would support the addition of residential uses in the project. While the EPA Overlay would establish minimum commercial requirements prior to allowing residential uses, the EPA Overlay does not establish a minimum FAR for stand-alone commercial uses.

The development intensity and site design elements in the areas within the EPA Overlay designation should reflect an intense, transit-oriented land use pattern that is typically expected in Downtown. It is envisioned that active commercial uses (e.g., retail and entertainment uses) would be located at the ground level with high-intensity office development above. To help activate the Downtown BART corridor, new development within the EPA Overlay should incorporate active ground floor retail commercial uses along the street.”

5. Chapter 6 entitled “Interconnected City,” “Land Use Policies” section, Policy LU-3.1 is hereby amended to read as follows:

“LU-3.1 Provide maximum flexibility in mixing uses throughout the Downtown area ~~Area~~. Support intensive employment, entertainment, cultural, public/quasi-public, and residential uses in compact, intensive forms to maximize social interaction; to serve as a focal point for residents, businesses, and visitors; and to further the Vision of the *Envision General Plan*.”

6. Appendix 5 “Growth Areas Planned Capacity by Horizon” “Planned Job Capacity and Housing Growth Areas by Horizon (3 Horizons)” table is hereby amended to read as shown in Exhibit A-4:

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EXHIBIT A-4

Planned Job Capacity and Housing Growth Areas by Horizon (3 Horizons)								
751,450 Jobs and 429,350 Dwelling Units; 1.1 J/ER								
Existing 2008 Development: 369,450 Jobs & 309,350 DU								
Growth Above Existing: 382,000 Jobs & 120,000 DU								
	Gross Acres	CAPACITY		Base	TRACKING			NSJ ADP
		Planned Job Capacity	Planned Housing Yield (DU)		Already Entitled	Planned DU Growth Capacity for Urban Villages by Horizon (Timeframe)		
					Horizon 1	Horizon 2	Horizon 3	
Total Plan Growth Capacity		382,000	120,000	36,287	27,499	18,098	14,370	23,546
					21,471		10,370	
Downtown								
Downtown (including Diridon Station Area Urban Village) (v)	688	25,816	8,450	7,554				
Diridon Station Area Urban Village*	943	58,659	15,160	8,987	6,173	896		
Diridon Station Area Urban Village*	260	22,843	2,710	4,433	4,277			
Downtown Sub-Total		48,669	14,460	8,987	2,473	8,173		
		58,659	15,160					
Downtown Core*		48,500	10,960					
Specific Plan Areas								
Communications Hill Specific Plan	942	1,700	2,775	2,775				
Jackson-Taylor Residential Strategy	109	100	1,190	656	534			
Martha Gardens Specific Plan	145	0	1,760		1,760			
Midtown Specific Plan	125	841	800	0	800			
Tamien Station Area Specific Plan	149	600	1,060	169	891			
Alviso Master Plan (v)	10,730	18,700	70		70			
Evergreen Specific Plan (not including V55)	879	0	25	25				
Specific Plan Sub-Total		21,941	7,680	3,625	4,055			
Employment Land Areas								
Monterey Business Corridor (v)	453	1,095	0					
New Edenvale	735	10,000	0					
Old Edenvale Area (Bernal)	474	15,000	780	780				
		45,000						
North Coyote Valley	1,722	35,000	0					

Evergreen Campus Industrial Area	368	10,000	0					
North San José (including Rincon South)	4,382	100,000	32,640	9,094				23,546
VT1 - Lundy / Milpitas BART	167	28,400	0					
Berryessa / International Business Park (v)	497	4,583	0					
Mabury (v)	290	2,265	0					
East Gish (v)	495	2,300	0					
Senter Road (v)	361	2,275	0					
VT5 - Santa Clara / Airport West (FMC)	94	1,600	0					
VT7 - Blossom Hill / Monterey Rd	24	1,940	0					
VT25 - W. Capitol Expy / Monterey Rd	35	100	0					
VR16 - S. Capitol Av / Capitol Expy	2	100	0					
VR24 - Monterey Hwy / Senter Rd	35	100	0					
VR26 - E. Capitol Expy / McLaughlin Dr	16	100	0					
VR27 - W. Capitol Expy / Vistapark Dr	15	100	0					
C42 - Story Rd (v)	223	1,823	0					
C45 - County Fairgrounds	184	100	0					
Employment Land Sub-Total		226,881 216,881	33,420	9,874				23,546
Regional Transit Urban Villages								
VT2 - Berryessa BART / Berryessa Rd / Lundy Av (v)	270	22,100	4,814	3,884	930			
VT3 - Five Wounds BART	74	4,050	845			845		
VT4 - The Alameda (East)	46	1,610	411	177	234			
VT6 - Blossom Hill / Hitachi	142	0	2,930	2,930				
Regional Transit Villages Sub-Total		27,760	9,000	6,991	1,164	845		
Local Transit Urban Villages (Existing LRT)								
VR8 - Curtner Light Rail / Caltrain (v)	69	500	1,440			1,440		
VR9 - Race Street Light Rail (v)	123							
A (west of Sunol)		2,000	1,937	532	1,405	-		
B (Reed & Graham Site)		1,200	675		675	-		
VR10 - Capitol / 87 Light Rail (v)	56	750	1,195			1,195		
VR11 - Penitencia Creek Light Rail	24	0	920			920		
VR12 - N. Capitol Av / Hostetter Rd (v)	25	500	1,230			1,230		

VR13 - N. Capitol Av / Berryessa Rd (v)	54	1,000	1,465			1,465		
VR14 - N. Capitol Ave / Mabury Rd	5	100	700			700		
VR15 - N. Capitol Av / McKee Rd (v)	92	1,000	1,930	188		1,742		
VR17 - Oakridge Mall and Vicinity (v)	380							
A (Cambrian / Pioneer)		3,375	2,712			2,712		
B (Edenvale)		5,715	4,487			4,487		
VR18 - Blossom Hill Rd / Cahalan Av	30	500	600			600		
VR19 - Blossom Hill Rd / Snell Av	64	500	770	8		762		
CR20 - N. 1st Street	132	2,520	1,678	333	1,345	-		
CR21 - Southwest Expressway (v)	170	750	3,007	339	2,668	-		
Local Transit Villages (Existing LRT) Sub-Total		20,410	24,746	1,400	6,093	17,253		
Local Transit Urban Villages (Planned BRT/LRT)								
VR22 - Arcadia / Eastridge (potential) Light Rail (v)	78	1,150	250	250				
VR23 - E. Capitol Expy / Silver Creek Rd	73	450	4,000 650				4,000 650	
CR28 - E. Santa Clara Street								
A (West of 17th Street)	64	795	850	86	764			
B (Roosevelt Park)	51	605	650		650			
CR29 - Alum Rock Avenue								
A (Little Portugal)	18	100	310		310			
B (Alum Rock)	72	870	1,010	93	917			
C (East of 680)	61	650	1,175		1,175		-	
CR30 - The Alameda (West)	21	200	400				400	
CR31 - W. San Carlos Street		980	1,245	313	932			
CR32 - Stevens Creek Boulevard	269	4,500	3,860	8	3,852		-	
Local Transit Villages (Planned BRT/LRT) Sub-Total		10,300	40,750 10,400	750	8,600	4,400	1,050	
Commercial Corridor & Center Urban Villages								
C34 - Tully Rd / S. King Rd	102	900	4,000 650				4,000 650	
C35 - Santana Row/Valley Fair and Vicinity (v)	185	8,500	2,635	725	1,910		-	
C36 - Paseo de Saratoga and Vicinity	174	1,500	2,500 1,632				2,500 1,632	
C37 - Santa Teresa Bl / Bernal Rd	75	850	524 419				524 419	
C38 - Winchester Boulevard	300	2,000	2,200	441	1,759		-	

C39 - S. Bascom Avenue (North)	215	1,000	1,560		1,560	-	
C40 - S. Bascom Avenue (South) (v)	117	500	805 563	74		734 489	
C41 - Saratoga Avenue (v)	159	1,500	1,415 725	89		1,026 636	
C43 - S. De Anza Boulevard (v)	84	2,140	845 598	45		800 553	
C44 - Camden / Hillsdale Avenue	108	2,000	800 560			800 560	
Commercial Corridor & Center Villages Sub-Total		20,890	13,984 11,542	1,374	5,229	7,384 4,939	
Neighborhood Villages							
V47 - Landess Av / Morrill Av	16	100	270 216			270 216	
V48 - Piedmont Rd / Sierra Rd	11	100	450 120			450 120	
V49 - McKee Rd / Toyon Av	25	100	480 144			480 144	
V50 - McKee Rd / White Rd (v)	19	100	468 134	7		464 127	
V52 - E. Capitol Expy / Foxdale Dr	14	100	242 170			242 170	
V53 - Quimby Rd / S. White Rd	19	100	225 180			225 180	
V54 - Aborn Rd / San Felipe Rd	37	100	340 248			340 248	
V55 - Evergreen Village	49	0	385		385		
V57 - S. 24th St / William Ct (v)	52	100	217	67		150	
V58 - Monterey Rd / Chynoweth Rd	37	100	420 96			420 96	
V59 - Santa Teresa Bl / Cottle Rd (v)	48	500	343 250			343 250	
V60 - Santa Teresa Bl / Snell Av	11	100	440 112			440 112	
V61 - Bollinger Rd / Miller Av	13	100	460 128			460 128	
* V62 - Bollinger Rd / Lawrence Expy	11	100	70 56			70 56	
V63 - Hamilton Av / Meridian Av	53	500	740 461			740 461	
V64 - Almaden Expy / Hillsdale Av	49	400	370 296			370 296	
V65 - Foxworthy Av / Meridian Av	16	100	250 200	55		495 145	
V67 - Branham Ln / Meridian Av	18	100	340 248			340 248	
V68 - Camden Av / Branham Ln	21	200	450 360			450 360	
V69 - Kooser Rd / Meridian Av	34	200	350 280			350 280	
V70 - Camden Av / Kooser Rd (v)	49	100	623 498			623 498	
V71 - Meridian Av / Redmond Av	10	100	420 96			420 96	
Neighborhood Villages Sub-Total		3,400	6,403 4,895	129	385	5,589 4,381	
Other Identified Growth Areas							
Vacant Lands	558	1,759	1,460	1,460			
Entitled & Not Built	513	0	1,697	1,697			
Other Identified Growth Areas Sub-Total		1,759	3,157	3,157			

Notes:

*The Downtown Core includes the Downtown Growth Area, the Downtown Transit Employment Center, and the portion of the Diridon Station Area Urban Village east of Stockton Avenue and the Caltrain roadtracks south of West Santa Clara Street

DU = Dwelling Units (Occupied and Vacant)

Planned Housing Yield (DU) = The number of new dwelling units which would be produced within the identified growth area through redevelopment of the planned Mixed-Use Residential land areas at the anticipated density (DU/AC)

Projected DU Growth by Horizon (Timeframe) = The planned number of new dwelling units within each growth area based upon the availability of Housing Growth Areas designated on the General Plan Land Use Diagram being made available in phases over time.

Base - Existing entitled residential units (Citywide) plus the capacity for new residential units planned within Specific Plan areas.

Vacant Lands = Potential development capacity based upon the current General Plan designation for sites identified as being currently vacant or significantly underutilized in respect to the current General Plan projected capacity. These lands are identified in the Vacant Land Inventory most recently updated by the City in 2007 2015. Growth Areas that incorporate Vacant Land capacity are indicated with a (v).

Council District: Citywide.

RESOLUTION NO. 78944

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE APPROVING THE DOWNTOWN STRATEGY
2040 TO REPLACE THE EXISTING DOWNTOWN
STRATEGY PLAN 2000**

File Nos. PP15-102, GP17-010, and GPT17-002

WHEREAS, on June 21, 2005, by Resolution No. 72766, the Council of the City of San José, a municipal corporation (“City”), adopted a certain strategy for the Downtown area entitled the “Downtown Strategy Plan 2000” (also referred to as “Strategy 2000: San José Greater Downtown Strategy for Development” and referred to as “Downtown Strategy 2000”) a strategic planning and urban design document, which was prepared by the San José Redevelopment Agency and the Development Strategy Task Force in February, 2001; and

WHEREAS, the “Downtown Strategy 2000” was an action guide for development and redevelopment of Downtown primarily through the year 2010 with environmental impacts addressed through 2020; and

WHEREAS, since 2005, the “Downtown Strategy 2000” has been implemented to facilitate development of thousands of dwelling units and millions of square feet of commercial space Downtown; and

WHEREAS, the “Downtown Strategy 2000” strategic planning goals and objectives either have been achieved or are no longer current with the adoption of the Envision San José 2040 General Plan (“General Plan”) and the subsequent dissolution of the San José Redevelopment Agency (“Redevelopment Agency”), as well as other changed circumstances; and

WHEREAS, many of the urban design principles and guidelines found in the “Downtown Strategy 2000” have been incorporated into the General Plan and the others are presently being updated; and

WHEREAS, the City of San José has prepared a new strategy for the Downtown area entitled the “Downtown Strategy 2040” to update and replace the “Downtown Strategy 2000”; and

WHEREAS, “Downtown Strategy 2040” is necessary to (i) respond to changed circumstances and conditions and (ii) increase the Downtown development capacity to Year 2040 consistent with the General Plan; and

WHEREAS, for purposes of this new “Downtown Strategy 2040,” the primary action is to increase the development capacity within the Downtown boundary, as defined in the General Plan, by transferring 4,000 dwelling units and 10,000 jobs from later horizon General Plan growth areas to Downtown; and

WHEREAS, a geographic boundary expansion from the previous boundary is included in “Downtown Strategy 2040,” and associated General Plan Amendments for the east side of North 4th Street between St. John and Julian streets; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, the Planning Commission conducted a hearing to review and consider the proposed Downtown Strategy 2040 on November 28, 2018, notice of which was duly given; and

WHEREAS, at said hearing, the Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing, the Planning Commission made a recommendation to the City Council respecting said matter based on the evidence and testimony; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this City Council conducted a hearing to review and consider the proposed Downtown Strategy 2040, notice of which was duly given; and

WHEREAS, at said hearing, this City Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing, this City Council received and considered the reports and recommendations of the City's Planning Commission and City's Director of Planning, Building and Code Enforcement; and

WHEREAS, said public hearing before the City Council was conducted in all respects as required by the San José Municipal Code and the rules of this City Council;

WHEREAS, the CITY is the lead agency for the Project, and has prepared a Final Program Environmental Impact Report for the Project pursuant to and in accordance with CEQA, which Final Environmental Impact Report is comprised of the Draft Environmental Impact Report for the Project (the "DEIR"), together with the First Amendment and Second Amendment to the DEIR (collectively, all of said documents are referred to herein as the "FEIR"); and

WHEREAS, prior to adopting this Resolution, the City Council adopted a separate resolution making certain findings and certifying the Downtown Strategy FEIR and this Resolution fully incorporates the separate City Council FEIR resolution as though fully set forth herein by this reference;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. The above recitals are incorporated herein as findings for the new San José Downtown Strategy, entitled "Downtown Strategy 2040."
2. The Downtown Strategy 2040, as attached hereto as Exhibit "A", is hereby adopted and fully replaces the Downtown Strategy 2000.
3. This Resolution shall become effective on the same date the associated General Plan Amendments are effective for File Nos. GP17-010 and GPT17-002 adopted by the City Council by separate resolution on December 18, 2018.

ADOPTED this 18th day of December, 2018, by the following vote:

AYES: ARENAS, CARRASCO, DAVIS, DIEP, JONES, JIMENEZ, KHAMIS, PERALEZ, ROCHA; LICCARDO.

NOES: NONE.

ABSENT: NGUYEN.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

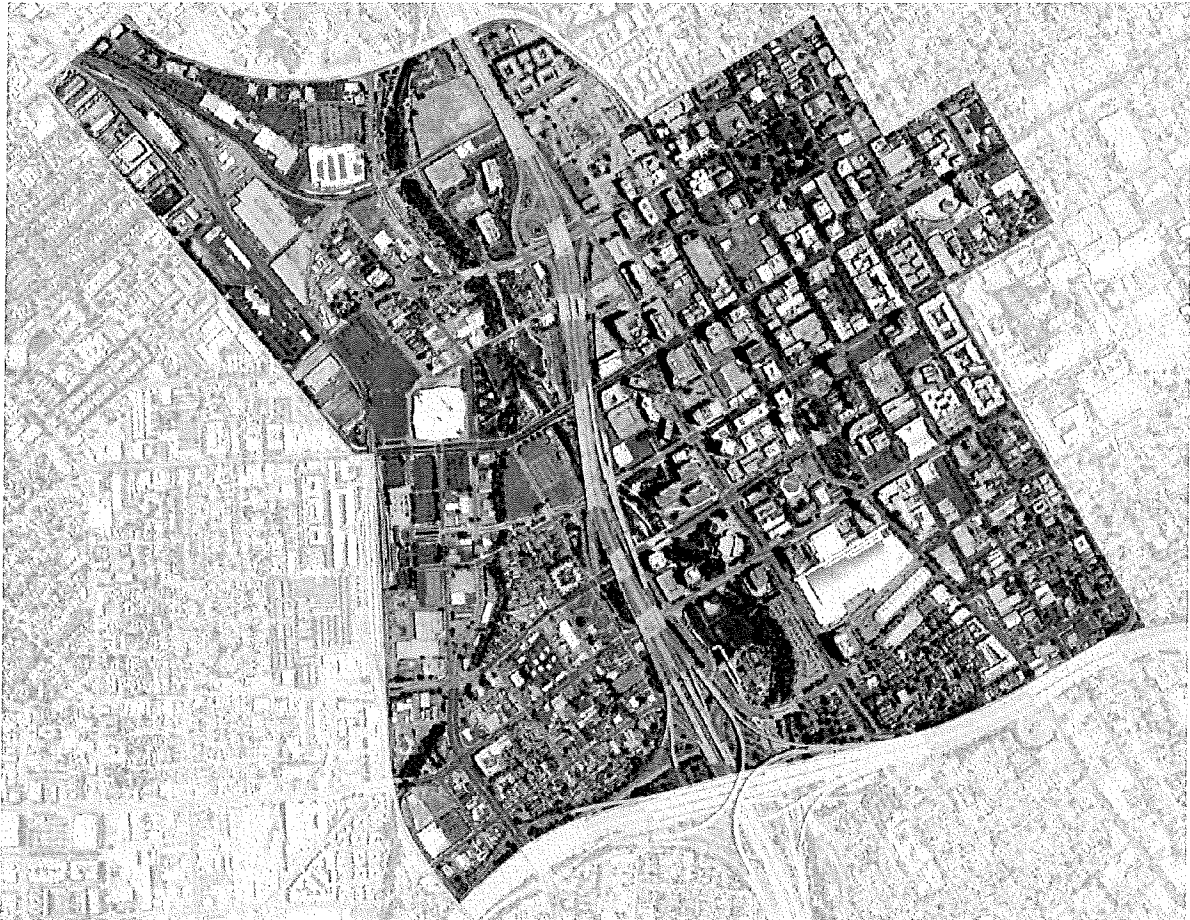
ATTEST



TONI J. TABER, CMC
City Clerk

78944

San José Downtown Strategy 2040



December 6, 2018

EXHIBIT "A"
(File Nos. PP15-102/GP17-010/GPT17-002)

San José Downtown Strategy 2040

Background

The Downtown Strategy 2040 (Strategy) is an update and replacement of the “*Strategy 2000: San José Greater Downtown Strategy for Development*” (Strategy 2000) adopted by the City Council in 2005. Strategy 2000 was primarily a strategic planning and urban design document. The Strategy 2000 strategic planning goals and objectives either have been achieved or are no longer current with the adoption of the Envision San José 2040 General Plan (General Plan) and the subsequent dissolution of the San José Redevelopment Agency (Redevelopment Agency), as well as other changed circumstances. Many of the urban design principles and guidelines found in Strategy 2000 have been incorporated into the General Plan and the others are being updated.

This new Strategy is necessary to: (i) respond to changed circumstances and conditions; and (ii) increase the Downtown development capacity to Year 2040 consistent with the General Plan. For purposes of this new Strategy, the primary action is to increase the development capacity within the Downtown boundary, as defined in the General Plan, by transferring 4,000 dwelling units and 10,000 jobs from later horizon General Plan growth areas to Downtown. A geographic boundary expansion from the previous boundary is also included in the Strategy with associated General Plan Amendment for the east side of North 4th Street between St. John and Julian Streets.

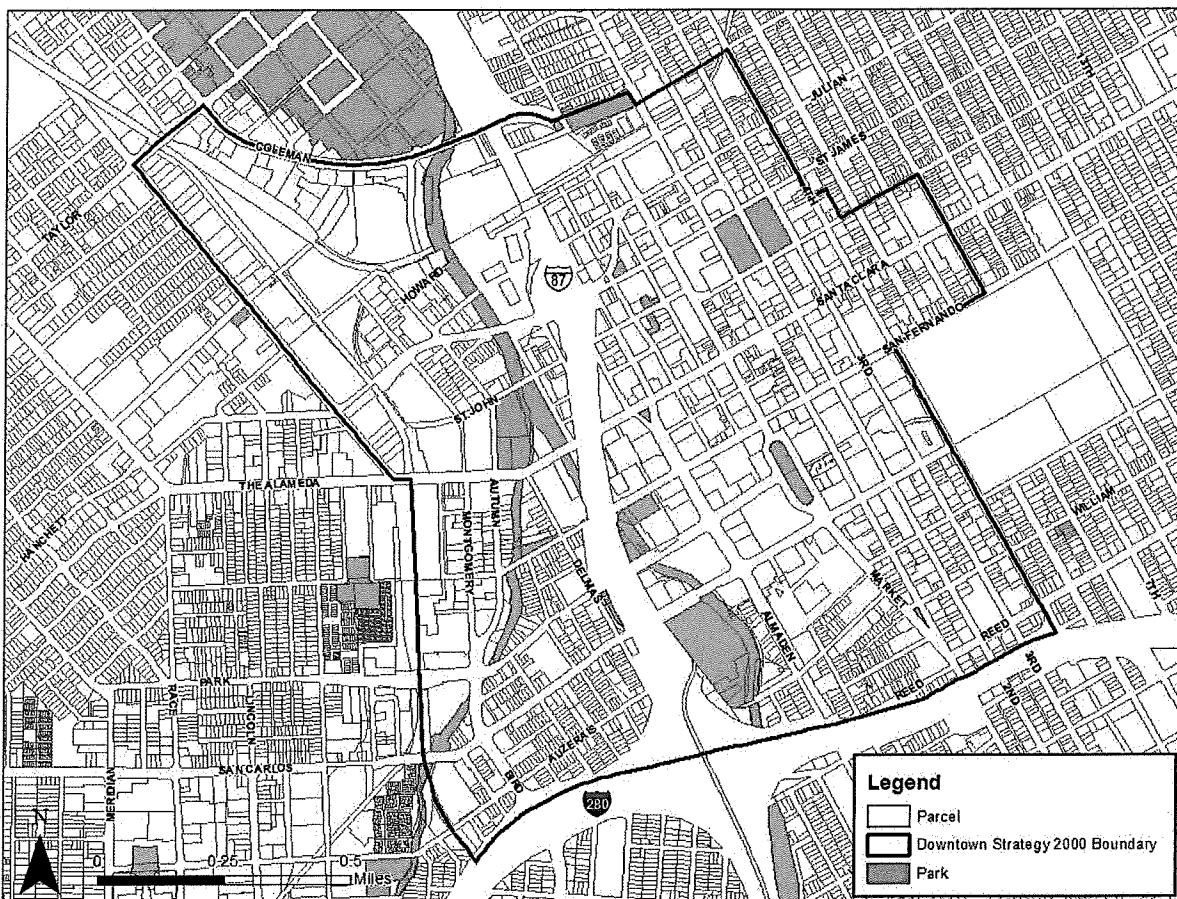
This Strategy is the latest in a long history of planning documents for Downtown San José. The City Council previously approved the Downtown Strategic Plan in 1992 for the 1995-2000 timeframe. Beginning in the 1980s, the Redevelopment Agency prepared strategic plans to promote development guided by adopted policy as an element of the City’s Redevelopment Agency program to revitalize the Downtown. The City of San José (City) also completed accompanying programmatic Environmental Impact Reports to streamline the California Environmental Quality Act (CEQA) environmental review of individual development projects located within Downtown.

Strategy 2000 was an action guide for development and redevelopment of Downtown primarily through the year 2010 with environmental impacts addressed through 2020. Strategy 2000 was adopted by the City Council on June 21, 2005 by Resolution No. 72766. As defined in the adopted Strategy 2000 document, a “strategy” is “a recommendation that states a *general* task that often suggests policy directions.” An “action” is defined as “a recommendation consisting of a *specific* task, usually by one or more public agencies.”

Geographic Setting

Strategy 2000 redefined and expanded the Downtown boundaries for policy purposes from the previous Downtown Core and Frame Area delineations in the San José 2020 General Plan (See Figure 1 below). As redefined in Strategy 2000, the Downtown was extended beyond San José's traditional Downtown center to include the areas around Diridon Station, the former Julian-Stockton Redevelopment area, areas north to approximately Taylor Street, areas east that includes City Hall, and areas south to approximately Interstate I-280 highway. The Downtown area is generally divided by State Route (SR) 87 highway and organized into the following sub-areas: The North Gateway and Diridon/Arena area to the west and St. James Park; San Pedro Square; 1st and 2nd Streets; Civic Center; Cesar Chavez Park; Almaden Boulevard; and SoFA areas to the east of SR 87. Three major roadway corridors, Santa Clara Street, San Fernando Street, and San Carlos Street, link the eastern and western areas. The Envision San José 2040 General Plan moved the boundary in the northeasterly corner from Washington Street southward to Julian Street.

Figure 1: Downtown Strategy 2000 Boundary



Strategy 2000 Guiding Principles

Strategy 2000 was the result of a public process to ensure broad multi-disciplinary consideration of the issues of economics, transportation, urban design and landscape, and historic and cultural resources as they apply to the Downtown. The primary purpose of Strategy 2000 was to provide guidance to the decision-makers and the Redevelopment Agency on policy-making, planning, and budgetary decisions concerning Downtown. Strategy 2000 was intentionally not a land use policy, per se, but did attempt to articulate a vision and recommend policies and actions toward achieving that vision. That vision was affirmed and incorporated into the Envision San José 2040 General Plan in 2011.

Strategy 2000's Guiding Principles were:

1. Make the Greater Downtown a memorable urban place to live, work, shop and play;
2. Promote the identity of Downtown San José as the Capital of Silicon Valley;
3. Create a walkable, pedestrian-friendly Greater Downtown; and
4. Promote and prioritize development that serves the needs of the entire City and valley.

The top priorities of Strategy 2000 were:

1. Develop retail in the Greater Downtown;
2. Develop housing with an emphasis on high densities, and 20 percent of which is affordable to low, very low, and moderate-income households;
3. Complete the Guadalupe River Park and Los Gatos Creek Trail;
4. Develop parking resources and alternatives that continue to make space for people where once there were only cars;
5. Invest in streetscape improvements such as lighting, planting, paving and street furniture;
6. Expand the San José Convention Center; and
7. Update San José's Zoning Code.

The major focus of Strategy 2000 was on urban design concepts and their timing for implementation. The urban design concepts were applied to six Downtown urban systems in:

1. Public Realm;
2. Urban Form and Buildings;
3. Transportation and Access;
4. Historic Resources;
5. Economic Conditions; and
6. Human Services.

The design recommendations were applied to 12 different geographic sub-areas and major streets of Downtown. Design guidelines were to be applied to private and public development projects to produce urban buildings and public spaces of the highest quality for Downtown.

Several subsequent planning studies were prepared to implement Strategy 2000 including:

- Downtown Parking Management Plan (2001, updated 2007)
- Guadalupe River Park Master Plan (2002)
- Downtown Circulation and Access Study (2002)
- Downtown Streetscape Master Plan (2003)
- Downtown Design Guidelines and Downtown Historic Design Guidelines (2004)
- SoFA South First Area Strategic Development Plan (2005)
- Diridon/Arena Area Strategic Development Plan (2005)
- Diridon Art Master Plan (2010)
- Diridon Station Area Plan (2014)

A Final Environmental Impact Report (FEIR) was certified for Strategy 2000 by the City Council on June 21, 2005 by Resolution No. 72767, as subsequently addended in 2014 and 2016. Strategy 2000 created new development capacity for about 45,000 new jobs and 8,500 new dwelling units. The amount of new Downtown development capacity evaluated and approved under the FEIR was:

Land Use Category	Development Capacity
Residential	8,500 Dwelling Units (DU)
Offices	11,200,000 square feet (approximately 45,000 jobs)
Retail Commercial	1,400,000 square feet
Hotels	3,600 guest rooms

Strategy 2000 Phasing

Transportation and circulation network environmental impacts and mitigation measures identified in the Strategy 2000 FEIR Level-of-Service (LOS) based analysis resulted in the establishment of four equal phases of new development (25% each) to synchronize with the timing and construction of needed major improvements.

These phases were adjusted by the Addenda to the FEIR in 2014 and 2016. Under Strategy 2000, development in a subsequent phase could not proceed until there is certainty that the transportation improvements of the preceding phase will be constructed. Most of the Phase One improvements have been or will be completed. Adoption of this new Strategy will close out the existing Strategy 2000 environmental mitigation program and it will no longer be a condition of approval for new development projects.

Changed Circumstances and Context

There have been significant changes since the adoption of Strategy 2000, such as the strong economic recovery since 2008, which have resulted in the need to update Strategy 2000. The City is reaching Strategy 2000 Phase One development capacity limits for residential dwelling units, office space, and hotel rooms.

The Envision San José 2040 General Plan was adopted in 2011 and incorporated the Strategy 2000 principles and vision. The Redevelopment Agency was subsequently dissolved on February 1, 2012 in accordance with State law. The Diridon Station Area Plan was adopted in 2014, and other major planning efforts are progressing for a new Diridon Station that integrates BART, High Speed Rail, and enhanced Caltrain, Ace and Capitol Corridor commuter rail.

In 2018, consistent with State law, the City's Transportation Policy 5-3 was replaced by Policy 5-1 to adopt Vehicle Miles Traveled (VMT) as the CEQA threshold instead of LOS. Also in 2018, Climate Smart San José was adopted to update the Green Vision.

The VTA's BART Silicon Valley Phase II Extension project through Downtown is expected to be completed and operational before 2030. The supplemental environmental impact documents (SEIS/SEIR) for the BART Phase II Extension were prepared in 2016 and have been certified by the VTA, as the lead agency. The preferred Downtown station location has been selected and is assumed in the Strategy.

Envision San José 2040 General Plan

The adoption of the Envision San José 2040 General Plan in 2011 added, at a programmatic-level to a horizon year of 2035, more capacity for residential dwelling units to the Downtown to create a total capacity of 10,360 dwelling units (increased from 8,500 units). The General Plan also added capacity for jobs to the Downtown to create a total of 48,500 jobs (increased from 45,000 jobs).

General Plan 4-Year Review

As part of the General Plan Four-Year Review, in 2016, the City Council directed staff to evaluate adding Downtown capacity to the horizon year of 2040 for 10,000 more new jobs and 4,000 more new dwelling units as part of the Strategy update process. Therefore, as directed by Council, the Strategy includes a total capacity for jobs in the Greater Downtown area of up to 58,500, and a total capacity for dwelling units of up to 14,360.

Downtown Strategy 2040 Development Capacity Entitled as of July 10, 2018

Land Use	Downtown Strategy 2040 Development Capacities	Approved Entitlements under Downtown Strategy 2000 EIR (as of 07/10/18)	Remaining Downtown Strategy 2040 Development Capacities as of 07/10/18
Residential (units)	14,360	6,353	8,007
Office (sq. ft.)	14.2 million	1.2 million	13 million
Retail (sq. ft.)	1.4 million	253,000	1.15 million
Hotel (rooms)	3,600	394	3,206

Transportation

A Guiding Principle within Strategy 2000 was to “create an accessible, walkable, bike-friendly, and transit-rich Greater Downtown.” This remains a Guiding Principle for the Downtown Strategy 2040, advanced by the General Plan and Climate Smart San José, which both underscore the importance of reducing private automobile use and increasing transit use, walking, bicycling, and other low-impact, people-centric travel modes.

Numerous transportation projects and policies have evolved since Strategy 2000 was adopted in 2005. These include transit improvements, pedestrian and bicycle access improvements, improvements to transportation technology, and the development of new City policies regarding transportation impacts and transportation and parking demand management. Key changes since Strategy 2000 are summarized below.

The General Plan includes goals to increase transit use by 2040 to a minimum of 20 percent of commute trips, and bicycling and walking commute trips to a minimum of 15 percent each, while reducing VMT per capita by 40 percent. Climate Smart San José reinforces these goals, as this level of mode shift (i.e., how we get around) is required to reduce greenhouse gas and other emissions to align with the Paris Climate Accords.

To achieve these goals Citywide, Downtown San José must substantially exceed the Citywide goals set forth in the General Plan. A number of transportation projects and policies are intended to help achieve these goals in Downtown and City-wide.

Vehicle Miles Traveled (VMT). In 2013, California legislature adopted Senate Bill 743, which requires VMT or similar metric be used to measure transportation impacts under CEQA and precludes the use of vehicle delay (i.e. Level of Service) as a CEQA threshold. In response to this

State law change, and to better align with the Envision San José 2040 General Plan, San José adopted City Council Policy 5-1 on February 27, 2018, entitled “Transportation Analysis Policy,” establishing VMT as the metric for transportation analysis under CEQA. The switch from Level of Service to VMT will facilitate urban, high intensity and pedestrian oriented development in places like Downtown that have a robust transit network.

BART, Caltrain, High Speed Rail, and Diridon Station. For transit ridership to become the mode of choice for more people to and from Downtown, transit services must become even more reliable, effective, comfortable, and seamless. Transit must offer great service that is easier, cheaper and more convenient than driving. Downtown is home to myriad transit services including numerous high-frequency bus lines, Bus Rapid Transit (BRT), Light Rail Transit (LRT), and commuter rail. There are more improved services to come with modernized Caltrain service, Bay Area Rapid Transit (BART), increased Altamont Commuter Express (ACE) and Amtrak Capitol Corridor service, and new High-Speed Rail (HSR). Some of the major transit improvement projects that have advanced significantly since the adoption of the Strategy 2000 are described below.

- The first phase of the **BART Silicon Valley** extension has been built (Berryessa Station) and is expected to begin passenger service by 2020. The second phase, which includes stations in Downtown and at Diridon Transit Center, completed its CEQA and NEPA environmental review process with the single-bore option selected for the Phase II extension, and the western location option selected for the central Downtown BART Station. The BART Phase II extension is estimated for completion by 2026.
- **Caltrain Electrification** began construction in late 2017, with electrified trains expected to run passenger service in 2022.
- **HSR** is under construction in the Central Valley, with plans to connect to San José’s Diridon Transit Center as early as 2027, and **ACE** and **Capitol Corridor** are also actively working on capital improvements to increase the frequency of their service in San José.
- Given the exceptional ten-fold ridership increases in transit planned for **Diridon Transit Center**, the City, Caltrain, HSR and Santa Clara Valley Transportation Authority (VTA) are working together to design a new intermodal facility that will seamlessly accommodate people traveling on these new and expanding services. It envisioned to be a great place – an asset to the surrounding neighborhoods and the City generally.

Public Life, Walking and Bicycling. People on the streets and in public spaces – walking, bicycling, gathering, lingering – are part of what makes the **public life** of a city vibrant and engaging. Pedestrians or bicyclists can also explore Downtown more in-depth than those driving from one destination to another and parking at each destination along their route. A pleasant walking path or comfortable bicycle route allows people to discover new businesses and public spaces along their journey, bump into friends, neighbors and colleagues, and forms a sense of pride in and attachment to a place.

- Everyone is a **pedestrian** sometimes, no matter what mode of transportation they use. The comfort, convenience, and aesthetic quality of the public realm, the sidewalks, plazas, parks, and trails, is an essential aspect of any city's accessibility. These take on even more importance in the context of an overall transportation strategy in which walking makes the link from bus, train, garage, or bike rack to the final destination.
- San José's wide, flat streets and mild climate are ideal for **bicycling**, and bicycling rates in the Downtown are already roughly four times what they are in the rest of the City. With continued focus on enhanced on- and off-street bicycle facilities connecting to neighboring areas, secure bike parking, bicycle-oriented wayfinding, and bike share, Downtown can become a bicycling paradise – easing Downtown congestion and parking problems, connecting various parts of Downtown, and providing a healthy, enjoyable means of access.

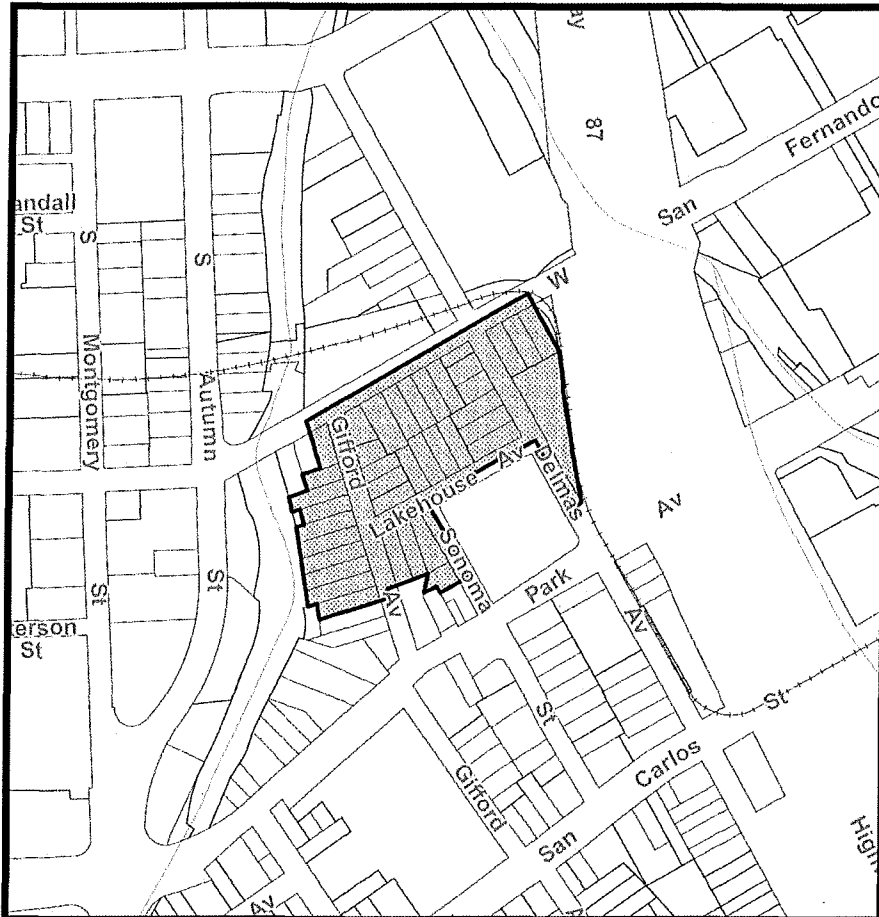
Given the extent of these new transportation services and changed policy conditions, the City secured a grant for an updated Downtown Transportation Plan to improve access, streetscapes, and public life. This planning effort will integrate disparate Downtown transportation projects into a common and comprehensive multimodal transportation network supported by the community, City Council and other stakeholders. Work on this effort began in July 2018 and is expected to be completed in late 2019.

Historic Landmarks

In Downtown, one additional City Landmark District, the Lakehouse Historic City Landmark District, has been designated since adoption of Strategy 2000. The Lakehouse Historic District, City Landmark District HD07-158, is generally bounded on the north by West San Fernando Street, on the east by State Route 87 highway and the VTA Light Rail Transit right-of-way, on the west by Los Gatos Creek, and on the south by the rear parcel lines of lots on the north side of Park Avenue, and on the southeast by Sonoma Street and Lakehouse Avenue (See Figure 2 below). The Lakehouse Historic District consists of mostly single-family residential properties constructed from 1885-1925. The district includes a unique concentration of single-story, Queen Anne Style houses along with some Craftsman and Period Revival houses in and surrounding the 1891 Lake House Tract.

A smaller Lake House Historic District/Delmas Historic District, excluding properties on Gifford Avenue, was determined eligible for the National Register in 1999 due to a unique concentration of single-story, predominantly Queen Anne style, houses built between 1892 and 1898. Historic resources on individual parcels within the Strategy area have also been added to the City's Historic Resources Inventory since adoption of Strategy 2000. The Historic Resources Inventory is on file with the Planning Division of the Department of Planning, Building and Code Enforcement, and is posted on the City's website as well.

Figure 2: Lakehouse City Landmark Historic District



Elements of the Downtown Strategy 2040

Downtown Strategy 2040: San José Downtown Strategy for Development updates and replaces Strategy 2000's action guide for development and redevelopment of Downtown San José through the year 2040. The key land use and transportation components of the Strategy update are:

- Increase development capacity with an additional 4,000 residential units and 10,000 jobs.
- Expand the boundary to include the east side of two blocks on North 4th Street.
- Create a new General Plan Land Use/Transportation Diagram designation of "Employment Priority Area Overlay" to require intensified new employment development along the BART corridor and near the new central Downtown station.
- Replace use of LOS for CEQA transportation analysis with VMT.
- Bring the Strategy into better alignment with policy direction of the General Plan.
- Prepare new CEQA analysis of potential environmental impacts to comply with recent legislative changes made by the State of California, particularly related to air quality, greenhouse gas emissions, and transportation analysis requirements.

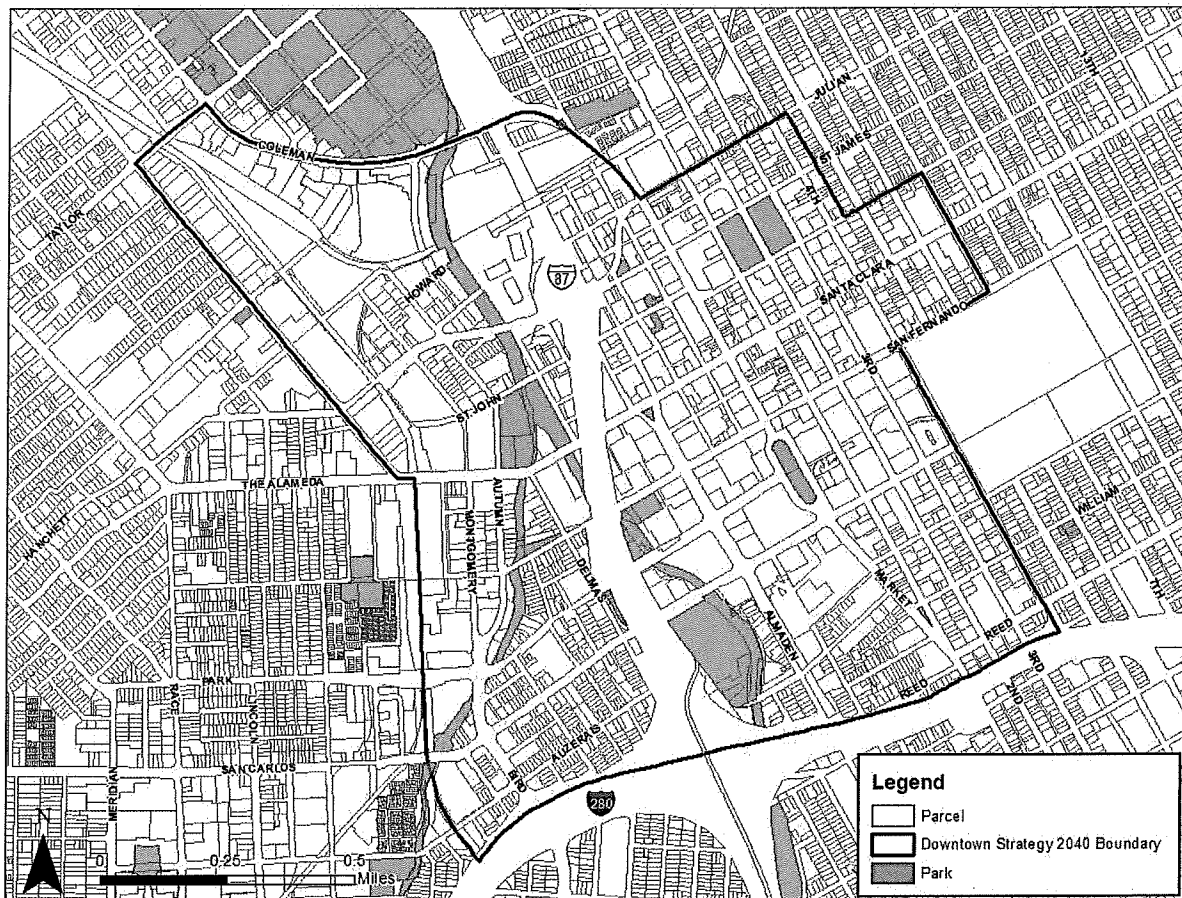
Strategy 2040 guides the development and redevelopment of the Downtown area, including the Diridon Station Plan area and Downtown Growth Areas consistent with the General Plan Major Strategies, Goals, and Policies. The General Plan identifies the Downtown, the Diridon Station Area Plan (DSAP) area, and specifically identified surrounding areas as Planned Growth areas for transit-oriented employment, commerce, visitor-serving uses, and high-rise high-density housing, including deed-restricted affordable housing. In implementing the Strategy, the City will continue to intensify Downtown with mixed uses and public infrastructure, strengthening it as a dynamic regional employment center, entertainment destination and significant hub for public life.

As defined in the Strategy, the boundary of Downtown is expanded to the northeasterly side of North 4th Street between East St. John Street and East Julian Street (See Figure 3 below). There is substantial geographic area overlap between the Downtown and the DSAP as shown on Figure 4 below. The development capacity included in DSAP (west of Highway 87) is a portion of the overall Downtown total assumed in the Strategy 2040. Some of the additional increased development capacity in Downtown is allocated to areas within the DSAP, such as the former "ballpark site". Due to the new environmental review and VMT analysis prepared for Downtown that includes all of DSAP, it is expected the Strategy will be the controlling document to the extent there is an inconsistency between it and DSAP. This determination will be made by the City on a project by project basis.

Consistent with the General Plan, the Strategy does not plan for any substantial land use changes from the existing development patterns in the neighborhoods adjacent to and outside of Downtown. This is an intentionally conservative approach. The Strategy provides the basis for

other policy documents such as urban design guidelines for Downtown and for new San José Municipal Code land use standards for development and redevelopment within the Strategy bounded area. The Strategy will preserve compatibility with historic resources in Downtown, as well as in areas that transition from the Downtown to adjacent neighborhoods, including but not limited to the area defined as the “Downtown Frame” area in Title 20 of the San José Municipal Code (the Zoning Code). As of April 2018, the Downtown Frame area consists of the area adjacent to the Downtown and bounded by Taylor Street, 11th Street, Keyes Street, Monterey Road, Willow Street, the Union Pacific Railroad line, and the boundaries of the Downtown Zoning area.

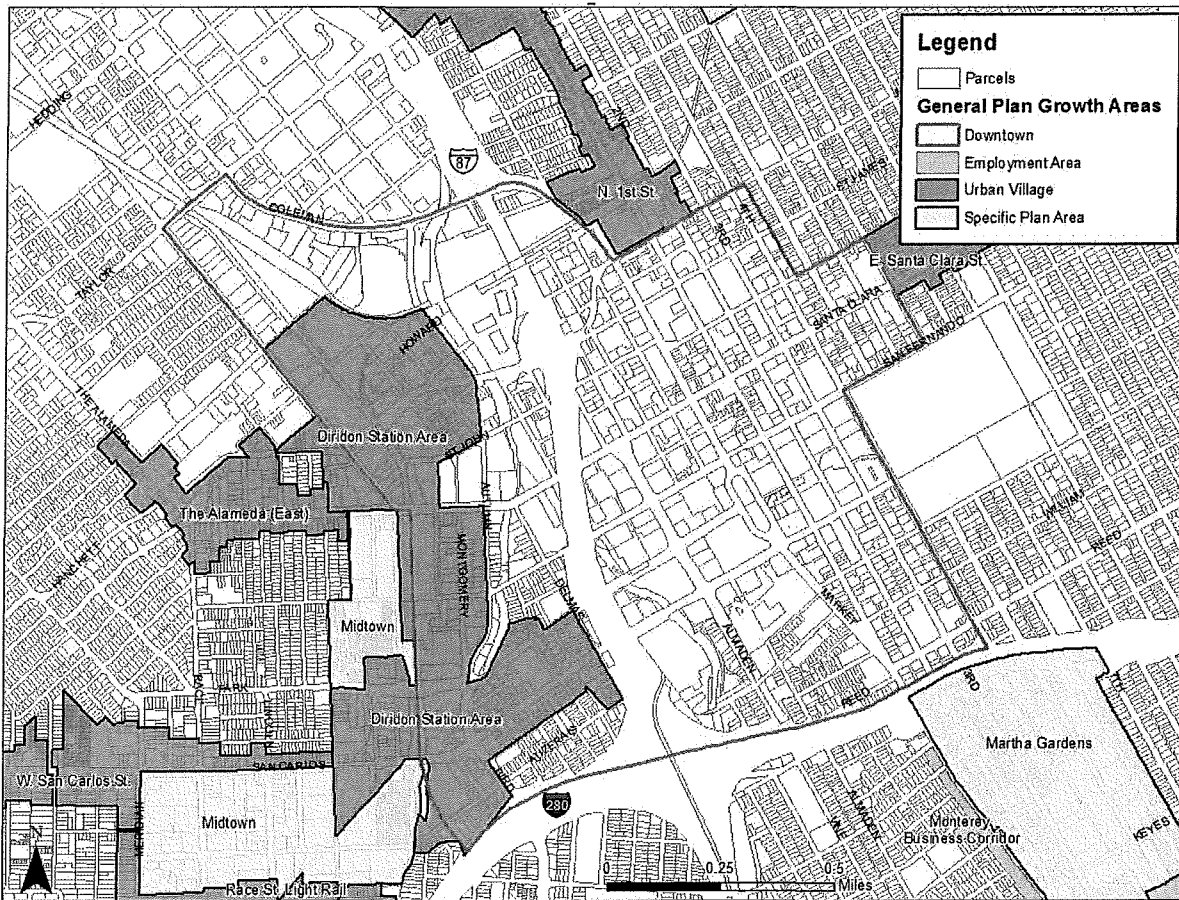
Figure 3: Downtown Strategy 2040 Boundary



The Strategy continues the approach of a broad multi-disciplinary consideration of the issues of economics, transportation, urban design, urban landscape, and historic and cultural resources as they apply to the expanded Strategy area. The primary purpose of the Strategy for decision-makers is to maintain an integrated strategic program to guide policy making, planning, and budgetary decisions for Downtown. With the dissolution of the Redevelopment Agency, and new Federal

and State mandates for the environment and housing, the Strategy provides a more fiscally and environmentally sustainable vision for intensifying Downtown as a cosmopolitan center of the largest city in the Bay Area.

Figure 4: Downtown Growth Area and Urban Villages



Strategy 2040 Guiding Principles

The Strategy's Guiding Principles build upon and continue those reflected in the General Plan to:

1. Make Downtown a memorable and creative metropolitan center where people live, work, learn, play, shop, dine, and engage in public life;
2. Enhance the identity of Downtown San José as the urban and cultural center of Silicon Valley, and further enhance San José as an international city;
3. Create an accessible, walkable, bike-friendly, and transit-rich Downtown; and
4. Promote and prioritize development that serves the needs of the entire city, valley, and Bay Area region.

Strategy 2040 Top Priorities

The top priorities of the Strategy and associated Environmental Impact Report are the following:

1. Provide programmatic and project level environmental clearance to the extent possible under CEQA;
2. Develop commercial uses in the Downtown, particularly active ground-floor retail uses, and those that generate sales tax revenue;
3. Intensify new job-generating development adjacent to the planned central Downtown BART station with adoption of the Employment Priority Area overlay;
4. Develop housing with an emphasis on very high densities, and at least 20 percent of which is deed-restricted affordable to extremely low, very low, low, and moderate-income households;
5. Complete the Guadalupe River Park and Los Gatos Creek Trail, and continue to enhance riparian corridors;
6. Encourage reduction of VMT;
7. Consider parking-demand management programs that allow alternative solutions for numbers and configurations of parking spaces, such as alternating and joint use, off-site locations, and that encourage unbundled residential parking spaces;
8. Continue to use transportation demand management to lower minimum parking requirements as commuting mode shifts more to transit;

9. Invest in streetscape improvements and publicly accessible open spaces;
10. Expand the San José Convention Center;
11. Update San José's Municipal Code to facilitate intensification Downtown within conventional zoning districts;
12. Respect the many cultural and historic assets that add a unique scale and image that is distinctly San José by preserving cultural resources, established historic districts and historic landmarks with approval of development projects;
13. Update urban design guidelines, including guidelines addressing historic preservation and adaptive re-use, site design and land uses near riparian corridors, and bird-safe design for areas within the Downtown Strategy 2040 boundaries;
14. Consider major encroachments into the public right-of-way to help activate public life;
15. Provide clarity that if development permits expire on a site within the Downtown then the previously entitled capacity will revert to the remaining unentitled capacity under the Downtown Strategy 2040 EIR. Currently, much of the capacity in the Downtown Strategy are tied up under expired entitlements, but very little of this "capacity" has been constructed. The City's goal is that this capacity under the Downtown Strategy 2040 EIR will be timely constructed; and
16. Continue coordination and collaboration efforts with San José State University.

Strategy 2040 Implementation

Further Downtown intensification will entail the following current or possible future implementing actions:

1. General Plan text and land use amendments to:
 - a) Amend Appendix 5 (Planned Job Capacity and Housing Growth Areas by Horizon table) of the General Plan to increase the development capacity within the Downtown boundary through the transfer of 4,000 dwelling units and 10,000 jobs (approximately 3 million square feet of office capacity) from other General Plan Growth Areas to Downtown.
 - b) Establish a new General Plan Land Use/Transportation Diagram Employment Priority Area (EPA) Overlay to support Downtown San José's growth as a Regional Employment Center that will be applied to sites within approximately one block of the future central Downtown Bay Area Rapid Transit (BART) Station generally including properties bounded by St. John Street to the north, 4th Street to the east, San Fernando Street to the south, and San Pedro Street to the west (See Figure 5 below).

The Downtown Employment Priority Area is planned for intensive job growth because of the area's proximity and access to the future Downtown BART station. The overlay boundary is intended to respect property lines and not split parcels. Due to proximity to the future BART station, the EPA Overlay supports development at very high intensities, where such high intensity is compatible with other policies within the General Plan, such as Historic Preservation policies.

The EPA Overlay does not change the uses or density otherwise allowed within the base "Downtown" land use designation. The EPA Overlay, however, requires a minimum Floor Area Ratio (FAR) of 4.0 for commercial (job-generating) uses, including office, retail, service, hotel, or entertainment uses, prior to allowing residential uses, as supported by the "Downtown" General Plan Land Use/Transportation Diagram designation. Typically, the base land use designation will be "Downtown" with an allowed FAR of up to 15.0 (3 to 30 stories) and density of up to 800 DU/AC. For example, a new development project on a one-acre site within the EPA Overlay would be required to provide at least 174,240 square feet of commercial space *before* the General Plan would support the addition of residential uses in the project. While the EPA Overlay would establish minimum commercial requirements prior to allowing residential uses, the EPA Overlay does not establish a minimum FAR for stand-alone commercial uses.

The development intensity and site design elements in the areas within the EPA Overlay designation should reflect an intense, transit-oriented land use pattern that is typically expected in Downtown. It is envisioned that active commercial uses (e.g., retail and entertainment uses) would be located on the ground level with high-intensity office development above.

To help activate the Downtown BART corridor, new development within the EPA Overlay should incorporate active ground floor commercial uses along the street in new development projects. Projects with complete development permit applications already on file with the City prior to the date of adoption by the City Council of the Downtown Employment Priority Area Overlay would not be subject to the requirements of the EPA Overlay, provided any new application or amendment or adjustment to an existing complete application will subject the proposed project to the EPA Overlay requirements as set forth in the General Plan and this Strategy.

- c) Change the General Plan Land Use/Transportation Diagram land use designation from Combined Industrial/Commercial to Downtown and Commercial Downtown designations on an approximately 10-acre site located at the intersection of Ryland Street and Santa Teresa Street between SR-87 and the Guadalupe River (200 Ryland Street).
- d) Amend the Planned Growth Areas Diagram to expand the General Plan Downtown Growth Area boundary along the east side of North 4th Street between St. John and Julian Streets, and to remove the Downtown Transit Employment Center area from the Planned Growth Areas diagram in the General Plan;

- e) Make General Plan text amendments to modify and clarify Vibration Policy EC-2.3 on types of sensitive historic structures, frequency of vibration, and minimum required distances for some types of construction equipment operations; and
 - f) Make General Plan text amendments related to the description of the Downtown Growth Boundary and transitions for projects located adjacent to existing neighborhoods planned for lower intensity development, and other minor technical changes or clarifications.
2. All parcels located in the new Employment Priority Area Overlay designation will be subject to the requirements described above immediately upon the effective date of the General Plan Amendment creating the new overlay. If entitlements expire on a previously approved residential project that is within the new Employment Priority Area, any new project on the site would need to propose a project with an FAR of 4.0 commercial use and meet the overlay requirements set forth in the General Plan.

Figure 5: Employment Priority Area Overlay Area



3. Possible Subsequent Zoning Code amendments to:

- a. Better align the boundaries of the Downtown Zoning area to be consistent with the boundaries of the Strategy area and the General Plan.
 - b. Facilitate implementing the VMT Policy in the Downtown Strategy area by changes such as reducing minimum parking space requirements for residential uses, expanding unbundled parking opportunities for all uses, and adding options for Transportation Demand Management (TDM).
 - c. Align maximum heights allowed in the Zoning Code with the General Plan.
 - d. Revise and add provisions for development standards in transitional areas adjacent to Downtown such as the area currently identified in the Zoning Code as the Downtown Frame.
 - e. Discourage the use of Planned Development zonings, or make their activation otherwise time-limited, so that unconstructed development capacity cannot be held in perpetuity.
4. Amend other Titles in the Municipal Code as necessary to respond to changes in the ways people live, commute, work, shop, dine, and engage in public life in Downtown.

Ongoing Planning within the Downtown

Within the Downtown area there are several Strategy-related land use, transportation or economic development studies or planning efforts in progress or expected to begin within the next year or so. Some of the major efforts are:

1. Downtown Retail Study;
2. Downtown Transportation Plan to improve access, streetscapes, and public life;
3. City Policy and Code changes to encourage activating vacant Downtown storefronts;
4. Downtown and Diridon Station Area Design Guidelines Update;
5. BART Station Transit Oriented Development, design, and access studies (led by VTA and collaborated with City of Santa Clara);
6. Diridon Integrated Station Concept Plan for expanded intermodal station to include BART, Caltrain, Light Rail Transit, buses, and regional, heavy and High-Speed Rail;

7. Historic Surveys of buildings in subareas of Downtown; and
9. Downtown Airspace and Development Capacity Study.

Strategy 2040 Environmental Review and Development Capacity

The City has prepared a Programmatic Environmental Impact Report (PEIR) in compliance with CEQA to provide environmental clearance for adoption of the Strategy. The future growth in Downtown was evaluated in the Envision 2040 General Plan PEIR at a conceptual or programmatic level, consistent with the Downtown Strategy 2000. The new Strategy 2040 PEIR document tiers off the Envision PEIR, particularly for the evaluation of cumulative impacts.

The EIRs prepared for the Downtown Strategy 2000 and General Plan included mitigation measures for environmental impacts, including cultural resources, shade and shadow, biological resources, and storm water. These mitigation measures have been included, as appropriate and applicable, as conditions of approval for all approved Phase I projects, consistent with the 2040 General Plan. As part of the Downtown Strategy 2040 update effort, impacts were re-analyzed per recent changes in the regulatory and legislative climate, particularly related to traffic, air quality and greenhouse gas emissions requirements that were not in effect at the time the previous EIR was completed. Mitigation measures previously identified in the Downtown Strategy 2000 were reviewed and carried over to the new PEIR, as necessary and appropriate.

As part of the new Downtown Strategy 2040 PEIR, project-level analyses have been conducted for traffic and traffic-related air quality and noise impacts. Future analyses of these topics may not be required provided the development proposed does not exceed the overall development or scope analyzed. Supplemental analyses will be needed when there are circumstances unique to a specific project site that have not been analyzed in detail in this EIR [e.g., traffic operations (ingress/egress), cultural/historic resources, aesthetics, hazardous materials, etc.]. Future projects under the Downtown Strategy 2040 will be examined in light of this PEIR to determine the appropriate level of subsequent environmental review and what, if any, additional analysis will be needed.