



SPUR

San Francisco | San Jose

October 31, 2014

Committee on Economic Competitiveness
City of San Jose
200 E Santa Clara Street, 17th floor
San Jose, CA 95113

Dear Mayor Reed, Vice Mayor Nguyen, Councilmember Herrera and Councilmember Liccardo:

SPUR has made better urban design and physical planning a top priority of our policy work in San Jose. Through our 2013 report *Getting to Great Places*, we have asserted that building walkable places through smarter development is both essential and very challenging.

We believe the North San Jose Urban Design Guidelines (“Guidelines”) are a valuable and important statement of the urban design principles necessary to achieve the kind of walkable, dense, transit-oriented district the city of San Jose aspires to.

We understand that under current market conditions, the development community has found it challenging to conform to all of the Guidelines, prompting the Council to direct staff to adjust those that impede development, particularly commercial development, in North San Jose. We believe this process must be undertaken with great care to support new development without undermining the city’s long-term transformation.

In considering the amendments proposed in staff’s memo to the Committee, we feel it is critical to distinguish changes that will facilitate interim development from those that will “lock in” current physical patterns and prevent realization of the longer-term vision.

The proposed changes by staff (Guideline Amendment 5, “Density” and “Height”) reduce both minimum densities and minimum heights. While SPUR supports the densities proposed in the existing Guidelines (1.2 avg FAR in the Core area), they should not stand in the way of near-term development, and it seems clear that today’s market does not support development at those densities. We feel that three-story buildings and 0.8 FAR are reasonable revisions to these guidelines. In the near-term this is sufficient density to move the area toward a more walkable, transit-supportive,

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and amenity-rich environment, *provided it incorporates good physical planning practices.*

We have concerns about revisions that allow buildings to encroach on areas intended by the guidelines to develop incrementally into public realm or circulation assets (this applies to Amendment 5 sections addressing “Connectivity” and “Streetwall”). It is very unlikely that a building placed in such areas would be subsequently redeveloped on the footprint originally intended.

It is worth noting that the comments below treat the idea of building setbacks in two very different ways, reflecting the different purposes of the setback requirements. Setback have historically been used to isolate or buffer buildings from the street with parking or landscaping, leaving pedestrians isolated. However, setbacks can be a valuable tool where they are of modest depth and used to augment limited rights of way and provide comfortable pedestrian access to building frontages.

The “Connectivity” section in Guideline Amendment 5 suggests that a narrower interim treatment for “grid streets” would increase site flexibility, but that the city would retain its ability to execute an irrevocable offer to construct a 60’ public street at a future time. However, if the site is developed around a narrower street, it seems unlikely that it could easily be altered in future, especially where building placement is concerned.

We recommend revising this recommendation in either or both of two ways:

- 1- If the 60-foot right of way contemplated for the grid streets is perceived as impeding development, modify city standards (and the NJS Guidelines) to allow for the conversion of narrower streets to public rights-of-way. The proposed grid street design precedes the publication of new NACTO standards that support narrower, more urban dimensions. Alternatively, allow narrower streets to remain as private property with binding public easements in perpetuity.
- 2- Remove the 15-foot setback required along the grid streets, leaving the streets section unchanged. This would allow increased flexibility with respect to building placement and dimensions without the need to alter street dimensions or standards. Although a 15-foot setback is not deep enough to degrade adjacent streets, it is also not essential to a good pedestrian environment, and thus not worth preserving if it impedes near-term development.

We have concerns about the proposed language in the “Street Wall” section of Guideline Amendment 5, which would eliminate the hardscape setback or “private

sidewalk” requirement along North First Street. *The North First Street frontage is the single most important interface between private development and the public realm in North San Jose.* It deserves a first rate sidewalk that can support the level of pedestrian activity anticipated at full buildout.

If the private sidewalk requirement is seen as an impediment to near-term development, it could be modified in ways that better preserve the Guidelines’ intent and result in a consistent outcome over the long haul. If necessary, we would recommend:

1. Reduce the hardscape requirement to a dimension that results in a total (public plus private) sidewalk of not less than 22 feet, a reasonable dimension for a major urban addressing and transit-oriented street. By stipulating the total dimension rather than the setback, this approach would result in a more consistent outcome.
2. Allow buildings to cantilever over the setback zone on upper floors, at least 20 feet above grade. Cantilevering at lower elevations will produce an effect more like an arcade, which is not well-suited to an active street frontage. Columns or other structural elements should not be permitted in this zone.

Measures that allow adjacent properties to develop less and preserve future development capacity (such as that in the “parking and open space” revision) are a reasonable accommodation to today’s market constraints. But the proposed private sidewalk revision would actually preclude its realization, and “lock in” the poor condition that currently prevails along North First Street. The current proposal allows buildings to avoid the setback requirement if they provide active uses on adjacent ground floors. While we support such uses, it is precisely where pedestrian activity is greatest that a generous sidewalk is needed. At best, an uneven condition would result. Future projects could rightly point to those that did not build out the full sidewalk and ask why they should be required to do so. In seeking to facilitate near-term development, we should not compromise the principle that North First Street should evolve into a first-class urban street.

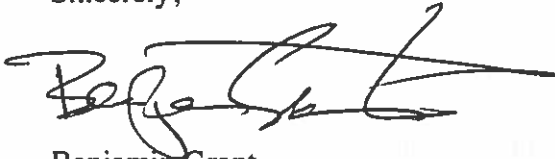
We feel that the amendment proposed in the “Parking and Open Space” section, which would allow surface parking along major corridors is reasonable to the degree that it demonstrably allows “land-banking” of viable future development parcels. We strongly support the provision requiring buildings that are built under this amendment to meet existing frontage guidelines. We recommend that projects making use of this flexibility be required to illustrate how subsequent phases could develop surface lots in keeping with the Guidelines. We further recommend that, along with the “active open spaces” proposed as buffers between sidewalks and adjacent surface parking lots, that the amendment should allow and strongly encourage interim street-facing

uses in this frontage zone such as retail, beer gardens, and food service, whether in trucks, temporary structures, or small interim buildings.

Finally, we recommend that the measures intended to facilitate near-term or interim development include a sunset clause. If the periodic review proposed in the amendment finds that the market is strong enough to support the minimum densities originally assumed in the North San Jose Are Development Policy, that these amendments – whether related to minimum densities or to physical planning – will by default expire. Alternatively, these interim measures could apply to a defined quantity of new commercial development, after which they would expire. Either approach would create an incentive to invest in the near-term, while reinforcing the city's long-term commitment to the Guidelines. This approach is validated by the success of the Downtown High-Rise Incentive Program, which helped spur development by early actors before expiring, likely to be replaced by a less-generous interim incentive.

SPUR appreciates the opportunity to provide input, and we do so in the spirit of supporting San Jose's continued success. We would be happy to further engage with staff on these matters going forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Benjamin Grant', with a stylized, flowing script.

Benjamin Grant
Public Realm and Urban Design Program Manager
SPUR