



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: HIGH-RISE DESIGN REVIEW
PROCESS CITYWIDE

DATE: September 6, 2006

Approved

Date

9/6/06

COUNCIL DISTRICT: Citywide
SNI AREA: Not Applicable

RECOMMENDATION

Adoption of a resolution establishing the High-rise Design Review Process citywide for high-rise development, 100 feet or greater in height.

OUTCOME

Adoption of a resolution establishing the High-rise Design Review Process citywide for high-rise development 100 feet or greater in height would allow staff and decision makers to (1) apply relevant sections of the Downtown Design Guidelines developed for downtown high-rise housing to high-rise development throughout the City, (2) be advised by the City's Architectural Review Committee (ARC) regarding consistency with relevant sections of the appropriate Design Guidelines, and (3) receive community input on proposed high-rise development during both the preliminary review and entitlement phases.

EXECUTIVE SUMMARY

On June 29, 2004, the City Council approved the staff recommendation for an enhanced Downtown Design Review process for projects that include (1) buildings 100 feet or greater in height; or (2) development sites one acre or greater in size; or (3) buildings 150,000 square feet or greater in floor area; or (4) design elements that do not conform to the Downtown San Jose Historic Design Guidelines. Council also directed staff to assemble a formal design panel of architectural design professionals with expertise in urban planning, redevelopment involving historic buildings, and high-rise development.

Staff believes the City should ensure that new high-rise development involving buildings over 100 feet in height proposed outside the Downtown Core is subject to the same policy framework contained in the Downtown Design Review process consisting of (1) application of relevant sections of the Downtown Design Guidelines, (2) review by the ARC, and (3) extensive public outreach at both the preliminary review and entitlement phases.

On June 20, 2006, the City Council held a public hearing for the Vendome Place project to allow an increase in building height from 150 to 200 feet, and addition of 100 units for a total of 500 residential units on a 2.8 acre site at the northwest corner of First and Taylor Streets. Council deferred the proposed the proposed PD Zoning until August 2006 to allow further clarification and refinement of the development standards. The community expressed concern with the proposed project regarding building heights, massing, and articulation. The staff report explained how the Downtown Design Guidelines usually applied to Downtown high-rise housing could apply to three proposed buildings on the site in terms of scale and massing. Council believed clarification was needed to understand how the Downtown Design Guidelines would affect the development standards for the proposed project, as well as issues raised by the surrounding neighborhood.

Staff believes the recent phenomenon of high-rise mixed-use development will continue in San Jose given land costs, market demand, and the General Plan policy framework. Such development is visually prominent, and has significant ramifications for the City in terms of site context, building architecture, and street wall at the pedestrian level. Staff believes the Downtown Design Review process should be applied to high-rise development containing buildings 100 feet or greater in height throughout the City to ensure such development is properly designed and constructed so that it would be a unique asset to the community.

BACKGROUND

Previous Council Action

On March 16, 2004, the City Council adopted the Downtown Design Guidelines. In addition, Council directed staff to return with a proposed design review process for development in Downtown. On June 29, 2004, the City Council approved the staff recommendation for an enhanced Downtown Design Review process for projects that include:

- Buildings 100 feet or greater in height; or
- Development sites one acre or greater in size; or
- Buildings 150,000 square feet or greater in floor area; or
- Design elements that do not conform to the Downtown San Jose Historic Design Guidelines.

In addition, Council directed staff to assemble a formal design panel of three to five architectural design professionals who possess expertise in urban planning, redevelopment involving historic buildings, and high-rise development.

Current Projects Subject to Downtown Design Review Process

Since 2005, staff has assembled an ARC and applied the Downtown Design Guidelines as directed by Council to four high-rise projects in the DC Downtown Primary Commercial Zoning

District.¹ Three of four approved high-rise residential projects Downtown have utilized the Downtown Design Review process including (1) Central Place (401 units/270 feet at 2nd and San Fernando Streets), (2) San Jose Condominiums (320 units/228 feet at Almaden Boulevard and Notre Dame Street), and (3) 360 South Market (207 units/267 feet at Market and San Salvador Streets). City Heights (124 units/165 feet at Julian and San Pedro Streets) was approved in 2003, before the Downtown Design Review process was established. Park View Towers (186 units/198 feet at First and St. James Streets) has also utilized the Downtown Design Review Process but has not had an action taken pending certification of a draft supplemental environmental impact report.

General Plan Height Limits

The San Jose 2020 General Plan sets forth height limits for development within transit areas, and the North San José/Rincon de Los Esteros Redevelopment Area. Citywide, a height limit of 50 feet applies except where greater heights are specified in the General Plan. Within a reasonable walking distance of an existing or planned passenger rail station, the maximum building height may not exceed *120 feet*. “Reasonable walking distance” is generally assumed to be approximately 2,000 feet along a safe pedestrian walkway. The maximum building height is *150 feet* along the Guadalupe Transit-Oriented Development Corridor, within the City/County Civic Center, and for properties within reasonable walking distance of the light rail stations located within the boundaries of the North San Jose Area Development Policy.

In the North San José/Rincon de Los Esteros Redevelopment Area, the maximum building height is 120 feet. In a portion of the redevelopment area bounded by Brokaw Road to the south; Zanker Road to the east, Montague Expressway to the north, and along its western edge by Orchard Parkway north of Atmel Way and by Highway 101 south of Atmel Way, the maximum building height is defined by the airspace requirements of Mineta San Jose International Airport as defined by the Federal Aviation Administration (FAA) but may not exceed 250 feet for any project.

This memorandum has been prepared to ensure that new high-rise development involving buildings over 100 feet in height proposed outside the Downtown Core is subject to the same policy framework contained in the Downtown Design Review process consisting of (1) application of relevant sections of the Downtown Design Guidelines, (2) review by the ARC, and (3) extensive public outreach at both the preliminary review and entitlement phases.

ANALYSIS

High-rise development is a relatively new phenomenon in San Jose. However, staff believes such development will continue in San Jose given land costs, market demand, and the General Plan policy framework. Such development is visually prominent and has significant ramifications for its particular site context, building architecture, and street wall at the pedestrian

¹ Properties located in the DC Downtown Primary Commercial Zoning District shall only be subject to the height limitations necessary for the safe operation of Mineta San Jose International Airport prescribed under Federal Aviation Regulations Part 77 (14 C. F. R. Part 77), as amended. SJMC 20.70.200

level. High-rise development that is properly designed and constructed would provide a unique asset to the community. Inappropriate design and construction of such project could have permanent deleterious effects on the community regarding aesthetics and function.

Vendome Place Project

On June 20, 2006, the City Council held a public hearing for the Vendome Place project consisting of a General Plan text amendment file no. GP04-T-02 and Planned Development Zoning file no. PDC05-101 to allow an increase in building height from 150 to 200 feet, and addition of 100 units for a total of 500 residential units on a 2.8 acre site at the northwest corner of First and Taylor Streets. Council (1) upheld the Mitigated Negative Declaration, (2) approved the General Plan text amendment as recommended by staff and the Planning Commission, and (3) deferred the proposed the proposed PD Zoning until August 2006 to allow further clarification and refinement of the development standards.

The community expressed concern with the proposed project regarding building heights, massing, and articulation; pedestrian oriented design at the ground level; setbacks from First and Taylor Streets; and capacity to include retail along the First Street frontage. The staff report explained how the Downtown Design Guidelines usually applied to Downtown high-rise housing could apply to three proposed buildings on the site in terms of scale and massing. Council believed clarification was needed to understand how the Downtown Design Guidelines would affect the development standards for the proposed project, as well as issues raised by the surrounding neighborhood. Council also believed feedback from the ARC, community, and staff is necessary to provide insight into these project issues and to explore opportunities for excellence.

Applicability of the Downtown Design Review Process to High-Rise Development Citywide

Downtown Design Review Process

The Downtown Design Review Process consists of a (1) pre-submittal conference with staff, (2) a comprehensive preliminary review, and (3) a Site Development Permit application. During both phases 2 and 3, City staff from various departments review and provide comments on the proposal to Planning staff. Additionally, Planning staff evaluates the proposal using the relevant section of the Downtown Design Guidelines. Also, ARC review and a noticed community meeting are mandatory.

Downtown Design Guidelines

Staff believes the adopted Downtown Design Guidelines provide design criteria that are applicable to all high-rise buildings. The design guidelines, originally written for downtown

high-rise buildings, would apply to all high-rise projects 100 feet or greater in height in terms of scale and massing. The Design Guidelines have three principle objectives:

1. To enhance the character of the City and ensure that new development sensitively fits the City's expectations for the context, character and quality that will define San Jose.
2. To encourage creativity, achieve design excellence and provide a reasonable degree of certainty for the developer through establishing a common understanding of design criteria and development standards among the developer, neighbors and City early in the design and location of new development.
3. To provide flexibility in the application of development standards.

Architectural Review Committee (ARC)

The ARC advises the Director of Planning, Building and Code Enforcement on urban design in a public forum. The ARC, consisting of up to three professional architects with urban design experience, convenes at a noticed public meeting to evaluate high-rise projects for consistency with the Downtown Design Guidelines. The ARC meeting provides an opportunity for a project design team to present their particular design concept to the ARC, and to receive feedback on their design. ARC members ask questions of project designers and suggest refinements to the design. Staff summarizes the comments at the end of the meeting and disseminates ARC written comments to the applicant at both the preliminary review and entitlement phases. Members of the public may attend the ARC meeting but do not make recommendations on a proposed design at the meeting.

Community Meetings

The Downtown Design Review process requires the applicant to hold a noticed community meeting at both the preliminary review and entitlement phases. The design team typically makes a brief presentation of the design to the community. Staff facilitates the meeting to ensure community comments are understood and addressed appropriately. In this way, the community is informed of the project early in the process so that feedback can be provided, as the design is refined during the review process.

Decision Making in the Downtown Design Review Process

Planning staff synthesizes the information obtained during the review process described above so that recommendations can be formed. Staff compiles comprehensive written comments regarding design, function, and land use compatibility for the applicant at the preliminary review stage. As the project evolves, staff ultimately makes a recommendation to the Director of Planning, Building and Code Enforcement on the Site Development Permit. The City places a strong emphasis on meeting with neighbors in the process to listen to their concerns, and to share the progress of the project with the community.

North San Jose Activity

In North San Jose, ten Planned Development Zoning applications have been filed with the City representing a total of approximately 6,000 residential units. Only two of the applications appear to propose buildings over 100 feet. Many of the applications have received 30-day letters and are awaiting certification of the Final Environmental Impact Report for the North San Jose Development Policies Update Project before proceeding to public hearing. Also, four preliminary reviews have been submitted to the City representing a total of 3,772 residential units.

If Council establishes the High-rise Design Review Process citywide, the expanded process would apply to all high-rise projects filed with the City after adoption of the resolution establishing this process. Staff is proposing that the two North San Jose high-rise projects currently on-file with the City would also go through the proposed citywide high-rise design review process because they are 100 feet or greater in height, and have not received environmental clearance nor have been set for hearing. Staff is aware of no other high-rise projects currently on file in the Planning Division that would raise similar concerns as those two projects.

Conclusion

In the Downtown, three high-rise residential projects are currently active in the preliminary review stage. Staff anticipates that three other high-rise residential projects will be filed for preliminary review. Outside the Downtown, Council has directed staff to evaluate the Vendome Place project according to the Downtown Design Review process to determine how application of the Downtown Design Guidelines would affect the Planned Development Zoning development standards.

Staff believes the recent phenomenon of high-rise mixed-use development will continue in San Jose given land costs, market demand, and the General Plan policy framework. Such development is visually prominent, and has significant ramifications for the City in terms of site context, building architecture, and street relationship at the pedestrian level. Staff believes the Downtown Design Review process should be applied to high-rise development containing buildings 100 feet or greater in height throughout the City to ensure such development is properly designed and constructed so that it provides a unique asset to the community, and enhances the quality of life in San Jose.

POLICY ALTERNATIVES

Alternative # 1: Utilize Separate Review Process for High-Rise Development Outside the Downtown Core

Pros: Create a separate review process tailored for a specific planning area such as North San Jose or Citywide except for Downtown.

Cons: Separate review process could conflict with Downtown Design Review Process described above, and would not include applicable Downtown Design Guidelines, ARC review, and mandatory community input. This would also potentially add confusion to applicants of the appropriate process.

Reason for not recommending: Separate review process would allow disparate review processes and criteria for similar high-rise development throughout the City. Added administration costs to staff an additional committee.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- ✓ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meeting, Notice in appropriate newspaper)**

Staff has called and/or e-mailed high-rise developers, North San Jose applicants, the Downtown Association and the Chamber of Commerce to communicate the concept of applying the High-rise Design Review Process to high-rise development Citywide. Staff has been using the Downtown Design Guidelines to review projects outside of the Downtown as an interim solution. The proposed process has been posted on the City's website, and is scheduled to be discussed at the September Developers Roundtable meeting.

The proposed process will add to the community involvement and awareness of high-rise project by adding the Architectural Review Committee to the review process for high-rise projects Citywide. The current Downtown process has been recognized as adding value to the process, and not adding to the processing schedule of proposed high rises Downtown.

COORDINATION

Preparation of this memorandum has been coordinated with the Redevelopment Agency, the Office of Economic Development, and the City Attorney's office.

FISCAL/POLICY ALIGNMENT

The proposed policy aligns with the San Jose 2020 General Plan by implementing the Major Strategies, particularly the Urban Conservation Major Strategy that seeks to maintain viable neighborhoods.

COST SUMMARY/IMPLICATIONS

The High-rise Design Review Process recommended by staff would be a fee-supported program. If the process were to be established, staff would review data to determine the cost of the expanded review process. To date, the costs have been manageable within the current fee structure.

BUDGET REFERENCE

N/A

CEQA

Not a project



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JH:LRP:re

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