



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT: PRELIMINARY ALUM ROCK  
FORM BASED ZONING DESIGN  
STANDARDS AND GUIDELINES**

**DATE:** June 11, 2009

**COUNCIL DISTRICT:** 5  
**SNI AREAS:** Mayfair &  
Gateway East

## **RECOMMENDATION**

The Planning Commission requested that staff transmit the Commission's discussions and comments on the Preliminary Alum Rock Form Based Zoning Design Standards and Guidelines to the City Council.

## **BACKGROUND**

### **May 27, 2009 Public Hearing**

The Planning Commission opened the public hearing on the Preliminary Alum Rock Form Based Zoning Standards and Guidelines. Paul Ring of The Core Companies reiterated concerns identified in his written comments (see attached) regarding the Standards and Guidelines, including concern that the proposed frontage requirements are too stringent and that it may be difficult for mixed use projects to conform to these standards. Commissioner Campos asked staff whether the Tierra Encantada project conformed to the proposed standards. Staff responded that Tierra Encantada would conform to most of standards, but would probably not quite achieve the required amount of active commercial frontage.

### **June 11, 2009 Public Hearing**

Staff made a brief presentation regarding the Preliminary Alum Rock Form Based Zoning Standards and Guidelines calling attention to items distributed to the Commission at the meeting, including written comments from Commissioner Jensen, proposed revisions to Table 1 of the Standards and Guidelines, and photo simulations of progressively more urban development patterns for Alum Rock Avenue prepared by the Valley Transportation Authority (see attached). Staff indicated that the proposed revisions to Table 1 consist of less stringent requirements for active commercial frontage based on additional analysis undertaken by staff in response to comments from the prior meeting. Paul Ring of The Core Companies spoke and thanked staff for revisions to the Standards made to respond to his earlier comments and expressed interest in working with staff on development proposals as the Form Based Zoning moves forward.

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#### Auto Related Uses

Commissioner Do acknowledged that Alum Rock Avenue could not accommodate all of the activities that were desirable for this street and indicated that he understood that staff was working to resolve the street design issues. He requested clarification regarding the design of the proposed Bus Rapid Transit project. Staff clarified that the BRT within the study area for the Form Based Zoning would run in two center lanes protected by curbs with stations also located in the center of the street. Commissioner Do asked staff regarding the rationale for the proposed retention of existing auto related uses in the study. Staff responded that the existing auto related businesses, including Calderon Tire and other local business, are some of the most economically vital businesses in the study area and that it was important to retain and build on these successful businesses. Commissioner Do indicated that he had visited the site and that the scope of the proposed Form Based Zoning was ambitious. Staff responded that this was a first phase effort and that it would be possible to expand the area subject to the proposed form based zoning in the future.

#### Flood Protection/Balconies

Commissioner Campos asked whether the flood control project completed on the creek four years ago would change the flood requirements for the area. Staff indicated that these improvements had changed the flood maps, but some areas of the study area were still within the flood zone and would require flood protection. Staff clarified that the Standards and Guidelines do address flood protection issues. Commissioner Campos asked whether balconies would be allowed to extend into the five-foot private property setback. Staff responded that balconies were not included in the list of permissible encroachments, but they could be added in that they are similar to other permitted encroachments that would not interfere with the pedestrian zone. The Director indicated that balconies are not allowed to project over the public right of way due to liability issues associated with items dropped onto the sidewalk from above.

#### Height Limit/Parking Reduction

Commissioner Campos questioned the height limit of 65 feet and the additional 5 feet of height allowed only for buildings with a first floor height of 18 feet and indicated that the proposed zoning should not unnecessarily take opportunities away from property owners. Staff responded that the Building Code height limit for wood construction over a podium is likely to be the real height constraint for mixed use development. The intent of the additional five feet of height is to encourage taller commercial spaces at the ground level and that allowing the additional height for taller residential ceilings would not achieve the goal of encouraging high quality commercial space at the ground level. Commissioner Campos also encouraged staff to allow for parking reductions of 15% or 20% and higher for SROs to encourage transit use. Commissioner Campos indicated that zoning is very iron clad and that the City Council should consider more flexibility to allow property owners to do what they want with their property.

#### Bike Route/Stormwater Treatment

Commissioner Cahan acknowledged that there may not be room within Alum Rock Avenue for a bike route, but indicated that one was needed in the area. Staff pointed out that San Antonio Avenue is a parallel street with a designated bike route. Commissioner Cahan encouraged sustainable design and asked about the letter from HMH (see attached) regarding storm water

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runoff. Staff responded that Mike Campbell of HMH had suggested that landscaped-based storm water treatment solutions be required in the Form Based Zoning and clarified that this was a broader issue that the Department of Transportation and Public Works were addressing as they developed new standards for public rights of way. The greater maintenance costs associated with landscaped-based solutions would be a factor in these discussions. Staff indicated that development under the proposed Form Based Zoning would be subject to the standards in place at the time. Commissioner Cahan suggested that the City Council consider environmentally sustainable storm water solutions in the study area as a demonstration project.

#### Sidewalk Cafés

Commissioner Cahan questioned whether the proposed five-foot front setback was sufficient to allow for sidewalk cafés. Staff responded that it was sufficient for a single row of small tables, and clarified that developers could choose to set the building back further to achieve a larger area for outdoor seating.

#### BRT Swales/Height step back near residential

Commissioner Kamkar suggested that staff think "out of the box" in regard to storm water solutions and asked why not put treatment in the center of the bus lane (i.e., grassy strips or vegetative swales). Staff responded that this had not been discussed as part of the BRT project but that staff would discuss it with the Department of Transportation (DOT). Commissioner Kamkar asked if staff had addressed Jeff Oberdorfer's concerns regarding setbacks (see attached). Staff responded that Mr. Oberdorfer had expressed concern about the potential impact on new development of the proposed height step backs from existing residential uses (located outside the study area). Staff responded that this issue needs further examination to ensure that the restrictions are not greater than needed to ensure compatibility with the existing neighborhood and that staff would continue to explore this issue as the proposed Form Based Zoning moves forward.

#### Creek as Amenity

Commissioner Do voiced support for Commissioner Campos' suggestion to further relax parking requirements. He also indicated that the standards should allow greater height flexibility to allow for better residential units with more natural light and a more varied roof line. Commissioner Do asked whether there was a plan to take advantage of the creek as an amenity. Staff responded that the City was interested in establishing a park along the creek, but that the land was still in private ownership so the proposed zoning could not identify a park at this location. Staff acknowledged that the creek had the potential to be an amenity for the area and that staff would look for ways to address this further in the proposed Guidelines. Staff indicated that further parking reductions could be considered through the Form Based Zoning.

#### Signage

Commissioner Zito asked if the proposed Form Based Zoning affected signage. Staff indicated that signage for this area would continue to be addressed in the Sign Ordinance and that the Sign Code Update currently under way would likely tweak a few of the sign requirements applicable to the Neighborhood Business Districts. Staff further clarified that the proposed five-foot setback would facilitate fin signs by allowing them to project further from the building than

would otherwise be allowed. Commissioner Zito indicated that awnings were very important for shade especially where the street is too narrow for street trees. Staff indicated that the Guidelines encourage awnings and that they are likely to be proposed by developers. Commissioner Zito also stated that public parking lots along the street might be important to ensure that people can park and shop.

#### Mixed Use Development

Commissioner Zito asked how the proposed Form Based Zoning would impact mixed use development. Staff responded that the current General Plan for most of the study area is General Commercial. This designation is proposed to be changed to Transit Corridor Commercial, which allows for mixed-use development so long as commercial uses takes precedence at the ground floor level. The proposed Standards and Guidelines also allow for and encourage mixed-use development, but require well-designed commercial development on the ground floor. Staff stated that mixed use development may not be possible on every site in the near term.

Commissioner Zito asked if office uses aren't also needed in this area in addition to retail. Staff responded that the proposed zoning allows for office uses. Such uses do not qualify for the ground floor parking reduction currently in place for the NBDs, but office is allowed. Commissioner Zito asked whether second and third floor office uses are also allowed. Staff responded that they are.

#### Active Commercial Frontage

Commissioner Zito asked what staff meant by "active commercial frontage". Staff responded that clear glass storefronts are the key, and that blank walls, parking garages, utility cabinets, auto access and residential lobbies are not considered active commercial. Commissioner Zito questioned whether ground-floor lobbies for second-floor commercial uses are included. Staff responded that this is not clear in the current Standards and Guidelines and should be clarified.

#### Model for Future Development

Commissioner Do asked if staff had a model street that guided the vision for Alum Rock. The Director responded that we have seen this type of development on The Alameda and other areas over the past 10 years and that it has been around long enough to see what works and doesn't. He stated staff had looked at development on Lincoln Avenue, in the Downtown and at Santana Row, and that we are now making use of the techniques we've learned and continue to rework and improve based on feedback from developers and the community.

Commissioner Cahan asked if staff had looked at West Portal in San Francisco which also has BRT. She asked if there had been a review of what works there. The Director responded that the VTA is responsible for the BRT project on Alum Rock and that the Form Based Zoning is the planning piece that does not deal directly with the BRT, but focuses on the buildings and how they relate to the street. Commissioner Cahan suggested that San Francisco offers examples of storm water treatment design. She also pointed out that pedestrians seek the shortest route and that Alum Rock should provide ample opportunity for pedestrian crossing.

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Commissioner Do asked whether the goal for Alum Rock Avenue is gentrification – a change in socio economic status. The Director responded that the goal is to preserve and respect the existing character, but make it more successful, viable and sustainable. Staff further indicated that that prior RDA studies have indicated a significant unmet retail need in the surrounding area that a more vital NBD could address.

  
for JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Carol Hamilton at 535-7837

Attachments:

Letter from Paul Ring, dated April 20, 2009

Comments from Planning Commissioner Lisa Jensen

Revised Table 1 (Pg. 9 of the Preliminary Alum Rock Form Based Zoning Standards and Guidelines)

VTA Alum Rock Photo Simulations

Email from Mike Campbell dated April 14, 2009

Email from Jeff Oberdorfer, dated April 16, 2009

April 20, 2008

Carol Hamilton  
Planning Department  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

RE: Draft Alum Rock Form Based Zoning Guidelines

Dear Mrs. Hamilton;

Thank you for your outreach to the development community and for soliciting feedback on the proposed Alum Rock Form Based Zoning Guidelines.

As I mentioned during the community meetings, Core supports the general direction the proposed guidelines outline in encouraging mixed-use, transit-oriented development, however, if the provisions remain as proposed, we believe they will be too restrictive and the mixed-use development potential of the district will be significantly reduced.

Following are a number of revisions we propose to increase the flexibility a mixed-use project has to layout uses while still achieving the goals of the policy.

- Revise the frontage requirements to Active Commercial requirements.

*For example - revise the current "Interior parcels with frontage of 100 linear feet or more" from 60% of the first 100 linear feet plus 90% of any additional, to be 50% of the first 100 linear feet, plus 80% of any additional. Reduce other descriptions by roughly similar amounts as appropriate.*

- Allow other active pedestrian uses to count towards the Active Commercial requirements, such as Public Art, and required pedestrian access to upper floor uses.
- Specially exclude sideyard setbacks from the frontage calculation.
- Allow additional encroachments into the 5' private property of the proposed 15' sidewalk to encourage building articulation.

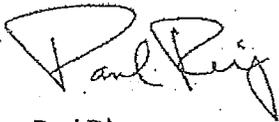
*For example - allow building elements to encroach up to 2' into the 5' setback, for not more than 30% of the building frontage. This will encourage building articulation for the façade column and glazing elements while promoting the desired public gathering areas.*

The Core Companies  
470 South Market, San Jose, CA 95113

- For commercial spaces greater than 8000sf, set minimum depths of 45', but encourage 60' depths. Although 60' is a desirable depth for this type of retail, many times mixed use developments have complex first floor layouts that will benefit from this flexibility. A 60' depth may be too large as a minimum standard.
- The Finished Floor Elevations section should allow limited ADA accessible ramping to some required egress doors within the setback on a discretionary basis. This revision would allow more building articulation and flexibility in the siteplan layout. Locations should be limited to only those areas that do not detract from the pedestrian path and outdoor uses.
- Revise the On-site Open Space requirements to allow that "up to 100% of the private open space" vs. "50% of the units" may be provided as additional common open space. Many higher density mixed-use projects with residential above are successfully designed using common space in lieu of private open space. There are a number of examples in the downtown and other successful mixed-use retail/residential areas. Allowing this flexibility will encourage more opportunities to focus on the viable commercial and transit priorities of the policy.
- There are a number of Treatments and Materials in the Design Guidelines section that are listed as discouraged that, when applied appropriately, can contribute to the vibrant vision of the area, such as wood, manufactured stone, and flexible fenestration options. I recommend that this section be reviewed further to encourage creative solutions towards the performance goal.

Thank you again for the opportunity to comment. I look forward to further development of the District.

Sincerely,



Paul Ring  
Development Manager

3.a. Preliminary Alum Rock Form Based Zoning Design Standards and Guidelines.

Consideration of Alum Rock Form Based Zoning Standards and Guidelines providing preliminary development standards (including setback, height and use provisions) intended to form the basis for a future zoning district for the area generally located on both sides of Alum Rock Avenue between King Road and Interstate 680. CEQA: Mitigated Negative Declaration, File No. PP09-012. PROJECT MANAGER, C.HAMILTON

1. Suggestions for Street and Sidewalk treatments
  - Inclusion of bike lanes, bike friendly designs, bike racks, potential for bike boulevard (blocks without driveway cutouts or where potential exists to prevent cutouts).
  - Possible inclusion of bike boulevard with bus lane?
  - Heavy landscaping for BRT medians including trees and native plantings
  - Consider decreasing minimum distance between trees to increase shade and "lush" feel along sidewalks. Min distance for Sycamore is 25'.
  - Looking at photos of desired/anticipated outcomes common theme of lushness with significant foliage. Foliage is severely lacking along many portions of Alum Rock.
2. Suggestions for Design Guidelines:
  - Strongly encourage sustainable design, including adaptive reuse, green rooftops, passive solar, use of active solar, low e use, building site placement, use of sustainable/recycled building materials, low VOC materials, use of recycled/purple pipe water for non-potable demands...
  - Drive for increased use of native/climate targeted plants, environmentally friendly, low water use
  - Comment for "exterior roof drainage is also discouraged..." add to exception artistic excellence such as roof drainage/artwork at Roosevelt Community Center.

JENSEN

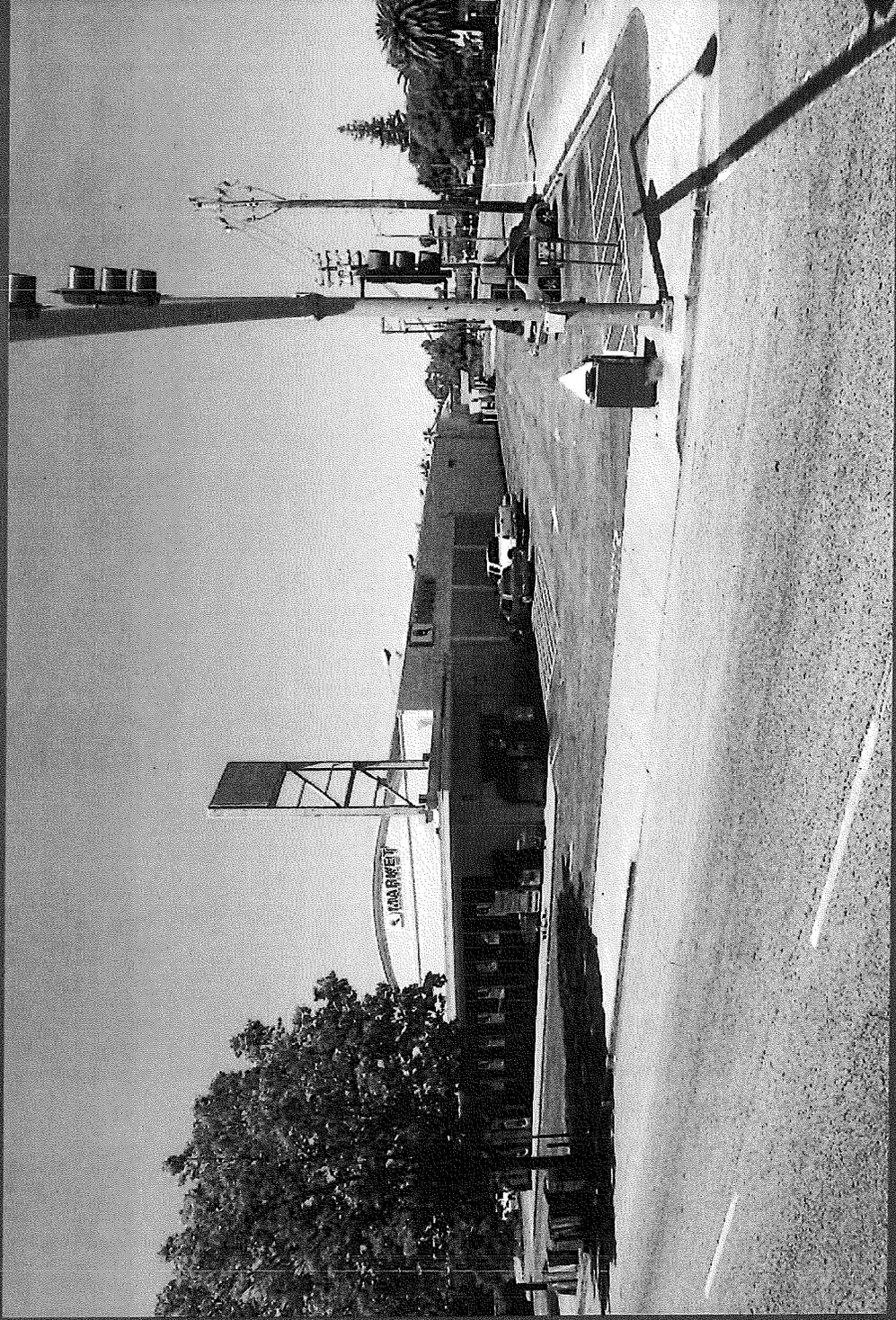
**Table 1. Active Commercial Building Space for Alum Rock Ground Level Commercial Frontages**

Parcel Street Frontage	Minimum Required Active Commercial Building Frontage (linear feet)
Corner parcels	<p>Linear feet of active commercial building frontage must equal or exceed 65% of the first 100 linear feet of parcel frontage plus 75% of any additional parcel frontage beyond the first 100 linear feet.</p> <p><i>Example: A property with 150 feet of frontage shall be required to provide 103 feet of active commercial or retail frontage = (100 feet x .65) + (50 feet x .75)</i></p>
Interior parcels with frontage of 100 linear feet or more*	<p>Linear feet of active commercial building frontage must equal or exceed 60% of the first 100 linear feet of parcel frontage plus 75% of any additional parcel frontage beyond the first 100 linear feet.</p> <p><i>Example: A property with 150 feet of frontage shall be required to provide 98 feet of active commercial or retail frontage = (100 feet x .60) + (45 feet x .75)</i></p>
Interior parcels with frontage of 99 linear feet or less	<p>Linear feet of active commercial building frontage must equal or exceed 40% of first 50 linear feet of parcel frontage plus 80% of additional parcel frontage between 50 and 99 linear feet.</p> <p><i>Example: A property with 99 feet of frontage along Alum Rock Avenue shall be required to provide 59 feet of active commercial or retail frontage = (50 feet x .4) + (49 feet x .80)</i></p>
49 linear feet or less	<p>Director of Planning may reduce the active commercial building frontage requirement based on a finding that a reduced active commercial building frontage is needed to ensure adequate site access and that access cannot feasibly be provided through parcel aggregation or shared access.</p>

\* An interior parcel is a parcel other than a corner parcel (i.e. any parcel not located on the corner of two intersecting streets)

# Santa Clara-Alum Rock Bus Rapid Transit Project

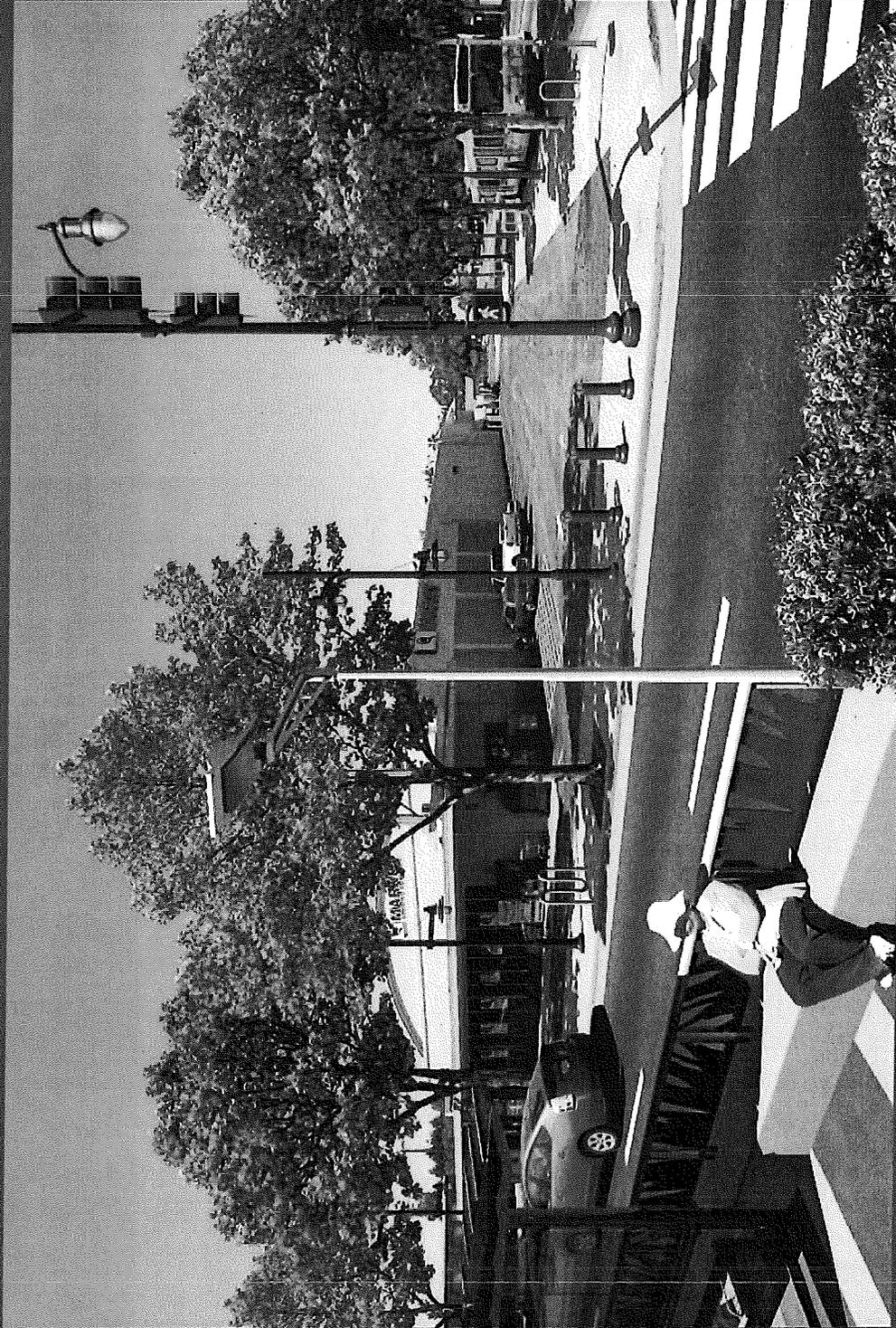
Alum Rock Avenue and Jackson Avenue, San Jose, CA



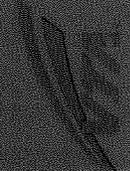
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# Santa Clara-Alum Rock Bus Rapid Transit Project

## Alum Rock Avenue and Jackson Avenue, San Jose, CA

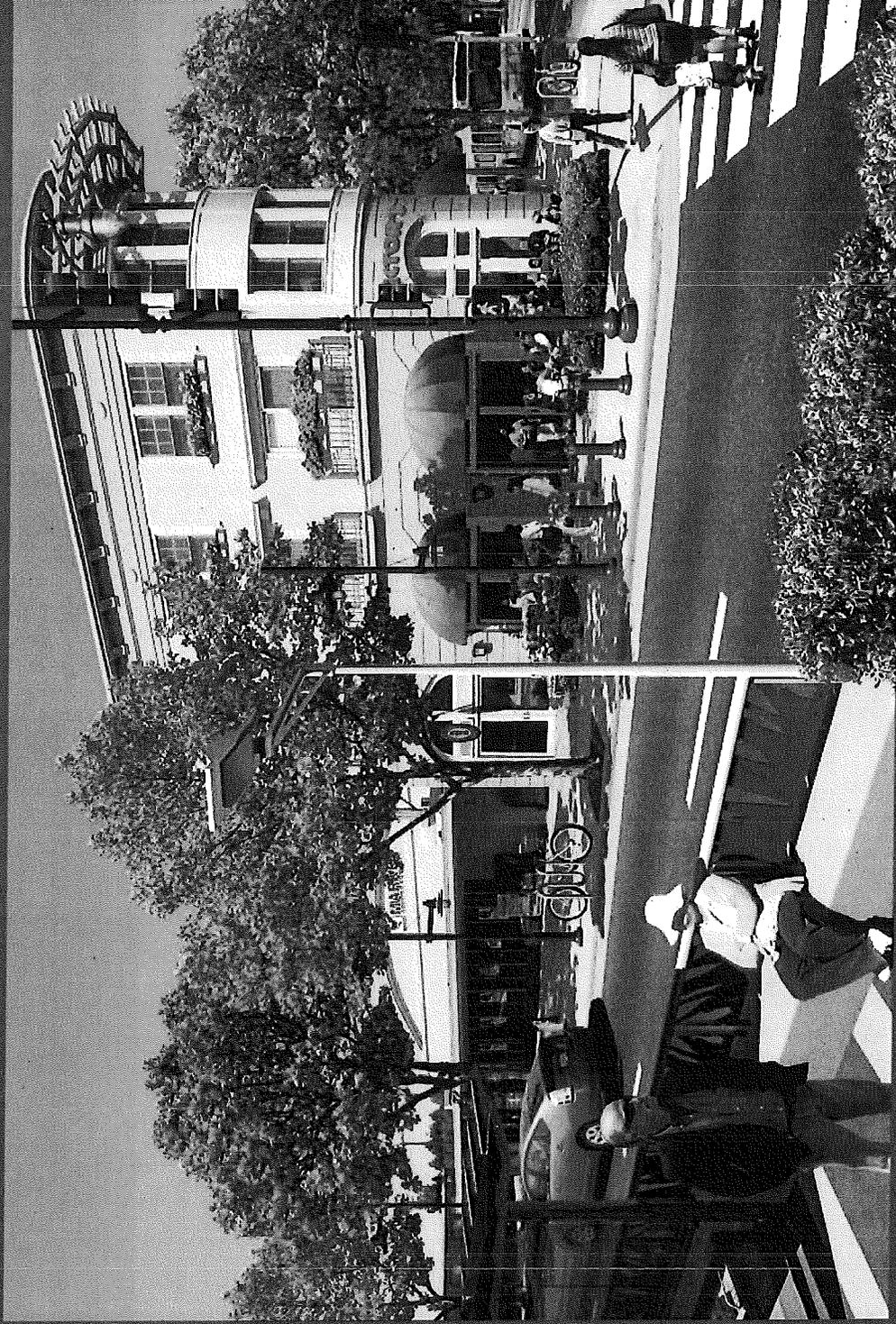


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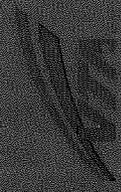


# Santa Clara-Alum Rock Bus Rapid Transit Project

## Alum Rock Avenue and Jackson Avenue, San Jose, CA



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# Santa Clara-Alum Rock Bus Rapid Transit Project

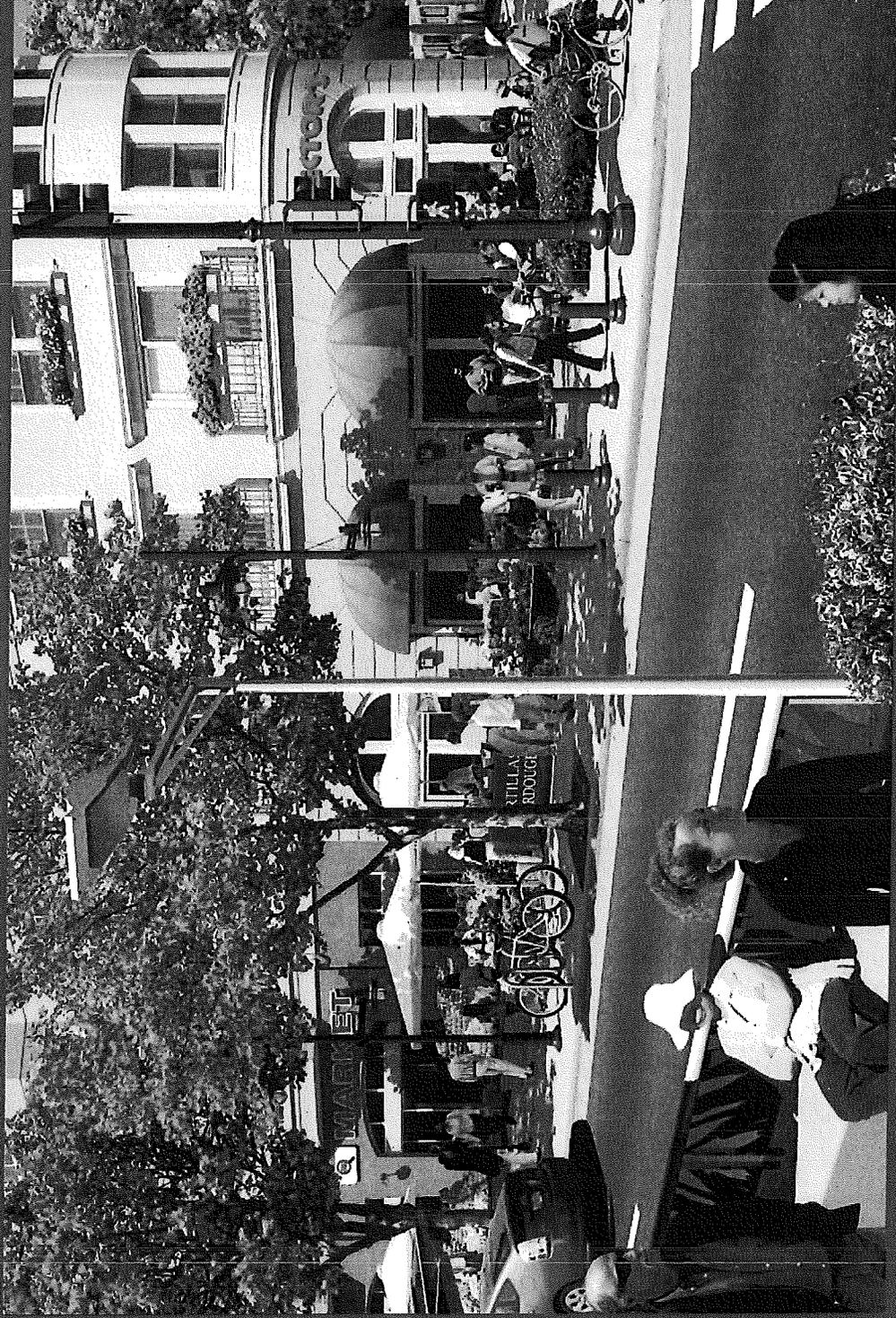
## Alum Rock Avenue and Jackson Avenue, San Jose, CA



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# Santa Clara-Alum Rock Bus Rapid Transit Project

## Alum Rock Avenue and Jackson Avenue, San Jose, CA



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**From:** Mike Campbell [mcampbell@HMHca.com]  
**Sent:** Tuesday, April 14, 2009 11:59 AM  
**To:** Hamilton, Carol  
**Cc:** Buikema, Rich; Rhoades, Michael; Angeles, Maria  
**Subject:** RE: City of San Jose Community Meeting Regarding the Draft Alum Rock Form Based Zoning Standards and General Plan Amendments  
Hi Carol,

I suppose I'm a little late to chime in on this, but here are my two cents. Implementing form based zoning for a neighborhood commercial district is an exciting endeavor for San Jose, but at the same time, I see the proposed Alum Rock Form Based Zoning District Design Standards and Guidelines as a lost opportunity for the City to address the challenge of treating stormwater runoff from its public streets. This document includes no stormwater treatment discussion or designs, other than to encourage the use of green roofs. As the RWQCB requirements to provide landscape-based treatment on both public and private property continue to intensify, the City seems to remain focused only on treatment controls for private development. Public street rights-of-way are not exempt from the RWQCB requirements, yet the City does not allow private developers to use these types of treatment controls within the public right-of-way, nor do they construct them on their own roadway projects. Any widening of the street done in conjunction with the provision of transit platforms, turn lanes or bigger sidewalks per the Guidelines (Street and Sidewalk Standards, P.6) should also allow for the incorporation of landscape-based stormwater treatment controls.

Other Bay Area jurisdictions have recognized the importance of the issue, and have incorporated stormwater control designs into their policy documents and guidelines for public streets. San Mateo County has recently published an excellent guidebook ([http://www.flowstobay.org/ms\\_sustainable\\_streets.php](http://www.flowstobay.org/ms_sustainable_streets.php)), and even ultra-urban San Francisco has included stormwater goals in their Better Streets Plan ([http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Better\\_Streets/DRAFT\\_BSP\\_Goals-4-5-07.pdf](http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Better_Streets/DRAFT_BSP_Goals-4-5-07.pdf)). I just feel that San Jose shouldn't be missing out on opportunities to include green street designs when developing new design guidelines and street sections.

Mike Campbell  
Division Manager  
Stormwater Compliance  
(408) 487-2200



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**From:** Hamilton, Carol [mailto:Carol.Hamilton@sanjoseca.gov]  
**Sent:** Monday, April 13, 2009 5:21 PM  
**To:** Hamilton, Carol  
**Subject:** City of San Jose Community Meeting Regarding the Draft Alum Rock Form Based Zoning Standards and General Plan Amendments

You are invited to a community meeting regarding the proposed Alum Rock Form Based Zoning Standards and General Plan Amendments at the following time and location:

**Monday, April 27, 2009 at 6:30 p.m.**  
**Mexican Heritage Plaza**  
**1700 Alum Rock Avenue**

More information is available on our website at <http://www.sanjoseca.gov/planning/zoning/default.asp>, including community meeting flyers in English and Spanish and a copy of the Draft Alum Rock Form Based Zoning Standards and Guidelines. The study area for the proposed Form Based Zoning and General Plan Amendments encompasses properties on both sides of Alum Rock Avenue between King Road and Interstate 680. A study area map is included on the community meeting flyer.

Please let me know if you have questions or comments.

Carol Hamilton  
Senior Planner

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**From:** Jeff Oberdorfer [mailto:jeffo@firsthousing.org]

**Sent:** Thursday, April 16, 2009 10:33 AM

**To:** Hamilton, Carol

**Cc:** Jerry King; Rask, Walter

**Subject:** RE: City of San Jose Community Meeting Regarding the Draft Alum Rock Form Based Zoning Standards and General Plan Amendments

Carol,

Unfortunately, I will not be able to attend this upcoming community meeting on the **Alum Rock Form Based Zoning Standards**. In general, I think this is an excellent document, but I have a couple of concerns regarding sites less than 150 feet in width.

1. The required side yard setback in addition to the upper floor setbacks required when there is residential adjacent makes a narrow parcel extremely difficult to develop any real useable upper residential floors. Imagine a parcel less than 150 wide with existing or zoned residential on both sides. The 45 degree angled setback leaves minimal developable space.
2. In Table 1, Page 9, we believe that the required minimum active linear feet of commercial [for 100 linear feet or more] leaves too little room for pedestrian access into the site, two lanes of vehicle traffic plus site distance.

Thanks for encouraging feedback on this important new Zoning Standard for Alum Rock Avenue.

Sincerely,

Jeff Oberdorfer FAIA