

City of San José

Coyote Valley Specific Plan

Summary of Task Force Meeting August 14, 2006 City Hall, Committee Rooms W118-120

Task Force Members Present

Co-chair Councilmember Forrest Williams, Chuck Butters, Eric Carruthers, Helen Chapman, Pat Dando, Russ Danielson, Supervisor Don Gage, Dan Hancock, Melissa Hippard, Doreen Morgan, Ken Saso, Steve Speno, and Neil Struthers.

Task Force Members Absent

Co-chair Councilmember Nancy Pyle, Gladwyn D'Souza, Phaedra Ellis-Lamkins, Chris Platten, Steve Schott Jr., and Craig Edgerton.

Technical Advisory Committee (TAC) Members Present

David Bischoff (City of Morgan Hill), Shanna Boigon (SCCAOR), Dawn Cameron (County Roads), Jane Mark (SC County Parks and Recreation), Brian Schmidt (Committee for Green Foothills), and Kerry Williams (Coyote Housing Group).

City and Other Public Agencies Staff Present

Lee Wilcox (Council District 10), Frances Grammer (Council District 2), Anthony Drummond (Council District 2), Rachel Gibson (Office of Supervisor Gage), Joe Horwedel (PBCE), Laurel Prevetti (PBCE), Susan Walsh (PBCE), Stefanie Hom (PBCE), Jared Hart (PBCE), Perihan Ozdemir (PBCE), Maria Angeles (Public Works), Dave Mitchell (PRNS), Rebecca Flores (Housing), Matt Krupp (ESD), and Michael Foster (ESD).

Consultants Present

Roger Shanks (Dahlin Group), Paul Crawford (Crawford Multari and Clark Assoc.), Ken Kay (KenKay Associates), and Bill Wagner (HMH Engineers).

Community Members Present

Tom Armstrong, Shiloh Ballard, Mike Biggar, Martha Beattie, Julie Ceballos, Roger Costa, Robert Eltgroth, Virginia Holtz, Jack Hsu, Jack Kuzia, Pat Kuzia, Matt Kamkar, Rick Linnquist, Libby Lucas, Scarlet Lam, Sarah Muller, Ash Pirayou, Peter Rothschild, George Reilly, Art Sanchez, Pete Silva, Shellé Thomas, George Thomas, Al Victors, Jesse Votaw, Don Weden, and Kim Weden.

1. Welcome

The meeting convened at 5:30 p.m. with Co-Chair Councilmember Forrest Williams welcoming everyone to the 48th Coyote Valley Specific Plan (CVSP) Task Force meeting.

2. Acceptance of June 12, 2006 Task Force Meeting Summary

Co-chair Councilmember Forrest Williams called for a motion to accept the June 12, 2006 Task Force meeting summary. The motion passed unanimously.

3. Acceptance of June 21, 2006 Community Meeting Summary

Co-chair Councilmember Forrest Williams called for a motion to accept the June 21, 2006 Community Meeting summary. The motion passed unanimously.

4. Comments on Planning Areas Detail Appendix

Before opening up for comments on the Planning Areas Detail Appendix, Co-chair Councilmember Forrest Williams noted that Co-chair councilmember Nancy Pyle is ill, and wishes she could be there.

Laurel Prevetti, Deputy Director of the Department of Planning, Building and Code Enforcement informed everyone that Planning Area Detail Appendix was distributed at the June Task Force Meeting, and extra copies are available on CDs from the Planning, Building and Code Enforcement Department and on the Coyote Valley website. Laurel explained that the focus of this meeting is to give the Task Force an opportunity to comment on the Planning Areas Detail Appendix. She explained the purpose of the Coyote Valley Specific Plan (CVSP) and reviewed the City Council's Vision and Expected Outcomes.

Laurel recognized that the size and the weight of the document is awkward, and staff is looking at how to rework the format to make it more user-friendly. The Appendix explains the level of thinking that has occurred to date, and how the City Council's Vision will be achieved. Laurel introduced two San Jose Planning staff team members, Stefanie Hom and Jared Hart, and Paul

Crawford of Crawford Multari & Clark, a form-based zoning expert.

The Task Force provided the following questions and comments. (Please note that comments are shown first, followed by responses in italics):

- The County Parks Department has concerns about the Coyote Creek area. Has there been contact with Mark Fredericks of the Santa Clara County Parks Department about that? *Laurel confirmed that they have had meetings with both Mark Fredericks and Lisa Killough, of the Santa Clara County Parks Department. They are still in conversations about what the appropriate relationship is between urban development on the east side of Monterey Road and the Coyote Creek corridor.*
- How is connectivity between different planning areas and neighborhoods across the parkway going to be maximized? There should be optimum opportunity for movement throughout community. *Laurel indicated that is something they have discussed at prior Task Force meetings, and they will try to do a better job of explaining connectivity through diagrams and text in the Appendix.*
- Are there substantial additional infrastructure costs to accomplish? *Laurel indicated that most of the infrastructure has already been included in the costs.*
- There is no set policy on the Riparian Corridor, so now is a good time to set a guideline of 100 feet. *Laurel explained that the required minimum of a 100-foot setback will be met or exceeded in the Plan.*
- The map doesn't show Planning Area F the same way as the detail does. *Laurel indicated that this comment will be addressed in the revisions to the Appendix.*
- Recommended that the plan consider complete preservation of open space and flood detention potential in the Laguna Seca area. Suggested Robin Grossinger's (Estuary Institute) study she did on the water district be reviewed.
- Is the existing parcelization depicted in the map variations? *Laurel explained the layout and intentions of the parcel map graphics. Existing parcelization is described in the Planning Area Appendix.*
- Colorization of maps and legends needs improvement to better distinguish colors.
- The plan needs to maintain flexibility. Since it's going to be implemented over a 30 year period or longer. We don't know what will happen in the future. There may be concepts in the future that we may not have contemplated, that may become appropriate later on. Flexibility is necessary because of the lengthy timeframe, and we need to be open to innovation during that time. *(This comment was noted several times by different Task Force members.)*
- How specific are parcel layouts, especially for employment? We should have the ability to adjust to the needs of individual companies without needing to amend the plan every time. How firm are these lines, and how do they relate to flexibility? *Laurel indicated that is an on-going issue, and staff and the consultants will consider this as the Appendix is revised.*
- Recommended maintaining as much flexibility in the mixed-use areas as possible, to be able to react and adapt to different opportunities as they come along.
- Commended Planning Staff and the team on the amount of detail and thought that went into the Planning Area Detail Appendix.
- Concerned that the Plan may be getting too detailed and it may be difficult to change

without going through a lengthy process.

- Make sure areas planned for mid-rise residential development are appropriate. Some areas may be too ambitious. For example, there has been some difficulty in approving a high-rise in Downtown San Jose. There needs to be attention to the interface between different uses, and how it will impact adjacent uses.
- Landowners should understand what is being contemplated on their properties, and should get input from them and their planners.
- Land use diagrams and density legends are not consistent with other diagrams and text and need clarification.
- In Planning Area G there is the private realm, work places, and building types which have designations such as R-1, R-2, and R-3. Is that the proposed zoning? *Laurel indicated that the typologies are examples of the building forms that might fit within the land use designations. They are not zoning; the zoning code has not been written yet.*
- Many Coyote Valley property owners are worried their land is going to be “taken” by the City of San Jose for the project. The plan is an example of “glorified extortion,” implying that if it is not done in a certain way, then the land may not get developed. There should be a landowners meeting to explain the status of the plan, what a person may do with their property, and what they have to give up. How many years will the plan implementation take? What do you do with the people who are already annexed to the city of San Jose? The Plan is expected to be implemented over a 30 to 40 year timeframe. The City will apply to LAFCO for annexation after the Plan is adopted.
- The plan needs to be flexible in terms of the ecology, health, and environment in which the project takes place. Cities all over the country are doing innovative activities to improve the interface between the need to service human communities and the environment in which they live in. This is a great opportunity for Coyote Valley to be an example of forward thinking.
- The plan is cutting up the large corporate campus areas we are trying to preserve with different office designations. Where are large contiguous areas? There needs to be flexibility for corporate users and their needs, rather than detailed block by block FAR restrictions.
- The corporate areas should be more generic and descriptive of the kind of job generation we are trying to get, the type of uses permitted, and the range of densities we are trying to attract.
- It is alright to use higher FARs in areas where you are trying to get an intensification of an office corridor, but other campus industrial and corporate areas should be more flexible. The mid-rise housing is scattered throughout a number of locations, and there should be greater concentration around the core area.
- The challenge is how to retain flexibility to meet in-coming business proposals, while providing 50,000 jobs and creating an effective public transit system all at the same time. It takes some specific densities to reach those goals.
- Specification of lab, technology, office, technology/office, etc. has made it difficult to process previous applications. We should welcome the industry and corporate user to San Jose and expedite their ability to develop these properties. The Ordinance and General Plan should make this possible.
- Recommended including a glossary of terms in the Appendix. Not everyone knows what all

the terms mean.

- Keep the plan flexible so it can be marketable. Once it is in writing, it will be difficult to get policy makers to move away from that. The plan should have little specificity, but also provide a minimum of 50,000 jobs.
- It is presumptuous to try to figure out detailed descriptions of 3,400 acres in one meeting. The plan should be flexible, while stating overall objectives to enable the desired development.
- Recommended that the colors should tie into more closely to the legend. Staff should look at land use patterns and development around the lake. The Planning Area Detail Appendix should describe the process for land owner negotiation in the core area.
- The Planning Area Detail Appendix is an attempt to show that the plan is approachable. The Appendix will be more general when it is finalized. This document is to provoke ideas, and ask if it reasonable, unreasonable, flexible, etc. This is a working document that shows where the project is at this time in the process; there is no conclusion yet. *Forrest Williams indicated that the ideas and suggestions that come out of the committee have been helpful.*
- Recommended that the Appendix explain interim uses for parcels to give landowners flexibility until the plan is implemented.

The public provided the following questions and comments:

- Brian Schmidt, with the Committee for Green Foothills, recommended maintaining flexibility in the plan. Flexibility is needed to bring in businesses that will meet the land use goals. He referenced a *San Jose Mercury News* editorial regarding Coyote Valley, stating, “do it right, or don’t do it.” The plan should make sure that whatever land-use flexibilities there are, it is something that constitutes “doing it right.” If the plan promotes low density sprawl, and then switches over to high density smart growth later on, there might be some problems with whether or not that is “doing it right.” In addition, he noted that no environmental group that is concerned with the Laguna Seca area would support that conversion of area to athletic fields. It would be much better to put the athletic fields somewhere else, or maybe re-evaluate them.

5. Introduction to Form-Based Zoning

Laurel introduced Paul Crawford, and indicated that he will be working on designing a form-based code for Coyote Valley. She provided an overview of the objectives of form-based zoning, and why it is appropriate for Coyote Valley.

Paul provided a history of his work experience, and his experience in developing and working with form-based codes. He presented a Power Point presentation with an overview of form-based codes, and compared form-based codes with conventional zoning codes.

The technique of form-based zoning began with greenfield development by master developers who wanted to ensure that future developers would execute the overall plan according to the original vision. Form-based codes include performance standards for the streets, the streetscape,

and the form, mass, and style of buildings. They provide the foundation for urbanism and the urban place.

Paul gave a brief history on conventional zoning, noting that conventional zoning is based on dividing a community into use-based zoning districts (e.g. residential, commercial, and industrial). Within conventional zoning districts, communities regulate land use types. He also indicated which cities have adopted a form-based code, or is in progress of adopting one.

Paul gave examples of conventional zoning standards. While conventional codes specify setbacks, heights, and FAR, form-based codes go a step further to create a higher level of precision and dependability in the character of the public realm. Form-based codes also emphasize greater mixtures of land uses and housing types.

Form-based codes define the context and attributes that give a place its character. Form-based codes set rules that provide a fair degree of precision in terms of urban design outcome. They also allow for flexibility in terms of the kinds of land uses allowed.

With form-based codes, the zoning map is a “regulating plan,” which maps intensity, form and character, rather than just land uses. In addition, build-to lines may replace setbacks to produce frontage requirements that shape the public realm. Paul displayed a diagram illustrating building typologies and how they address the street and adjacent buildings.

Conventional zoning regulates individual buildings as though they have no relationship to the surrounding area. With form based-zoning, buildings relate to each other and the public realm successfully, and create good edges between higher density and lower density development.

Paul went through process of preparing a form-based code. The first step is visioning and planning of the project area, which he indicated is already in progress. The next step is preparing a regulating plan that defines the character of the place. The last step is detailing urban and architectural standards (not style), building, and frontage typologies.

For general retail businesses, it is important to think about how a land use performs. It may be useful to establish a ground floor-plate (floor area of the ground floor of the building) threshold that determines whether retail of a certain scale is appropriate in certain zones. One way to provide more flexibility is to think about the impacts of these uses, and where they ought to be distributed throughout the planning area.

Paul showed several images depicting different building typologies. Form-based codes are highly illustrated with diagrams and photographic examples to show different land-use scenarios and patterns. The form-based code provides appropriate design standards for different buildings types, and specifies how they should relate to the surrounding area. These attributes are calibrated to the particular urban design result that the community is interested in achieving.

Paul explained how a form-based code is used on a daily basis. The process is identical to conventional zoning, however there are a few additional provisions that shape projects and configure them to the particular property and zone.

For additional information on form-based codes, Paul recommended The Form-Based Codes Institute website, www.formbasedcodes.org.

The next step in the process is to continue preparing the draft EIR, which may result in refinements to the plan. After the plan is finally revised, then the form-based code can be prepared. There should be a balance between certainty and flexibility in the new code. Complete flexibility means a community needs to subject most projects to discretionary review, which leads to an uncertain outcome. The level of flexibility will be discussed during the preparation of the form-based code.

Paul indicated that he and his team looks forward to working with the City on this project and feels greatly privileged to be invited to be a part of this project team. The City has already done some great work on the plan so far.

The Task Force provided the following questions and comments. (Please note that comments are shown first, followed by responses in italics):

- How do form-based codes interact with architectural design standards? *Paul indicated that form-based codes define a building envelope and not architectural style. Form-based codes go into detail about building form and mass under the building typologies.*
- Is there a separate element in the plan to look to for guidance on styles? *Paul used the City of Cotati as an example of a community that limited the types of architectural styles permitted. Their code described what it took to execute those styles authentically.*
- Would the form-based codes also address using the sidewalk? *Paul responded in the affirmative.*
- Is the decision to adopt a form-based code made by the City Council? Do you need to change the City Charter? *Paul indicated that a form-based code is a city ordinance provided for by California State law, and has to be adopted by the City Council. Although the City is a Charter City, it has requirements in its Charter for the adoption of its amendments to the City zoning code, and the adoption of the specific plan.*
- Are the cities in the process of adopting a form-based code having discussions, but have not come to a foreground conclusion yet? *Paul indicated that the "in-progress" cities are in the process of preparing and adopting a form-based code, and significant work has already been done. Laurel added that the City Council will have a similar presentation on the introduction to form-based codes on August 25, 2006, at one of their study sessions. The City Council is free to adopt the appropriate type of zoning code for any part of the community. The actual form and substance of the form-based code has not been determined, so there is opportunity for stakeholders to be involved in the coding process.*
- Pleased to have this presentation and thinks it is appropriate in Coyote Valley, particularly in the mixed use areas. It allows for flexibility regarding the particular kinds of uses that are going into the buildings.
- The width of sidewalks should be generous, not too narrow.
- Will form-based codes address the provision of pedestrian walkways and landscaped courtyards for sidewalk cafes to make an attractive urban place? *Paul indicated that if there are features of urban design that the City wants encourage, they might be appropriate as*

guidelines rather than requirements.

- There is a dynamic tension between public open space open to the entire public, and open space that is connected with a restaurant, hotel, etc. Recommend encouraging appropriate places and outdoor enjoyments that are part of that street scene.
- Why would we want to do form-based zoning? *Paul indicated that a form-based code will enable the Coyote Valley Specific Plan to be implemented. Form-based code techniques provide the most predictability in the nature of the public realm.*
- Is there another urban city that has used form-based codes? *Paul indicated that form-based codes are a new technology, without a huge track record in urban places. The cities of Miami, Ventura, and Santa Ana are working with form-based codes. There is more experience using form-based codes back east than in California.*
- Do form-based codes provide more certainty or flexibility? *Paul indicated that it provides both. The code can be designed to allow for areas that are more prescriptive and other areas that are less prescriptive.*
- Are form-based codes being considered elsewhere in the City of San Jose? *Laurel indicated they have not been used yet in San Jose. The City looked at form-based codes to help introduce new performance standards in the Downtown and they are looking at how they might use some of the concepts in other areas to provide more flexibility.*
- The idea of form-based codes is encouraging. Need to define what areas should be regulated versus areas where flexibility is important. One concern is that we not create too many layers of regulations. *Laurel indicated they want to avoid using Planned Development (PD) Zoning in Coyote Valley. Some of the other specific plan areas have a patchwork of PD Zonings. With the size of Coyote Valley, it would be cumbersome to administer over time. The City would like to create conventional zones and zoning districts that are Coyote Valley specific. Paul added there are advantages to property owners and to users knowing the quality and the character that is going to be required.*
- The PD Zoning process has been complicated. Translating a specific plan to a Planned Development general development plan that matches the specific plan has been complicated and PD Zonings have not translated the specific plan ideas very well.
- How does public and quasi-public zoning fit into form-based codes? *Paul indicated that we can decide how detailed the coding should be for civic sites. A lot of communities that do form-based codes choose not to code them, but identify them as civic centers and recognize that there will be a public decision-making process about the nature of the facility and its design.*
- Would form-based codes be in lieu of PD Zoning? *Laurel indicated that PD Zoning has served San Jose well. But on the scale of Coyote Valley, the process would be cumbersome from a longer term administration stand point. The City is looking at ways to create zoning districts that are specific to Coyote Valley.*
- What is the time frame for the form-based codes process? Is it something that can be done concurrently, or is it done subsequently? *Laurel indicated that the EIR is underway and they expect to learn something about environmental impacts that may require rethinking some aspects of the plan. We will develop the best land use plan, and then prepare the form-based zoning code. The goal is to have an entire package ready for City Council consideration in the next calendar year.*

- Do you anticipate form-based zoning will require going through design and architectural site approval process, and then require City Council approval like PD Zoning? *Laurel indicated that projects will not need to go to the City Council. Site and architectural review will be done in the planning office, with approval by the Planning Director and appeals to the Planning Commission.*
- Under PD zoning, when something is amended, it requires going back to amend the PD Zoning, and going back to the City Council. *Laurel indicated that they are going to try to anticipate a spectrum of possibilities and figure out what would trigger a code change, a plan change, and what would necessitate City Council review. At some point a project will be significant enough that the City Council is going to want to make sure it is consistent with the original intent, so the City Council will be involved in some decision-making.*
- Would it be at the minute scale that the PD amendment is? *Laurel indicated that is what they are trying to avoid.*

Co-Chair Councilmember Forrest Williams thanked everyone for their comments, and appreciated the presentation and involvement from the committee.

6. Public Comments

There were no general public comments.

Co-Chair Councilmember Forrest Williams thanked everyone for coming. He urged everyone to continue reading the Planning Area Detail Appendix and prepare questions and comments.

7. Adjourn

Co-Chair Councilmember Williams adjourned the meeting at 7:30 p.m.

The next Task Force meeting will take place on October 30, 2006.