

A. LAND USE

This section describes existing land uses within the Greater Downtown area and vicinity and evaluates potential land use impacts that could result from implementation of *Strategy 2000*.

1. Setting

The following setting information provides an overview of the land uses within the Greater Downtown area and surrounding areas. The section begins by describing the regional setting and then provides more specific information about the Greater Downtown area and vicinity.

a. Regional Setting. The Greater Downtown area is located in the Santa Clara Valley, situated at the southern part of the San Francisco Bay within the City of San Jose, as shown in Figure III-1. The valley was historically used for agricultural production. However, due in part to the establishment and growth of the electronics industry, the Santa Clara Valley today consists largely of urban development.

b. Local Setting. The *Strategy 2000* project area is primarily within the Downtown Core Area, as currently defined in the City's General Plan. A portion of the project also extends into the Downtown Frame Area which surrounds and supports the Core (refer to Figure IV-2). The *Strategy 2000* project area boundary (as shown on Figure III-2) extends beyond San Jose's traditional Downtown Core to include the areas around Diridon Station to the west, areas north to approximately Taylor Street, areas on the east up to San Jose State University, and areas to the south to approximately I-280.

Downtown San Jose, east of SR 87, is currently developed with a mix of office, commercial, hotel, residential and public service uses. Building heights in the Downtown Core range from less than 25 feet to over 140 feet. The Downtown Core is dominated with commercial (office) and retail uses. Notable development in the Downtown area includes the Fairmont Hotel, the De Anza Hotel, Pavilion retail center, San Jose Convention Center, Children's Discovery Museum, and the Technology Museum. Development to the west of SR 87, within the Frame Area, is characterized by residential neighborhoods, older industrial uses and a limited amount of vacant land. Development is of lower intensity on larger parcels than development in the traditional Downtown. Many residential buildings are occupied by single families and non-residential buildings are typically no taller than one to three stories. The San Jose Arena and associated parking lots are located in this portion of the project area.

Several park/open space areas occupy the Greater Downtown area. The most significant of these are St. James Park, Plaza of Palms (also known as Corona Plaza), Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park and McEnery Park. Other public open space in the project area includes the confluence of the Guadalupe River and the Los Gatos Creek, known as Confluence Point.

c. Greater Downtown Development. As of 2001, current development in the Greater Downtown area was estimated to include:¹

- 6,000,000 square feet of office space;

¹ San Jose, City of, 2001. *Strategy 2000: San Jose Greater Downtown Strategy for Development*. Prepared by Field Paoli and SMWM for San Jose Redevelopment Agency and Development Strategy Task Force, page 92. February.

- 2,600 residential dwelling units;
- 1,093,000 square feet of retail space; and
- 1,500 guest rooms of hotel space.

As of 2001, projects in the planning, approval or construction phases in the Greater Downtown area include the following totals: ²

- 3,000,000 square feet of office space;
- 1,000 residential dwelling units;
- 10,000 square feet of retail space; and
- 1,000 guest rooms of hotel space.

d. Existing Land Uses by Area. *Strategy 2000* presents much of its background information and vision through reference to twelve “areas,” multi-block zones of varying shapes and sizes. The area boundaries “are purposefully fluid to allow for a smooth transition between neighborhoods and linkage to adjacent areas...” This fluidity creates substantial overlap among the areas. The individual area boundaries are shown in Figure III-4. Land uses are summarized below by these areas.

(1) Plaza de Cesar Chavez Area. The Plaza de Cesar Chavez area is predominantly developed with commercial and public uses, hotels and parking. The Fairmont Hotel, Museum of Art, Tech Museum, and City Hall are all found in the Plaza de Cesar Chavez area. At the center of the area, the Plaza itself is a public open space bordered by San Fernando Street, Almaden Boulevard, Market Street and San Carlos Street.

(2) St. James Park Area. The St. James Park area is primarily developed with residential uses (single- and multi-family), commercial and public uses. St. James Park is a historically significant public open space located in the center of the area, and is surrounded by privately owned buildings, many of historic significance. The St. James Senior Center is located in the park. The 1st and 2nd Street light rail lines and the Transit Mall serve the St. James Park area.

(3) 1st and 2nd Streets Area. The 1st and 2nd Streets area is developed with retail, commercial and residential uses. The area contains a large parking structure and a portion of the Transit Mall, and is served by two light rail stations.

(4) Santa Clara Street Area. The Santa Clara Street area is a 1.5 mile long linear corridor developed with a mix of general commercial, retail, office residential, visitor accommodations, public/quasi-public and park/open space uses. The General Plan Land Use/Transportation Diagram designates Santa Clara Street eastward through the project area boundary as a neighborhood business district. Santa Clara Street contains a portion of the Transit Mall and is served by light rail, with stations at the corners of 1st and 2nd Streets.

² Ibid.

(5) **San Pedro Square Area.** Uses in the San Pedro Square area are predominantly commercial and residential. The area is regarded as Downtown San Jose's historic dining and entertainment district.

(6) **San Fernando Street Area.** Similar to the Santa Clara Street area, the San Fernando Street area is a linear corridor of more than 1 mile in length, characterized by a mix of light industrial, multi-family residential and underutilized parcels. San Fernando Street contains a portion of the Transit Mall and is the northern boundary for San Jose State University.

(7) **SoFA and Convention Center Area.** The South of First Street and Convention Center Area (SoFA) is primarily developed with commercial (retail and entertainment) and multi-family residential uses. SoFA is regarded as Downtown San Jose's arts and entertainment district. The Convention Center, City Lights Theatre Company, and San Jose Institute of Contemporary Art are located there.

(8) **Civic Center Area.** The Civic Center area is developed with commercial and public land use. A key point of interest in the area is the new City Hall.

(9) **San Carlos Street Area.** The San Carlos Street area is a 1.5 mile linear corridor developed with a mix of commercial and light industrial land uses, as well as some residential and public uses.

(10) **Almaden Boulevard Area.** In the Downtown Core, nationally franchised and local commercial businesses as well as civic uses line Almaden Boulevard. Areas to the west contain a portion of the Guadalupe River Park. The Convention Center is a regional venue located on Almaden Boulevard.

(11) **Diridon Arena Area.** The Diridon Arena area is a mix of single- and multi-family residential, commercial, office and light industrial land uses. The historic Diridon Station and Water Company building, the San Fernando light rail station and Compaq Arena are key land uses. Large surface parking lots are located east of Diridon Station, west of the Water Company building and west and north of Compaq Arena.

(12) **North Gateway Area.** Development in the North Gateway area is comprised of a mix of commercial office and light industrial and residential uses. South of Coleman Avenue, the Southern Pacific Railroad lines are a major land use. There are large areas of vacant and underutilized land in the North Gateway area.

e. Land Uses in the Vicinity of the Project Area. A variety of land uses are found in the vicinity of the Greater Downtown area. These land uses are described below.

(1) **Land Uses to the North.** High and medium density residential neighborhoods, including Rose Garden, College Park, Hensley, Vendome, and Northside are located north of the Greater Downtown area. North of Coleman Avenue lies the public park and open space of Guadalupe Gardens. The San Jose International Airport is located to the northwest of the Greater Downtown area.

(2) **Land Uses to the East.** High and medium density residential neighborhoods, including Julian/St. James, Horace Mann, Campus Community, and South University are located to the east of the Greater Downtown area. San Jose State University is located immediately to the east of the *Strategy 2000* area.

(3) **Land Uses to the South.** I-280 borders the project area to the south. Beyond the freeway lie predominantly medium density residential neighborhoods, including Spartan Keyes, Market Almaden, Washington Guadalupe, Gardner, Willow Glen, and Gregory Plaza.

(4) **Land Uses to the West.** A mixture of industrial, commercial, retail and medium density residential development lies to the west of the project area. Residential neighborhoods include Rose Glen, Buena Vista, Midtown, Parkside, St. Leo's, Autumn/Montgomery, Shasta Hanchett, and Garden Alameda.

2. Impacts and Mitigation Measures

This subsection analyzes impacts related to land use and land use-related public policy that could result from implementation of *Strategy 2000*. The subsection begins with the criteria of significance, which establish the thresholds for determining whether an impact is significant. The latter part of this subsection presents the impacts associated with implementation of *Strategy 2000*, and recommends mitigation measures, as appropriate. *Strategy 2000*'s consistency with regional and State policies related to technical environmental topics (e.g., air quality, transportation, and noise) are discussed in those topical sections of this chapter.

a. **Criteria of Significance.** *Strategy 2000* would have a significant adverse impact if it were to cause any of the following:

- Disrupt or divide the physical arrangement of an established community;
- Introduce new land uses that would conflict with established and/or proposed uses;
- Induce substantial growth or concentration of population; or
- Conflict with applicable land use plans or policies adopted by agencies with jurisdiction over the project (including, but not limited to the specific plans or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

b. **Less-Than-Significant Land Use Impacts.** The following discussion describes land use effects of *Strategy 2000* that would not exceed the significance thresholds above.

(1) **Disrupt or Divide an Established Community.** Although the locations of potential development are identified in the Chapter III, Project Description (see Figure III-6), *Strategy 2000* does not propose any specific development. Implementation of the Plan would allow for development and redevelopment that would generally continue and reinforce the patterns of land use currently in place. As proposed by the Plan, the expansion of the Downtown Core Area to the west would incorporate and strengthen established communities while allowing for the redevelopment of employment and commercial activities, high density housing, the completion of the Guadalupe River and Los Gatos Creek Park system, and key public uses such as Diridon Station. Key Urban Design Concept 2.5 of the Plan is to link to and respect the adjacent neighborhoods within and surrounding the Greater Downtown. A key objective of the Plan is to complete and develop the Guadalupe River

Park and Los Gatos Creek Park and trail system. The development of trail connections or new parks would not divide or disrupt an established neighborhood; rather, trail connections would physically link neighborhoods and provide residents with greater access to community facilities. The development of additional parks would be beneficial to the community.

The Redevelopment Agency recognizes that new development envisioned in the Plan should respect the scale, character and goals of the surrounding neighborhoods that have strong identities to be conserved and revitalized. Rather than dividing communities, *Strategy 2000* seeks to provide linkages among areas through development of pedestrian-friendly streets, trails, transit lines, and view corridors. *Strategy 2000* includes guiding principles, key concepts, strategies and actions that relate to land use and aim to lessen the impacts of future development on established communities and neighborhoods.

Implementation of the following *Strategy 2000* principles through specific strategies and actions would ensure that potential adverse impacts related to disruption of established communities associated with development envisioned in *Strategy 2000* would be reduced to less than significant levels:

- *Guiding Principle 3. Create Walkable, Pedestrian-Friendly Greater Downtown.* The themes of safety, connection of Downtown to other regional transportation systems, and access for all of the population are emphasized. These objectives would be pursued while recognizing and protecting the natural strengths of the Downtown (such as the river, creeks, and existing and new parks) and its culturally distinct neighborhoods.
- *Guiding Principle 4. Promote and Prioritize Development that Serves the Needs of the Entire City and Valley.* This principle would be implemented by soliciting input from those whose neighborhoods would be affected by Downtown development, by demanding the highest quality of design, by incorporating citizen education, and by remaining responsive to changing economic, political, and social conditions.

Although *Strategy 2000* envisions a larger Downtown area with greater population and employment levels than presently exist, implementation of the Plan would neither disrupt nor divide the physical arrangement of an established community and no significant impacts would result.

(2) Introduce New Land Uses that would Conflict with Established and/or Proposed Uses. Implementation of *Strategy 2000* could result in the following projected level of development in the Greater Downtown Core Area during the planning horizon:

- 8,000,000 to 10,000,000 square feet of office space;
- 8,000 to 10,000 residential dwelling units;
- 900,000 to 1,200,000 square feet of retail space; and
- 2,000 to 2,500 guest rooms of hotel space, in four to five hotel projects.

A large portion of the project area is designated as Core Area, Mixed Use, Combined Industrial/Commercial and Combined Industrial/Commercial with Live/Work Overlay. Each of these land use designations allows multiple uses to develop near one another and within the same parcel. Portions of the Greater Downtown are currently developed with a fine-grained pattern of uses. Implementation

of the Plans objectives could result in the rehabilitation of existing commercial properties, the redevelopment of underutilized areas, and the construction of new office, mixed use, residential, and/or retail uses. No specific projects are identified in *Strategy 2000*, and, at the time specific projects are proposed, they would undergo evaluation to determine the extent to which subsequent independent environmental review would be necessary.

Several of the Plan's strategies and actions address developing and revitalizing underutilized or vacant lots, and deteriorating buildings. Evaluating specific land use conflicts within this context can only be analyzed in general terms until specific development projects are proposed. However, this type of infill development could be beneficial in helping the City maximize the use of its limited land resources, as well as deterring the use of these spaces for undesirable activities. Also, vacant or underutilized lots and buildings in themselves physically disrupt the landscape within their respective communities, so infill development would have the potential to create physical links within the communities. The encouragement of the adaptive reuse or development of underutilized or vacant lots and buildings would not necessarily lead to significant adverse impacts relating to conflicting land uses.

Strategy 2000 contains land use guidelines that seek to ensure that the mixed use approach to the Greater Downtown will beneficially influence the form of development, promote an active and lively streetscape, and reduce potential land use conflicts. The guidelines for each area generally identify the type, intensity and density of uses that are proposed for that area. For example, the Plan states that, "some of the larger buildings in the downtown...will likely be developed along Almaden Boulevard where businesses will be encouraged to locate. In contrast, buildings in the SoFA area will be smaller-scaled to accommodate cultural and entertainment uses and residential lofts." Additionally, *Strategy 2000*, contains strategies to ensure that care is taken when introducing new development into the existing Greater Downtown. However, no new land uses are proposed for the Greater Downtown area that would conflict with established or proposed uses.

The proposed land use designations and development densities within the *Strategy 2000* Plan area would be generally compatible with the surrounding land uses, in terms of the types of land uses that are proposed in the project area. However, the greater intensity of land uses proposed, especially west of SR 87, could potentially result in significant indirect neighborhood impacts. These neighborhood impacts could include increased traffic through existing residential neighborhoods, increased noise impacts due to project-generated traffic, addition of new sources of light and glare, and alterations of surrounding views. Potential impacts of these types are addressed in their respective sections of this EIR (e.g., traffic, noise, air quality, and visual impacts)

(3) Acquisition and Relocation of Businesses. Implementation of the development proposed in *Strategy 2000* project may require the consolidation or acquisition of properties within the project area in order to accommodate new development or to facilitate planned roadway and sidewalk improvements. This may involve Redevelopment Agency assistance in land assembly on a limited basis. Acquisition of real property may occur by purchase, gift, exchange, condemnation or any other lawful means. Future relocations could affect existing businesses; however, the City of San Jose and the Redevelopment Agency are required to comply with provisions of California Redevelopment Law, State Relocation Assistance Policies and the provisions set forth in adopted Redevelopment Plans. These provisions and policies include noticing requirements and relocation assistance to both owners and renters of property. Because these existing legal protections and forms of financial

assistance are in place and would reduce any potential environmental impacts, no further mitigation measures are necessary in this EIR.

(4) General Plan Amendments. A number of General Plan Amendments are included as part of the project (see Chapter III, Project Description, F, General Plan Amendments for a complete description) and are evaluated below in consideration of land use impacts.

i. Diagram and Text Amendments. Text amendments to the General Plan are proposed to extend the Downtown Core Area to the area identified in *Strategy 2000*. As discussed previously in this section, no land use conflicts or incompatibilities would result from the expansion of the Downtown Core Area. A number of text and Land Use/Transportation Diagram amendments are proposed to change land use designations (see Table III-2). The proposed land use changes along West Santa Clara Street (from Table III-2, Site Numbers 1 and 2) would allow for the extension of existing commercial uses along West Santa Clara Street would not result in land use conflicts or incompatibilities. The proposed change in use from Combined Industrial/Commercial to Public/Quasi-Public (Site Number 3); Office (Site Number 4) and Light Industrial with Mixed Industrial Overlay (Site Number 5) would be consistent with the types of land uses currently existing and planned for in the project area, as well as the objectives of *Strategy 2000* to expand Downtown Core uses west of SR 87. The proposal to change various land uses to a designation of Public Park and Open Space (Site Numbers 6, 7, and 8) would allow for the construction and completion of the Guadalupe River Park and Los Gatos Creek trail system. Land use conflicts and incompatibilities with existing uses would not result from the proposed changes in land use. Once development projects are proposed for specific sites, site planning relationships between the new development and the existing land uses could be refined to reduce any potential impacts.

ii. Coleman Avenue Widening. One amendment is to change the designation of Coleman Avenue between Hedding Street and State Route 87 from Arterial (80-106 feet) to Arterial (115-130) feet. Only a portion of the proposed widening project (the portion of the alignment south of West Taylor Street and only the western side of Coleman) is within the *Strategy 2000* project area. The parcel to the west of Coleman Avenue is currently vacant and underutilized. Widening Coleman Avenue in this vicinity would not create land use incompatibilities between established and proposed uses. Once a specific development project (or projects) is proposed in the vicinity of the Coleman Avenue widening, the precise site planning relationship between the new development and the existing land uses could be refined. Potential traffic impacts associated with widening Coleman Avenue are discussed in Section V.B, Traffic and Circulation.

(5) Induce Substantial Population Growth. *Strategy 2000* proposes the intensification of the existing Downtown Core Area, and not the development of a greenfield area. While development of high and medium density residential uses in the Greater Downtown is a key strategy of the Plan, there would be approximately the same amount and type of housing and associated new population (i.e., 15,277 total households projected for the 2020 General Plan and 14,712 projected for the *Strategy 2000*) at buildout as was projected and evaluated for the project area in the City's General Plan. Therefore, *Strategy 2000* would not induce substantial population growth.

(6) Conflict with Applicable Land Use Plans or Policies. As part of *Strategy 2000*, the City of San Jose and the Redevelopment Agency have included specific actions to review and update the current Zoning Code. As described in detail in Chapter IV, Consistency with Plans and Policies,

Strategy 2000 would not conflict with other relevant plans and policies, including those adopted by agencies with jurisdiction over the project (including, but not limited to Specific Plans or Zoning Ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

c. Significant Land Use Impacts. Implementation of the proposed *Strategy 2000* would lead to one potential significant impact related to Airport Compatibility. When specific projects are proposed, they will be subject to environmental review of project-specific significant impacts related to land use.

(1) Airport Compatibility. Most of the Greater Downtown area is subject to a series of policies and evaluations due to its proximity to the flight paths of the San Jose International Airport and its location within the Santa Clara County Airport Land Use Commission (ALUC) Referral Boundary. The current ALUC referral boundary does not include the area east of First Street or some of the blocks in the southwest corner of the project area. The *Land Use Plan for Areas Surrounding Santa Clara County Airports* (ALUC) and the City General Plan (Aviation) Policies #47 and #49 require that airspace required for safe operation of the Airport be maintained and that aviation easement dedications be required for development in the vicinity of airports. Individual General Plan amendments, rezonings, and specific plans within the ALUC referral area will be submitted to the ALUC for determination of consistency with the policies in the ALUC Land Use Plan. The ALUC would then have 60 days to provide a determination of whether specific land use actions are consistent with its Plan.

Policy #47 requires the project to be in compliance with the guidelines of the Federal Aviation Administration (FAA). Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) set forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing reflective surfaces, flashing lights, electronic interference and other potential hazards to aircraft in flight. These regulations require that the FAA be notified of certain proposed construction projects within an extended zone defined by a set of imaginary surfaces radiating outward for several miles from the airport's runways or which would stand at least 200 feet in height above ground. These standards range over the project area, generally being most restrictive at the northwest end (approximately 120 feet above mean sea level at the corner of Coleman/Taylor) and the least restrictive at the southeast end (approximately 330 feet above mean sea level at the corner of S. 4th/ I-280), with ground elevation ranging between 75 to 100 feet above mean sea level. Pursuant to Part 77 of the Federal Aviation Regulations, any proposed structure which would exceed an FAA imaginary surface or which would stand at least 200 feet in height above ground must be submitted to the FAA for an aeronautical study to determine whether the specific structure would constitute a hazard to aircraft.

Impact LU-1: Construction of buildings at heights that would exceed the FAA's imaginary surface restrictions over the project area, or which would stand at least 200 feet in height above ground, could be potential hazards to the safe operation of the San Jose International Airport.
(S)

Mitigation Measure LU-1: Prior to the issuance of a development permit for any project structures that would exceed the FAA imaginary surface applicable to the project site or which would stand at least 200 feet in height above ground, the following actions shall be accomplished:

- The applicant shall comply with the notification requirements of Federal Aviation Regulations, Part 77, and receive a “Determination of No Hazard” from the FAA.
- Conditions set forth in the required FAA determination of No Hazard regarding roof-top lighting or marking shall be incorporated into the final design of the structure.
- Avigation easements (recognizing that the property is subject to aircraft noise impacts and specified height restrictions) shall be dedicated to the City of San Jose. (LTS)

