

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number

C.C. 04/22/08

11.1(d)

File Number

PDC07-095

Application Type

Conforming Planned Development
Rezoning

Council District

6

Planning Area

West Valley

Assessor's Parcel Number

Various

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Sanhita Mallick

Location: Southeast corner of Stevens Creek and South Winchester Boulevards (Santana Row)

Gross Acreage: 40.8

Net Acreage: 40.8

Net Density: 29.2 DU/AC

Existing Zoning: A(PD) Planned Development

Existing Use: Mixed Use/Commercial, Residential and Hotel

Proposed Zoning A(PD) Planned Development

Proposed Use: Mixed Use/Commercial, Residential and Hotel

GENERAL PLAN

Land Use/Transportation Diagram Designation

Regional Commercial & General Commercial with Intensification Corridor
Overlay

Project Conformance:

Yes No

See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Shopping Mall (Valley Fair)

CG Commercial General and City of Santa Clara

South: Commercial and Residential

CN, CG Commercial Neighborhood and General & A(PD) Planned
Development

East: Office/Commercial and Residential

CG Commercial General and RM Residence

West: Commercial

CN, CG Commercial Neighborhood and General & A(PD) Planned
Development

ENVIRONMENTAL STATUS

Environmental Impact Report found complete

Negative Declaration circulated on

Negative Declaration adopted on

Exempt

Addendum to EIR

FILE HISTORY

Annexation Title: Maypark No.1 and Moorpark No. 3

Date: 2/18/1954 & 5/10/1956

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval

Approval with Conditions

Denial

Uphold Director's Decision

Date: March 26, 2008

Approved by: Susan Walton

Action

Recommendation

OWNER

APPLICANT

FRIT San Jose Town & Country Village 1626 E. Jefferson Street Rockville, MD 20852	Randy Paul Federal Realty Investment Trust 355 Santana Row, Suite 2000 San Jose, CA 95128	Linda Callon & Andy Faber Berliner Cohen 10 Almaden Boulevard, 11 th Floor San Jose, CA 95113
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PUBLIC AGENCY COMMENTS RECEIVED

Department of Public Works
See attached comments.

Fire
N/A

OTHER CORRESPONDENCE

See attached letter from neighboring business owner.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, FRIT San Jose Town and Country LLC (Federal Realty), is proposing to rezone the approximately 40.8-acre Santana Row site from A(PD) Planned Development to A(PD) Planned Development to allow modifications to the project originally approved by the City Council for this site in 1998 (File Number PDCSH97-06-036). The site has been subsequently rezoned five times with revised Planned Development zonings, most recently in 2006 (File No. PDC05-030). The previous rezonings allowed expansion of the site area to its current 40.79 gross acre size, additional commercial uses including hotel rooms, additional residential units and an modifications to the operating hours for health club uses.

The approved General Development Plan for the current zoning (File No. PDC05-030) allows the following: (1) Up to 1,601 multi-family attached residences if a second hotel with 190 rooms is not built **or** up to 1,411 residences if the second hotel is built ;(2) a total of 695,000 square feet of retail/commercial space; and,(3) up to 115,200 square feet space of the aforementioned 695,000 square feet for full-service public eating, drinking, and entertainment establishments. A residential density of 40 DU/AC across the entire site would result if the 1,601 units allowed under this entitlement were constructed.

A number of Planned Development (PD) Permits and Tentative Maps have been approved for this site pursuant to the previous Planned Development Zonings referenced above to allow construction of the first phases of the project. To date, this includes 514 residential units, 213 hotel rooms, and 555,270 square feet of commercial uses. Of the commercial square footage, 98,742 square feet is devoted to full-service public eating, drinking, and entertainment establishments.

The site is bounded on the north and west by six-lane thoroughfares, Stevens Creek Boulevard to the north and Winchester Boulevard to the west. The Valley Fair Shopping Mall is located directly to the north, across Stevens Creek Boulevard; commercial buildings, including the Century Movie Theater complex and the Winchester Mystery House, are to the west across Winchester Boulevard; single-

family residences and suburban-style offices (house conversions) exist to the east; and two multi-story office buildings are located immediately to the south.

Per section 20.120.100, the Planning Director may refer a rezoning that conforms to the General Plan Land Use/Transportation Diagram designation to the City Council without review and recommendation by the Planning Commission. Per Section 20.120.110 of the Zoning Ordinance, a Planned Development Rezoning conforms to the General Plan designation when the uses permitted by the General Development Plan for such proposed district conform to the General Plan Designation and where the base zone thereof conforms to said designation in accordance with Table 20-270 of Zoning Ordinance. As explained in the "General Plan Conformance" section below, the proposal is in conformance with the General Plan land use designation of the parcel. The base zone, A-Agricultural, is also in conformance with any General Plan designation.

Project Description

The proposed Planned Development Rezoning would allow modifications to the previous approval which will be limited to the following: (1) the elimination of entitlement for an additional 190 hotel rooms (a un-built second hotel), (2) the elimination of the potential for 229 residential units (3) the elimination of 22,500 square feet of retail space, (4) the addition of 160,000 square feet of office, (5) a reduction in minimum building setbacks along the perimeter of the site, and (6) minor clarifications to the allowed uses in the development standards. Except for minor changes in traffic and public improvement requirements as necessary to accommodate the proposed changes to the project, all of the other previously approved development standards will remain unchanged and will be included in the development standards of this rezoning.

In summary, under this proposed rezoning, the maximum build-out of the site would include: (1) up to 213 hotel rooms (all of which are already built), (2) up to 1,192 attached residential units (514 presently built), (3) up to 160,000 square feet of office uses, and (4) up to 832,500 square feet of commercial uses (including the 160,000 square feet of office) of which 115,200 square feet may be full-service public eating, drinking, and entertainment establishments.

ENVIRONMENTAL REVIEW

An Addendum to the Final EIR for the overall project was prepared. The addendum concludes that the proposed modifications to the existing zoning do not create any new impacts that were not covered under the EIR or prior Addendums. The primary issue addressed in the Addendum was traffic. In short, the analysis indicates that due to the conversion of hotel space to office, less trip generation will occur and therefore, there would not be any impacts to surrounding intersections. All the other potential environmental impacts of the project were addressed in the Final EIR entitled, "Town and Country Village," certified on June 16, 1998, by City Council Resolution No. 68210.

GENERAL PLAN CONFORMANCE

Land Use Transportation Diagram/Discretionary Alternate Use Policies

The site is designated Regional Commercial and General Commercial on the San José 2020 General Plan Land Use/Transportation Diagram with an Intensification Corridor Overlay. The residential component of the original Planned Development Zoning and subsequent rezonings were found to be consistent with the commercial land use designations through the use of the Discretionary Alternate Land Use Policy, "Residential Uses on Commercially Designated Parcels." This Policy allows

residential development on commercially-designated properties when all of the following criteria are met: 1) the project must be high density residential (minimum 17 dwelling units per acre) or mixed use in nature; 2) Planned Development Zoning is required; 3) project site must be located on and take access from a major thoroughfare and be designated Neighborhood/Community Commercial, Office, General Commercial, or Regional Commercial; 4) the project site must be of a size and design to provide an appropriate residential environment within the larger non-residential environment; and 5) The density of residential development should not exceed 65 dwelling units per acre for properties on major arterials such as Winchester Boulevard and Stevens Creek Boulevard.

The subject proposal meets all of the above criteria in that it is a mixed-use, Planned Development Rezoning with an overall residential density of 29.2 dwelling units per acre over a 40.79 gross acre area. The main vehicular access is provided from Stevens Creek Boulevard and Winchester Boulevard. The project has been designed to provide a high quality mixed-use urban environment for residents, guests, and members of the public. Staff believes that a modest decrease to the project's residential density along with the conversion of entitled hotel space to office will help support the completion of the overall development in a balanced manner consistent with the exceptional design of the existing development. Based on this analysis, staff concludes that the proposed zoning conforms to the General Plan.

Economic Development and Sustainable City Major Strategy

The City's economic development strategy strives to make San Jose a more "balanced community" by encouraging more commercial and industrial growth to balance existing residential development, by creating an equitable distribution of job centers and residential area, and by controlling the timing of the development. The Sustainable City Major Strategy seeks to reduce traffic congestion, pollution, wastefulness and environmental degradation of our living environment.

The subject site is situated within the existing urbanized area of the City of San Jose, in a mixed-use environment with proximate ground floor commercial uses, a regional shopping mall, and access to the area's major highways within short proximity. A total of 514 housing units are already built on this site, and there is a potential for an additional 678 units to be built (hotel units excluded). The subject proposal adds 160,000 square feet of office in very close proximity to this housing use, thus providing an opportunity for balancing jobs and housing, and reducing transportation and associated environmental issues which are in support of the above-mentioned strategies.

ANALYSIS

The Analysis section of this report addresses the following key issues: 1) land use, 2) traffic and 3) clarifications to the development standards, specifically for late night hours of operations for restaurant/entertainment uses in the hotel area.

Land Use

The project proposes to make the following reductions in setbacks along the project perimeter: 10 feet along Redwood Avenue (25 feet currently required), 5 feet along Hemlock Avenue (15 feet currently required) and 0 feet with the adjoining commercially-zoned parcel developed with an assisted living facility along Winchester Boulevard (5 feet currently required). All of these setback reductions are along boundaries with commercially zoned properties, and thus do not create additional land use impacts. Staff has included a note in the General Development Plan that upon review of specific development proposals at the Planned Development Permit

stage, perimeter setbacks may be adjusted/increased from the minimum depending upon the scale and massing of the proposal. The height standards are not proposed to be altered from the previously approved Planned Development Zoning.

The proposed mix of uses, with the inclusion of the new office space will provide a more diverse mix of uses for Santana Row. Since office uses have peak use hours that are different from the restaurants, retail and entertainment venues, the overall parking demands for the project will be more easily accommodated.

Traffic

Two traffic reports were prepared for the proposed change in use, and were reviewed by the Department of Public Works staff. The results indicate that one study intersection, Stevens Creek Boulevard and Monroe Street, is projected to operate at an unacceptable Level of Service (LOS) E during the PM peak hour under project conditions. However, this intersection was identified to operate at LOS E in the background condition without the project. The traffic from the addition of the project does not meet the City's threshold for a significant impact. All other study intersections would operate at an acceptable LOS D or better under project conditions. Additionally three (3) signalized intersections were analyzed for the AM and PM peak commute hours conforming to the Congestion Management Program(CMP) requirements of the County of Santa Clara. The results indicate that all of the intersections meet the CMP LOS standards.

A left-turn lane storage (stacking capacity) analyses was performed at the intersection of Macy's/Santana Row and Stevens Creek Boulevard for the northbound and westbound legs. The results of the analyses indicate that based on projected traffic volumes, it is estimated that the westbound Stevens Creek Boulevard vehicle queue at the Santana Row entrance needs a 300-foot-long left turn pocket. The existing storage is only 175 feet. The proposed project has been conditioned to extend the westbound left-turn pocket. The project includes the future extension of Hatton Street (either public or private) to facilitate a future connection to Tisch Way. As conditioned, the project rezoning would not have any traffic impacts.

Minor Clarifications Regarding Uses in Development Standards

The current development standards provide for some uses to be allowed only in "hotel facilities", which has resulted in some confusion. Staff is proposing minor clarifications in the language in the draft Development Standards pertaining to permit requirements for late night operation of uses near the hotel. Per the current development standards, only uses, including restaurants, within the hotel block are allowed to be open after midnight. The proposed language clarifies that : (a) the hours of operation and entertainment uses at individual restaurants or facilities located within the hotel block would be subject to a Planned Development Permit, and (b) uses incidental to the hotel, such as the hotel bar, and located entirely within the hotel facility with no direct exterior access/interface, may operate 24 hours a day, including entertainment, without additional planning permits.

Planning staff is also proposing to clarify that all office uses more than 10,000 square foot in size would require a discretionary Planned Development Permit, since the traffic pattern for this use is slightly different than retail use which is covered by the previous traffic reports.

These minor changes are for the purpose of clarification only, and are not expected to result in additional land use impact.

PUBLIC OUTREACH

A community meeting was held January 22, 2008 at Santana Row in Hotel Valencia. Approximately 25 people attended the meeting. Community concerns included traffic impacts on the adjacent residential and commercial neighborhoods to the east and north of Santana Row.

On-site notification signs were displayed on the site. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site. Staff has been available to discuss the proposed rezoning with members of the public.

Staff has received one letter from a business owner on Redwood Avenue expressing concern regarding traffic on Redwood Avenue. The letter is attached to this staff report.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney.

RECOMMENDATION

Planning staff recommends approval of the proposed Planned Development Rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan *Land Use/Transportation Diagram* designations of Regional Commercial and General Commercial with an Intensification Corridor Overlay.
2. The proposed project is compatible with adjacent uses.
3. The proposed project furthers the economic development goals of the General Plan.

Attachments:

Draft Development Standards
Location Map
Public Works memorandum
Addendum to Negative Declaration
Letter from Redwood Avenue Business Owner
Plan Set

**ADDENDUM TO A FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
TOWN AND COUNTRY VILLAGE PROJECT
April 2008**

I. PURPOSE OF ADDENDUM

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they effect the conclusion in the environmental document.

In 1998, the City of San José certified the EIR for the Town and County Village project, which analyzed the redevelopment of the existing Town and County Village with a mixed use development. The maximum development analyzed in the EIR for this project was 650,000 square feet of commercial/retail space, 1,200 residential units, and two 100-room hotels¹. Since the certification of the EIR, minor changes have been made to the project that were the subject of three addenda to the certified EIR. The first addendum, in March 2000, was for the preparation of a noise study to allow a concrete crushing plant to be located on-site during construction. No changes were made to the scope of the original project. The second addendum, in January 2001, rezoned the property to annex an existing building at 360 S. Winchester Boulevard, allowing an increase in commercial space of 30,000 square feet, and to add 14 additional hotel rooms, and an increase in building height of 30 feet on the hotel site only. The addendum, in May 2001, expanded the boundaries of the project site to include an adjacent parcel at 3030 Stevens Creek Boulevard and a residential lot at 325 S. Redwood Avenue. In addition, the addendum allowed for an additional 75,000 square feet of commercial space, 190 additional hotel rooms, and one residential unit. An addendum in February 2002 allowed an increase from 80,000 square feet to 95,200 square feet for restaurant, bar, and nightclub uses within the existing total retail/commercial square footage. A maximum building height of 120 feet² was also approved at an earlier date. Another addendum in November 2006 allowed up to 400 additional multi-family attached residences if a second hotel is not built or up to 210 additional dwelling units (1,411 total units) if the second hotel is built, allow an additional 15,000 square feet of retail/commercial space,, allow up to 20,000 square feet of already permitted general retail/commercial space to be replaced with full-service public eating, drinking, and entertainment establishments, (for a total of 115,200 square feet of such uses), and modify the parking requirements to provide a modest parking reduction for residential units.

With the minor changes that have been approved since certification of the FEIR, the maximum development currently allowed on the project site is (1) Up to 1,601 multi-family attached residences if a second hotel with 190 rooms is not built or up to 1,411 residences if the second hotel is built ;(2) a total of 695,000 square feet of retail/commercial space; and,(3) up to 115,200

¹ The City, at that time, limited the approval of the retail/commercial square footage to 575,000 square feet.

² The new building height does not apply to the entire site. The 120 foot building height can only be applied to one residential building including parking and/or commercial space, and one hotel or one building with residential units combined with parking and/or commercial space in certain defined areas.

square feet space of the aforementioned 695,000 square feet for full-service public eating, drinking, and entertainment establishments.

The purpose of this Addendum is to analyze the impacts of the proposed modifications (see Page 3, *Project Description*) to the current maximum build out scenario for Santana Row, which was not addressed under the original Town and County Village EIR.

The CEQA Guidelines §15162 state that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines §15164 state that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in §15162 (see above) calling for preparation of a subsequent EIR have occurred.

II. DESCRIPTION OF THE PROPOSED CHANGES TO THE PROJECT

The project proposes the following modifications to the existing A(PD) zoning:

- (1) The elimination of entitlement for an additional 190 hotel rooms (an un-built second hotel),
- (2) The elimination of the potential for 229 residential units
- (3) The elimination of 22,500 square feet of retail space,
- (4) The addition of 100,000 square feet of office,
- (5) A reduction in minimum building setbacks along the perimeter of the site, and
- (6) Minor clarifications to the allowed uses in the development standards. Except for minor changes in traffic and public improvement requirements as necessary to accommodate the proposed changes to the project all of the other previously approved development standards will remain unchanged and will be included in the development standards of this rezoning.

This Planned Development Rezoning will not change the locations on the site where residences are allowed, nor will it increase the overall maximum building height or building coverage allowed by the existing zoning.

Under this proposed rezoning, the maximum build-out of the site would include: (1) Up to 213 hotel rooms (all of which are already built), (2) up to 1,182 attached residential units (514 presently built), (3) up to 100,000 square feet of office uses, and (4) up to 832,500 square feet of commercial uses (including the 100,000 square feet of office) of which 115,200 square feet may be full-service public eating, drinking, and entertainment establishments.

III. ENVIRONMENTAL IMPACTS OF PROPOSED CHANGES TO THE PROJECT

The discussion below describes the minor changes in environmental impacts of the currently proposed project when compared to the previously approved project. These environmental issues include the following: traffic, and land use.

Traffic and Circulation

Two traffic reports were prepared for the proposed change in use, and were reviewed by the Department of Public Works staff. The scope of these reports were;

1. Conversion of the approved 190-room hotel and 25,500 s.f. of retail space at Santana Row to 60,000 s.f. of office space with 23,000 s.f. of retail space. The proposed development is projected to add 121 a.m. and 142 p.m. peak hour trips. After applying credits from the existing 190 room hotel entitlement, the net new trips will result in no new a.m. or p.m. peak hour trips.

2.– Construction of 100,000 s.f. of office space to the existing mixed-use development. This proposed office space would be constructed in lieu of 229 approved residential units and 20,000 sf of retail space. The proposed development is projected to add 182 a.m. and 185 p.m. peak hour trips. After applying credits from the existing entitlement of 229 units and 20,000 sf of retail use, the net new trips are 71 a.m. and 3 p.m. peak hour trips.

The EIR analyzed traffic impact and proposed as mitigation of the addition of a fourth eastbound through lane at the Stevens Creek and Monroe Street intersection. This lane has been built since then. The results of the traffic study indicate that one study intersection, Stevens Creek Boulevard and Monroe Street, is projected to operate at an unacceptable Level of Service (LOS) E during the PM peak hour under project conditions.

However, this intersection was identified to operate at LOS E in the background condition without the project. The traffic from the addition of the project does not meet the City's threshold for a significant impact. All other study intersections would operate at an acceptable LOS D or better under project conditions. Additionally three (3) signalized intersections were analyzed for the AM and PM peak commute hours conforming to the Congestion Management Program (CMP) requirements of the County of Santa Clara. The results indicate that all of the intersections meet the CMP LOS standards. Additionally, the impact on the freeway segment within the study area was minimal.

A left-turn lane storage (stacking capacity) analyses was performed at the intersection of Macy's/Santana Row and Stevens Creek Boulevard for the northbound and westbound legs. The results of the analyses indicate that based on projected traffic volumes, it is estimated that the westbound Stevens Creek Boulevard vehicle queue at the Santana Row entrance needs a 300-foot-long left turn pocket. The existing storage is only 175 feet. The proposed project has been conditioned to extend the westbound left-turn pocket. As conditioned, the project rezoning would not have any new traffic impacts or result in traffic impact greater than previously disclosed in the EIR prepared for the project.

Soils and Geology, Cultural Resources, Hazardous Materials, Biotics, Aesthetics, Water Quality: No additional impact is anticipated since the additional commercial square footage will be built within the perimeters of existing zoning boundary land area and within the allowable height restrictions, impact on which has already been considered in the past environmental clearances.

Parks, School Facilities: Since the number of residential units is proposed to be decreasing, no additional impact is anticipated.

Air Quality: Based on the traffic analysis prepared by Hexagon Transportation Consultants, Inc. the proposed rezoning would generate approximately 652 fewer daily trips from the proposed 60,000 square feet of office space on Lot 2 than would be generated by a 190-room hotel, and 1,264 fewer daily trips from the proposed conversion of 20,000 sq. ft. of retail space and up to 229 residential units to 100,000 square feet of office space. This results in a net decrease in daily trips from the proposed project over what was analyzed in the addendum for the approved uses allowed by the current A(PD) Zoning. Therefore, based on the BAAQMD CEQA Guidelines, the trips generated by the proposed project would not substantially worsen the already identified regional air quality impacts.

Biological Resources: The Tree Analysis in the Final EIR covered the entire site, including the area now known as Lot 2. Thirty-two trees were deemed to be protected under the City's Tree Ordinance. The Tree Ordinance in effect at the time required a permit for removal of any tree with an 18-inch diameter or greater (the current Ordinance refers to the size as 56 inches in circumference). The Final EIR assumed that project-related construction activities would require removal of all the ordinance sized Oak trees. The Final EIR stated that the removal of the site's thirty-two ordinance sized trees would be a significant effect but that this impact can be reduced to a *Less Significant Impact with Mitigation*. City CEQA Resolution No. 68210 and Mitigation Monitoring Plan adopted for the project on June 16, 1998 listed the mitigation for the thirty-two ordinance sized trees, which was planting replacement trees of a certain size and number relating to the size of the tree to be removed. (The Land Use Plan Mitigation Note 9 of the current A(PD) Zoning for the site includes the mitigation language.)

Instead of removing all of these trees, certain Oak trees were either relocated or preserved on site. Two such Oak trees are on lot 2. The proposed office project also intends to relocate these trees to another location on site, lot 12, where future residential development includes a proposal for a park area. A PD Permit adjustment, City File No. AD 08-403, was issued on March 24, 2008 to accommodate the relocation of the two trees to lot 12.

Therefore, the proposed project would not increase the impacts to biological resources over those analyzed in the Final EIR.

Utilities

The FEIR concluded that the City had sufficient capacity to supply water to the project site and to accommodate the increase in solid waste generated by the proposed project. It was determined, however, that the existing sanitary sewer system had insufficient capacity to serve the project. The following mitigation was included in the approved project:

- Should it be determined, prior to issuance of any Planned Development Permit, that the existing sanitary sewer system does not contain sufficient capacity to serve the project, the project shall implement some or all of the following mitigation measures, as necessary:
 - Up-size the existing eight-inch sanitary sewer line at the adjacent Valley Fair Mall;
 - Redesign of the project to connect to both the existing 10-inch sewer line at Valley Fair Mall and the six-inch line that runs under Interstate 280 from Dudley Avenue to Moorpark Avenue;
 - Up-size the existing 10-inch line that runs through Valley Fair Mall from Stevens Creek Boulevard to Forest Avenue; or
 - Construct a new sanitary sewer line along Winchester Boulevard from the project site to Forest Avenue.

It is not known at this time if the current development has exceeded the capacity of the existing sanitary sewer system. Both the new project and the approved project, however, are required to comply with the mitigation identified in the FEIR once it is determined that additional capacity is needed to serve the development. As a result, the sanitary sewer system would be able to accommodate any increase in wastewater with implementation of the aforementioned mitigation. The proposed project would have a less than significant impact on water and wastewater capacity.

Visual Impact /Land Use

With the proposed rezoning, the approved entitlement of 695,000 square feet of commercial uses could increase to 832,500 square feet of commercial. This implies that an additional 137,500 square feet of commercial use could be built on the site, which will result in additional physical mass, than that was anticipated during earlier approvals. However, the additional commercial will be built in the area where commercial structures were proposed to be built, and no height addition to any of the blocks are being proposed. The EIR analyzed impacts of up-to seven story high mixed-use construction. A height increase of 30 feet was approved for a portion of the site through a prior zoning. The additional impact of the physical mass of the proposed additional commercial will be minimal as compared to what was already analyzed. At the same time, there is a minor reduction in number of residential units and retail.

The project proposes to make the following reductions in setbacks along the project perimeter: 10 feet along Redwood Avenue (25 feet currently required), 5 feet along Hemlock Avenue (15 feet currently required) and 0 feet with the adjoining commercially-zoned parcel developed with an assisted living facility along Winchester Boulevard (5 feet currently required). All of these setback reductions are along boundaries with commercially zoned properties, and thus do not create additional land use impacts.

The EIR analyzed the impact of a minimum 10 feet setback for a minor stretch along Hemlock Avenue. The proposed reduction in that setback by 5 feet will not create additional significant impact, since Hemlock Avenue is 30 feet wide so that the residential homes on the other side of Hemlock Avenue are at least 30 feet away.

The proposed mix of uses, with the inclusion of the new office space will provide a more diverse mix of uses for Santana Row. Since office uses have peak use hours that are different from the restaurants, retail and entertainment venues, the overall parking demands for the project will be more easily accommodated.

CONCLUSION

Based on the above analysis and discussion, no substantive revisions are needed to the 1998 FEIR, because no new significant impacts or impacts of substantially greater severity would result from the Current Project; because there have been no changes in circumstances in the project area that would result in new significant environmental impacts or substantially more severe impacts; and because no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were discussed in the 1998 FEIR. Therefore, no further evaluation is required, and no Subsequent EIR is needed pursuant to State CEQA Guidelines Section 15162, and an EIR Addendum has therefore appropriately been prepared, pursuant to Section 15164.

Pursuant to CEQA Guidelines §15164(c), this addendum will not be circulated for public review, but will be included in the public record file for the Town and Country Village EIR,

BY:

Joseph Horwedel, Director
Planning, Building and Code Enforcement Department

Signature

Date

The project proposes to make the following reductions in setbacks along the project perimeter: 10 feet along Redwood Avenue (25 feet currently required), 5 feet along Hemlock Avenue (15 feet currently required) and 0 feet with the adjoining commercially-zoned parcel developed with an assisted living facility along Winchester Boulevard (5 feet currently required). All of these setback reductions are along boundaries with commercially zoned properties, and thus do not create additional land use impacts.

The EIR analyzed the impact of a minimum 10 feet setback for a minor stretch along Hemlock Avenue. The proposed reduction in that setback by 5 feet will not create additional significant impact, since Hemlock Avenue is 30 feet wide so that the residential homes on the other side of Hemlock Avenue are at least 30 feet away.

The proposed mix of uses, with the inclusion of the new office space will provide a more diverse mix of uses for Santana Row. Since office uses have peak use hours that are different from the restaurants, retail and entertainment venues, the overall parking demands for the project will be more easily accommodated.

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BY:

Joseph Horwedel, Director
Planning, Building and Code Enforcement Department

Akoni Danielson
Signature

4/1/08
Date