COUNCIL AGENDA: 04-22-08
ITEM: 11.1 (d)

SUPPLEMENTAL

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: **SEE BELOW**

DATE: April 10, 2008

COUNCIL DISTRICT: 6
SNI AREA: N/A

SUBJECT: ADDITIONAL EXHIBITS FOR PCD07-095, PLANNED DEVELOPMENT REZONING FROM A(PD) TO A(PD) ON A 40.8 ACRES AT THE SOUTHWEST CORNER OF STEVENS CREEK AND WINCHESTER BOULEVARDS (SANTANA ROW).

Please note that the attachments identified below are being provided for your review of this Planned Development Rezoning application. Final copies of these items were not available at the time of preparation of the original staff report.

1) General Development plans
2) Development standards/condition, as proposed by staff, revised 4/10/08.
3) Memorandum from Public Works, dated 4/2/08
4) Copy of project vicinity map

Susan Walton
for JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Mike Enderby at 408-535-7800.

PDC07-095

Santana Row

The following Development Standards are to be placed on the Land Use Plan for this Planned Development Zoning once the Zoning is approved by the City Council. Where these development standards and the diagrams contained in the Land Use Plan are in conflict, these written development standards shall control and take precedence.

Draft Development Standards

PLANNED DEVELOPMENT EFFECTUATION

The Planned Development Zoning district shall be effectuated pursuant to Section 20.60.020.

USES

The use regulations of the CG Commercial General Zoning District, Table 20-90 as amended, shall pertain to the subject site as follows:

1. All of the uses identified as "Permitted" in Use Table 20-90 of Section 20.40.100 of the San Jose Municipal Code, as amended, shall be permitted as a matter of right except those uses listed below which are prohibited:

    a. Laundromats

    b. All vehicle related uses listed in the Use Table 20-90 except for those that are expressly permitted as indicated in these development standards

    c. Private clubs/lodges

    d. Amusement arcades with more than 19 games

    e. Bowling establishments

    f. All health and veterinary services listed in the Use Table 20-90 except for those uses that are expressly permitted as indicated in these development standards. Medical, dental, and health practitioner use is permitted by right.

    g. Cemeteries/columbaries and mortuaries

    h. Emergency residential shelters, residential care/service facilities for 7 or more persons, and single-room occupancy hotels

    i. All uses between 12:00 Midnight and 6:00 A.M. excepting those within the hotel building/block and health club uses. Any allowed health club

uses shall not operate between the hours of 12:00 Midnight and 5:00 A.M.

j. Recycling facilities, except as incidental to an allowed primary use.

2. The following would require a Planned Development Permit:

a. Unless prohibited *anywhere* in these Development Standards, all uses identified as conditional uses of the CG-Commercial General Zoning District in the Use Table 20-90 of Section 20.40.100 of the San Jose Municipal Code, as amended, shall require approval of a Planned Development Permit.

b. Offices above 10,000 gross square feet in size.

c. Public eating establishments and entertainment/drinking establishments larger than 9,000 gross square feet and large destination, name-brand, entertainment uses (such as Niketown, Hard Rock Café or Planet Hollywood)

d. Eating and drinking establishment uses between midnight and 6:00 A.M. within the hotel footprint. Such uses, including entertainment, incidental to the hotel facility, and having no independent exterior access, shall be allowed by right.

e. Outdoor Vending Uses (note: Individual outdoor vending shall be allowed by right in areas where a Planned Development Permit has already been approved for such uses)

f. Live/work uses (note: Individual live-work uses shall be allowed by right in areas where a Planned Development Permit has already been approved for such uses)

g. Commercial indoor and commercial outdoor recreational uses

h. Amusement arcades for 19 or fewer games or fewer than 19 amusement arcade games incidental to an allowed primary use

i. Maintenance and repair, small household appliances

j. Day care centers, including those located in school and/or church facilities

k. Retail sales establishments with tenant spaces larger than 48,000 gross square feet

l. Carwash, detailing

m. Auto broker, wholesale, no on-site storage

n. Animal grooming and indoor animal boarding

MAXIMUM DEVELOPMENT ALLOWANCES:

Commercial Uses

1. The maximum gross floor area for all commercial uses shall be 832,500 square feet, including any theater uses, plus that area required for up to 213 hotel rooms. At least 100,000 square feet of this commercial area will be for office use.

2. Gross square footage is calculated as per the following definition, with the addition that unenclosed walkways and stairs shall also be excluded from the gross square footage calculations: The sum of the gross horizontal areas of the several floors of a building or buildings in a lot, on or above or below grade, situate within the exterior walls of the building or buildings, excluding such cellar or basement areas as are proposed to be used and are used exclusively for the following purposes:
   a) Off-street parking, loading and/or unloading of vehicle of owners, occupants, employees, and/or visitors of the building;
   b) Ways of ingress to and/or egress from off-street vehicular parking, loading and/or unloading areas;
   c) Heating, cooling and/or air conditioning of the building;
   d) Heating and/or cooling of water for occupants, employees and visitors of building;
   e) Building maintenance rooms and facilities;
   f) Storage space and facilities for use of owners, occupants and/or employees of the building;
   g) To provide public utility and other services to owners, occupants and/or employees of the building, other than services which are not accessory to the maintenance, operation and use of the building.

Limitations on Public Eating Establishments, Drinking Establishments, and Entertainment Establishments

3. The maximum cumulative gross building area allowed for all "restaurant," drinking establishment, and entertainment establishment uses shall not exceed a total of 115,200 square feet at any time.

   a) Restaurants shall be defined as those establishments meeting the definition of "bona fide public eating establishment" as defined by California Business and Professions Code Section 23038. ["Bona fide

public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement.]

Residential Uses

4. A maximum of 1,171 residential units shall be allowed. All residential development shall be constructed to meet common interest subdivision standards.

5. Residential uses shall include a mix of condominiums, townhouses and apartments, as well as leasing offices, club houses, pools and other residential amenities, the specific type and variety of units shall be determined by an approved Planned Development Permit/Amendment.

INTERFACES:

1. Since the character of this project is mixed-use in nature, the adjacency of noise, traffic or odor-generating activities such as loading areas, access and circulation driveways, trash and storage areas, and rooftop equipment to sensitive residential and other used is anticipated, segregation of these uses is not a requirement for this project. However, partial mitigation of these effects is anticipated and should occur in the design and construction techniques of all buildings through the employment of a combination of internal loading facilities, masonry screen walls, landscaping, building orientation, activity usage limitations and construction techniques.

2. Since this project is mixed-use in character with shared residential and commercial parking facilities, any proposed restrictions at the access points for any parking facility must be approved through a Planned Development Permit.

4. All covered unenclosed walkways are to be accessible as public pedestrian ways, 24 hours per day.

ARCHITECTURE/BUILDING ORIENTATION:

1. Architectural design and building materials are subject to approval by the Director of Planning, Building and Code Enforcement and shall be of equal or superior quality to those shown on the building elevations of sheet 5, "Conceptual Building Elevations" of the approved plans set for this planned development zoning.

2. "Non-active Building Elevations" facing a street will include details and/or appropriate architectural design consistent with the scale and style of active street facades in the project.

3. Because of the variety of uses within this project, the exterior building design, roof style, color, materials, architectural form and detailing may not be consistent among all buildings. However, each building and each facade on that building will contribute to the project character.

LOADING AND TRASH COLLECTION FACILITIES

1. Loading docks may be located adjacent to residential structures or private rear yards.

2. Loading areas, dock and truck circulation aisles will be separated from residential uses, where possible, by a masonry screen wall or similar device.

3. Aisles designed as fire lanes will be a minimum of 20 feet.

4. Loading/trash collection spaces will be provided throughout the development. Loading and trash collection facilities may be shared between residential and commercial used when appropriate.

5. Loading access may be allowed directly from the street. Such access shall include architectural detailing and other screening measures.

MAXIMUM HEIGHT:

Maximum height shall be 120 feet for the Valencia hotel site (Building 5) on Santana Row at Olin Avenue and for two other buildings within dashed boundary approved by GP00-T-10 and depicted on the Land Use Plan. For the remainder of the project, the maximum height shall be 90 feet including all roof screens, equipment, and appurtenances, except for structures within 30 feet of residentially zoned single-family units, which are limited to a height of 35 feet.

MINIMUM SETBACKS:

1. All perimeter setbacks are subject to approval by the Director of Planning at the Planned Development Permit Stage.

2. Setbacks will be 15 feet from proposed structures to property line along Stevens Creek Boulevard, 5 feet along Winchester Boulevard and 25 feet from structure-to-structure adjacent to residentially zoned, single-family detached units except as specifically identified in the General Development Plan Exhibit C.

3. Canopies, lights, signs, awnings and other similar architectural features may project into setbacks if approved by a Planned Development Permit or Planned Development Permit Adjustment, to the satisfaction of the Director of Planning.

OFF-STREET PARKING:

1. As an interim use, surface parking may be permitted with a Planned Development Permit for any area on which a building is ultimately proposed.

2. On-site parking for the project shall be provided in conformance with Table 20-190 of Chapter 20.90 of the Zoning Code, as amended. Shared and/or alternating parking arrangements based on a parking analysis for specific uses and residential unit types may be approved through a Planned Development Permit/Amendment. However, the standard for off-street parking for residential units shall be one and three-tenths (1.3) spaces per unit.

CIRCULATION:

1. On-site vehicular access shall be accommodated along internal street and driveway networks, should the site be subdivided. Each site will share the private circulation system common to all sites.

2. Sidewalks shall be provided within the public right-of -way as shown. Internal sidewalk networks will provide access to public spaces and connection points to adjacent sites and the public sidewalk network. Provisions will be made to integrate private pedestrian networks with public sidewalks.

OPEN SPACE REQUIREMENTS

1. The parks and open space requirements for the original 1201 units are subject to the terms and conditions of that certain agreement entitled "Settlement and Parkland Agreement Between City of San Jose and FRIT San Jose Town and Country Village, LLC" bearing the effective date of December 5, 2006.

2. The locations of existing and future private recreation amenities are shown on Sheet 7 hereof, entitled "Conceptual Park Plans", and incorporated into this General Development Plan, subject to the provisions of the Agreement identified in paragraph (1) above. These provisions are intended to supersede prior diagrams depicting such site amenities.

   The future private recreation improvements shall be installed in conjunction with the construction of the associated residential units as delineated on Sheet 7A, and shall be completed on each parcel on or before the date the Certificate of Occupancy is issued for the last building to be constructed on the parcel that includes the planned private recreational improvements. With respect to any improvements given credit pursuant to the Agreement which relate to the

original 1201 dwelling units and which are not completed in accordance with the schedule on Sheet 7A, the credits for the incomplete improvements shall be disallowed and Parkland Fees shall be required to be paid to the City as calculated using the methodology set forth in attachment A to the Agreement.

3. As of the effective date of the Planned Development Rezoning City File Number PDC05-030 the Parks and Open Space requirements for the residential units beyond the first 1201 for the project shall be as set forth in the City's PDO/PIO Ordinances and associated Fee and Credit Resolution.

AMORTIZATION

Any incidental music or dancing associated with a bona fide public eating establishment or drinking establishment which is not part of a Planned Development Permit, and which was a legal use on January 11, 2007 shall be terminated within six (6) months from January 11, 2007. All incidental music after this date shall be as defined in the Zoning Ordinance, as amended.

GENERAL NOTES

Water Pollution Control Plant Notice

Pursuant to Chapter 15.12 of the San Jose Municipal Code, no vested tight to a Building Permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand at the San Jose-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

TRAFFIC MEASURES

1. Provide an irrevocable offer of dedication of 4 feet for an easement for sidewalk purposes to the City along the project frontage on Stevens Creek Boulevard.
2. Modify the existing traffic signal intersection at Santana Row and Stevens Creek Boulevard to add crosswalks on both, the east leg and west leg, reconstruct the southwest corner to eliminate the pork chop island and extend the westbound left turn pocket. This will require a traffic signal modification. Conform to the Master Plan prepared for the adjacent Westfield project. Design and construction of these improvements shall be coordinated with Stevens Creek Boulevard traffic improvements required of Valley Fair Mall LLC under site permit number H06-027.

3. The design and construction of the future Hatton Street will be determined with a subsequent Planned Development Permit. Hatton Street is identified as a future connection from Santana Row to Tisch Street.

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Sanhita Mallick
Planning and Building

FROM: Vivian Tom
Public Works

SUBJECT: **SEE BELOW**

DATE: 04/02/08

Approved

Date 4/4/08

SUBJECT: SANTANA ROW PARCEL 2 AND 11 DEVELOPMENTS
PW NO. 3-06815 (PDC07-095)

We have completed the review of the traffic analysis for the subject projects. The proposed developments are located at the southeast corner of Stevens Creek Boulevard and South Winchester Boulevard.

Parcel 2 – 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 site, the net new trips will result in no new a.m. or p.m. peak hour trips.

Parcel 11 – 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 site, the net new trips are 71 a.m. and 3 p.m. peak hour trips.

Although both projects result in a minimal amount of traffic, these land uses changes required this additional study to determine any impacts caused by directional changes (i.e. housing to office).

ACCESS

Vehicular access to the site will be provided by the existing entrances along Stevens Creek Boulevard and South Winchester Boulevard. With the construction of a new parking structure on the project parcel it is expected that the majority of vehicles bound for Parcel 11 will utilize the Olsen Drive and South Winchester Boulevard entrance. It is expected that Parcel 2 will utilize Stevens Creek Boulevard.

ANALYSIS

Project traffic impacts and transportation level of service (LOS) have been calculated using Traffix, the City of San Jose and the Santa Clara County Congestion Management Program (CMP) approved software.

City of San Jose Methodology: Ten (10) signalized intersections were analyzed for the AM and PM peak commute hours using TRAFFIX and conforming to the City of San Jose Level-Of-Service (LOS) Policy impact criteria. The results indicate that one study intersection, Stevens Creek Boulevard and Monroe Street, is projected to operate at an unacceptable LOS E during the PM peak hour under project conditions. However, according to the City of San Jose's definition of impacts, the intersection would not be significantly impacted by the project. All other study intersections would operate at an acceptable LOS D or better under project conditions. The results of the analysis are summarized in the attached Table ES-1.

Santa Clara County CMP Methodology: Three (3) signalized intersections were analyzed for the AM and PM peak commute hours using TRAFFIX and conforming to the Congestion Management Program requirements. The results indicate that all of the intersections meet the CMP LOS standard. The results of the analysis are summarized in the attached Table ES-1.

Left-turn Storage Analysis: A left-turn lane storage 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, based on projected traffic volumes it is estimated that 95 percent of the time the westbound Stevens Creek Boulevard vehicle queue at the Santana Row entrance is estimated to be 18 vehicles per lane during the PM peak hour under background conditions. The existing storage is 175 feet. The planned storage capacity for this movement is 12 vehicles (300 feet) per lane.

Project Conditions:

a) Provide an irrevocable offer of dedication of 4 feet for an easement for sidewalk purposes to the City along the project frontage on Stevens Creek Boulevard.

b) Modify the existing traffic signal intersection at Santana Row and Stevens Creek Boulevard to add crosswalks on both, the east leg and west leg, reconstruct the southwest corner to eliminate the pork chop island and extend the westbound left turn pocket. This will require a traffic signal modification. Conform to the Master Plan prepared for the adjacent Westfield project. Design and construction of these improvements shall be coordinated with Stevens Creek Boulevard traffic improvements required of Valley Fair Mall LLC under site permit number H06-027.

c) The design and construction of the future Hatton Street will be determined with a subsequent permit. Hatton Street is identified as a future connection from Santana Row to Tisch Street.

RECOMMENDATION:

The subject project is in conformance with both the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and the Santa Clara County Congestion Management Program. Therefore, a determination for a negative declaration can be made with respect to traffic impacts.

If you have any questions, please call Lori Tanase at 535-3881 or Karen Mack at 535-6816.

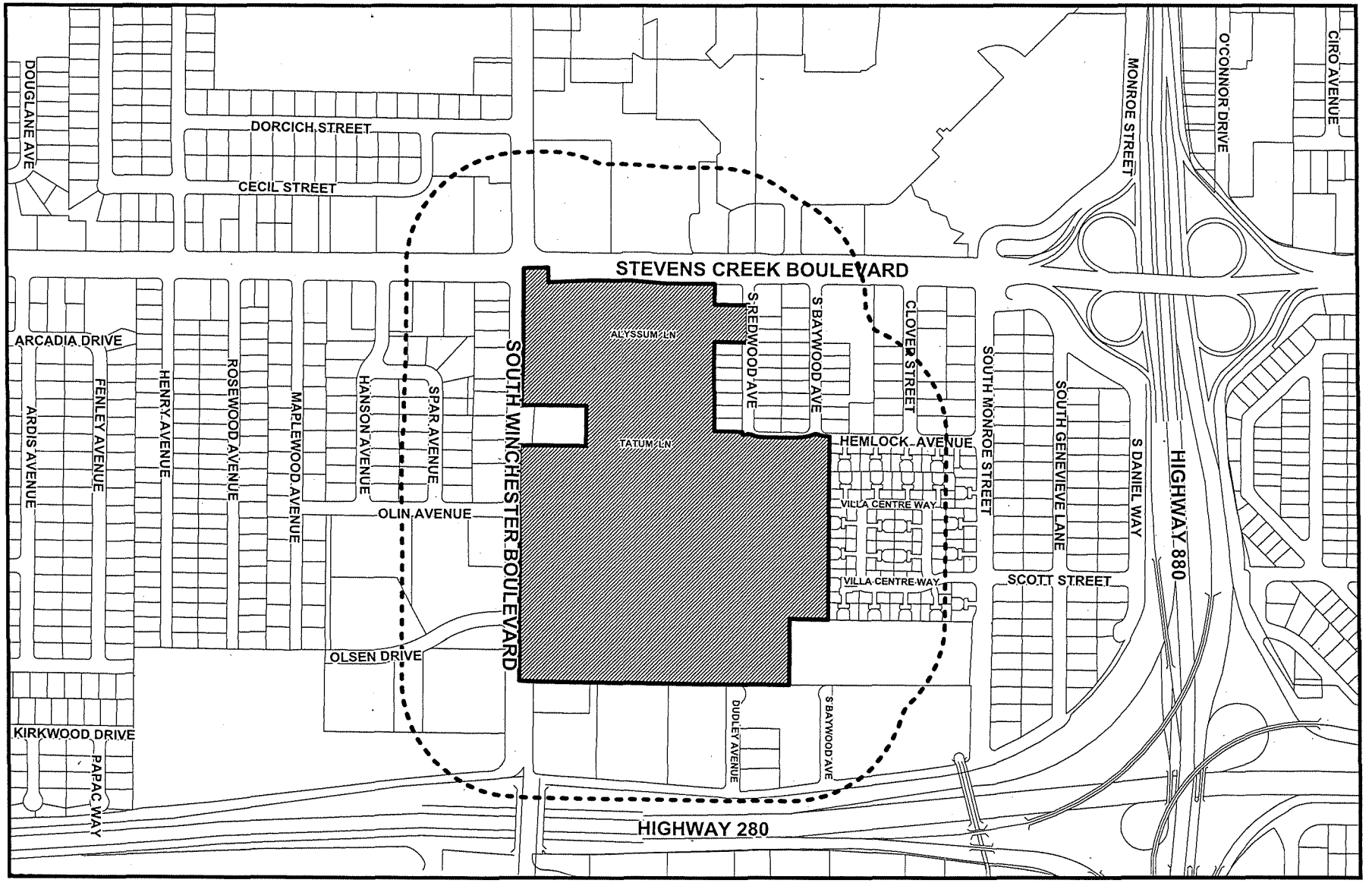
Karen Mack for
Vivian Tom
Project Engineer
Transportation and Development Services Division

VT:lt
C: Karen Mack
Manuel Pineda, DOT
Traffic Consultant

Table ES 1
Intersection Level of Service Summary

Study Number		Peak Hour	Count Date	Existing Ave. Delay	Existing LOS	Background Ave. Delay	Background LOS	Project Conditions Ave. Delay	Project Conditions LOS	Project Conditions Incr. In Crit. Delay	Project Conditions Incr. In Crit. V/C	Cumulative Conditions Ave. Delay	Cumulative Conditions LOS
1	Stevens Creek Boulevard and Winchester Blvd*	AM	9/27/06	33	C	33	C	33	C	0.0	0.001	34	C
		PM	9/27/06	44	D	45	D	45	D	0.0	-0.001	46	D
2	Stevens Creek Boulevard and Santana Row	AM	11/15/07	14	B	22	C	22	C	-0.5	-0.001	22	C
		PM	11/15/07	31	C	51	D	50	D	-1.0	-0.005	51	D
3	Stevens Creek Boulevard and Redwood Avenue	AM	1/10/08	4	A	6	A	6	A	-0.1	0.008	8	A
		PM	1/10/07	13	B	22	C	23	C	2.2	0.012	27	C
4	Stevens Creek Boulevard and Monroe Street	AM	11/15/07	18	B	21	C	21	C	0.2	0.009	21	C
		PM	11/15/07	36	D	78	E	79	E	0.8	0.003	76	E
5	Stevens Creek Boulevard and I-880 SB off-ramp*	AM	9/27/06	21	C	22	C	22	C	0.2	0.012	21	C
		PM	9/27/06	21	C	27	C	26	C	-0.6	-0.013	25	C
6	Winchester Boulevard and Olin Avenue	AM	11/14/07	12	B	14	B	14	B	0.0	-0.004	14	B
		PM	11/14/07	15	B	18	B	18	B	-0.6	0.002	18	B
7	Winchester Boulevard and Olsen Drive	AM	11/14/07	10	A	12	B	12	B	1.1	0.025	11	B
		PM	11/14/07	14	B	16	B	16	B	0.3	0.002	16	B
8	Winchester Boulevard and I-280 WB on-ramp	AM	2/28/07	20	B	21	C	22	C	1.1	0.006	22	C
		PM	2/28/07	31	C	39	D	38	D	-1.1	-0.009	37	D
9	Winchester Boulevard and Moorpark Avenue	AM	11/14/07	39	D	40	D	40	D	0.2	0.007	40	D
		PM	11/14/07	43	D	45	D	45	D	-0.1	-0.006	45	D
10	I-280 EB off-ramp and Moorpark Avenue*	AM	9/27/06	9	A	9	A	10	A	0.0	0.003	10	A
		PM	10/24/06	24	C	24	C	24	C	0.0	-0.004	24	C

* Denotes CMP Intersection



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Scale: 1"= 600'

Map Created On: 11/08/2007

Noticing Radius: 500 feet

File No: PDC07-095

District: 6

Quad No: 82