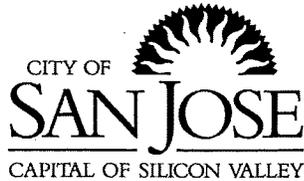


# SUPPLEMENTAL



## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** May 8, 2008

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**COUNCIL DISTRICT:** 6  
**SNI AREA:** N/A

**SUBJECT: ADDITIONAL EXHIBITS FOR PDC07-095, PLANNED DEVELOPMENT REZONING FROM A(PD) PLANNED DEVELOPMENT TO A(PD) PLANNED DEVELOPMENT ON A 40.8 ACRES AT THE SOUTHWEST CORNER OF STEVENS CREEK AND WINCHESTER BOULEVARDS (SANTANA ROW).**

Please note that minor technical changes were made to Development Standards/Conditions that were previously distributed. Attached is a revised copy, dated 5/8/08.

  
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 (Rev. 5/8/08)**

#### **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 214 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 1,182 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 right 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. Prior to the issuance of a Public Works Clearance for the Parcel 2 parking garage the applicant shall execute a construction agreement with the City guaranteeing proposed improvements (as generally described in the cost estimate prepared by HMM Engineers and dated 4/29/08) at the southwest corner of the intersection of Santana Row and Stevens Creek Blvd. Scope includes removal of the existing pork chop island and necessary modifications to the traffic signal at this corner. The applicant shall be responsible for design and construction for this work. The applicant

is also required to contribute its fair share (\$89,160.08 cash) for the extension of the left turn lanes on the east approach of the intersection.

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.