19066

COUNCIL AGENDA: 06-20-06
ITEM: 11.11

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Mayor and City Council

FROM: Councilmember Ken Yeager

SUBJECT: SEE BELOW

DATE: June 19, 2006

APPROVED: //s//

DATE: 6-19-06

SUBJECT: PDC05-095: Planned Development Rezoning from A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to increase the number of attached residential units, to eliminate 250,000 square feet of commercial, to reduce the maximum amount of retail, and to modify the development standards for the 12.7-acre site located on the southeast corner of Southwest Expressway and Fruitdale Avenue.

BACKGROUND:
The applicant proposes these changes to complete the project at this site. The Council office has worked with residents, the applicant, and with Planning staff to develop a mixed use project that will be a good fit for the neighborhood.

RECOMMENDATION:
Approval of PDC05-095 for the reasons identified in the staff report and to accept the following elements as a part of the developer's proposed rezoning:

- Ensure that the San Jose Redevelopment Agency conducts a retail study of the area to explore its retail needs and opportunities
- Increase the height limit for Block E to 90 feet x corner of Fruitdale / Southwest
- Allow a minimum of 18,000 square feet and a maximum of 100,000 square feet for retail/commercial floor area
- Allow a maximum of 505 residential units at this site
- Ensure that the applicant uses high-quality materials throughout the project, including brick or other masonry material of equal quality in Block C2
- Ensure that the applicant provides an active pedestrian-oriented design at the ground level along the St. Elizabeth Drive frontage.
- Recommend that the applicant to work with Planning staff on the project's architecture during the PD Permit process

x landscaping (enhanced) & add'l rec'tion

DISCUSSION:

The applicant, DeAnza Properties, proposes to rezone the property with more residential and retail while reducing the commercial office component from this project.

The proposed project will be a benefit for the area because it is well-designed and includes residential and retail units very near the Vasona Light Rail line. It is consistent with the City's Transit Oriented Development Policy to include this level of housing near light rail projects.

The residential portion of this project was previously approved on December 19, 2000. The commercial portion, which included 250,000 square feet of commercial, was previously approved on March 19, 2002. At this time, Blocks A, B, and D are currently under construction.

At the Planning Commission meeting on March 22, 2006, the Commission recommended a minimum of 50,000 square feet of retail as a component of the site. In working with staff from the Planning Department and Redevelopment Agency, it was concluded that this was not a feasible amount of retail for this site.

This project will also offer additional retail opportunities for this neighborhood. With the future closing of the Albertson's in the neighborhood, a retail study is necessary to look at the needs and opportunities in the area to ensure that they are addressed.

Given the community's desire to increase the height along Southwest Expressway, it is proposed to increase the allowed height there up to 90 feet. This is the most suitable part of the project for that height.

COORDINATION:

This memo has been coordinated with the applicant and the Department of Planning, Building, and Code Enforcement, and the San Jose Redevelopment Agency.

Item 11.11

It is the intent of this condition that the Blocks A, B, C1. C2, and D have the most favorable conditions, without mitigating circumstances, for the affordability restrictions that applied during the time period that the development approval was applied for in the prior PD permit both in time period and in the number of affordable units. This would refer to the effect that community benefits played in any such decision. Block E has been substantially modified by this zoning and it shall be subject to the rules in effect as of the application date of the PD permits for Block E. No subsidy has been granted for this project and, if subsidy is applied for and provided, this condition may be subject to modification.

6/20/06 11.11 190606

CITY COUNCIL AGENDA: ~~5-16-06~~ ~~6/13/06~~
ITEM: ~~11.2~~ ~~11.5~~

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: May 5, 2006

COUNCIL DISTRICT: 6
SNI: None

SUPPLEMENTAL MEMO

SUBJECT: PDC05-095, PLANNED DEVELOPMENT REZONING FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO INCREASE THE MAXIMUM NUMBER OF ATTACHED RESIDENTIAL UNITS FROM 500 TO 502, TO ELIMINATE 250,000 SQUARE FEET OF COMMERCIAL (OFFICE AND RETAIL), TO REDUCE THE MAXIMUM AMOUNT OF RETAIL FROM 30,000 TO 29,222 AND TO MODIFY THE DEVELOPMENT STANDARDS FOR THE 12.7-ACRE SITE LOCATED ON THE SOUTHEAST CORNER OF SOUTHWEST EXPRESSWAY AND FRUITDALE AVENUE.

REASON FOR SUPPLEMENTAL MEMO

This supplemental memo transmits revised plans submitted by the applicant and recommends a minor clarification to the Draft Development Standards.

RECOMMENDATION

Staff recommends that the City Council approve the proposed rezoning from A(PD) Planned Development to A (PD) Planned Development on the 12.7-acre site.

BACKGROUND

In response to concerns expressed by the members of the community regarding the need for more retail space and a more pedestrian-friendly design at the ground level of Block C2, the applicant has provided the attached revised plans with conceptual elevations, site plan and floor plans showing approximately 5,000 square feet of additional retail on the ground floor of Block

C2. Both the approved and proposed Planned Development Zonings allow retail commercial uses on the ground floor of Block C2. This brings the on-site retail proposed by the applicant to 25,900 square feet and the total non-residential floor area (including leasing offices and athletic facilities) to 34,310 square feet.

Staff has also provided revised Draft Development Standards (see attached) that clarify Phases I and II, as referenced in the affordable housing requirements of Condition No. 8. Phase I is intended to include Blocks A, B, C1, C2 and D and Phase II is intended to include Block D.

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

Attachments
Revised Plans
Revised Draft Development Standards

cc: John Vidovich, 920 West Fremont Avenue, Sunnyvale, CA 94087

PDC05-095
DRAFT DEVELOPMENT STANDARDS

A. DEVELOPMENT PARCELS

1. USES

a. **Permitted Uses.** Residential/Mixed-Use Parcels (Parcels A, B, C1, C2, D and E) shall be developed with for-sale and/or rental flats, townhouses, condominiums and/or apartments and permitted uses of the CP Commercial Pedestrian Zoning District of the City of San Jose Zoning Ordinance, as amended. Live work uses may be allowed with a Planned Development Permit.

b. **Conditional Uses.** Conditional Uses of the CP Commercial Pedestrian Zoning District of the City of San Jose Zoning Ordinance, as amended, shall be allowed subject to approval of a Planned Development Permit(s)/Amendment(s). These uses included:

Off-Sale of Alcohol. Sale of alcohol for off-site consumption shall be allowed subject to approval of a Planned Development Permit by the Director of Planning. The sale of alcohol for on-site consumption will be allowed incidental to a restaurant.

After Midnight Uses. Commercial uses operating between the hours of 12 midnight and 6 a.m. shall be allowed subject to approval of a Planned Development Permit by the Director of Planning.

c. **Resident Serving Support Uses**

Also permitted within the Residential/Mixed-Use Parcels are resident-serving support uses such as leasing offices, club houses, health clubs, fitness rooms, meeting rooms, pools and other residential amenities.

2. PHYSICAL DEVELOPMENT STANDARDS

a. **Development Size and Density**

(1) A maximum of 505 dwelling units shall be permitted on Parcels A, B, C, D and E. The minimum number of dwelling units shall be 300.

(2) A maximum of 100,000 square feet and a minimum of 50,000 square feet of retail/commercial uses may be developed on Parcels C1, C2, D and E.

a. Maximum Height

The site is subject to the following height requirements as depicted on the *Maximum Height Diagram.*

1) *Blocks A.* Buildings/structures shall not exceed 25 feet in height at the minimum setback (35 feet) from the south property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

2) *Block B.* Buildings/structures shall not exceed 25 feet in height at the minimum setback (35 feet) from the southerly property line and shall not exceed 35 feet at the minimum setback (15 feet) from the east property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

3) *Block C1.* Buildings/structures shall not exceed 40 feet in height at the minimum setback (15 feet) from the east property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

4) *Block C2.* See Maximum Height Diagram for areas subject to maximum height limits of 65, 75 and 85 feet.

5) *Block E.* Buildings/structures shall not exceed 60 feet in height.

6) *Block D.* Buildings/structures shall not exceed 50 feet in height.

7) *Exception.* Non-habitable architectural projections and special treatments (e.g., chimneys, weather vanes, cupolas, pediments and other devices) shall be permitted to project above the maximum height limits to create architectural variation. Non-habitable mechanical and equipment rooms shall also be permitted to exceed the height limit provided that such equipment is screened from predominant public view or architecturally integrated within the building. Such projections shall not exceed 15 feet in height and shall be limited in area to no more than 20% of the floor area of the uppermost habitable floor.

b. Minimum Height

The minimum height along the central open space shall be 25 feet or two floors to ensure strong spatial definition.

c. **Perimeter Setbacks:** Buildings shall be oriented parallel to perimeter streets and to the publicly accessible streets, promenades and paseos of the planned community, subject to the following:

(1) No setback is required along the Southwest Expressway and Fruitdale Avenue frontages, except as sufficient to create a sidewalk and landscaped parkway of at least 20 feet in width. This 20-foot width may be reduced only as needed to accommodate a bus stop.

(2) Buildings along the southern property line shall provide a minimum setback of 35 feet to provide for continuous emergency access and a landscaped buffer.

(3) Buildings along St. Elizabeth Drive shall be set back by a minimum of 15 feet to create a landscaped zone for residential entries.

(4) Porches and stoops may extend into any setback area by a maximum of eleven feet.

(5) At street intersections such encroachments may extend into the setback area but shall not encroach on the triangle of land formed by two (2) intersecting streets, where two (2) sides of the triangle consist of the curb lines of the intersecting streets and the third side of the triangle is a straight line drawn between points on each curb line located forty (40) feet from the intersection.

(6) Minor architectural projections such as fireplaces and bay windows may project into any setback by up to two feet for a length not to exceed 20 feet or 20 percent of the building elevation length.

d. **Podium Setbacks.** Parking garages shall be permitted to be constructed to the setback lines described above, provided that they conform with the provisions for ground level orientation and treatment described in Section 5.

e. **Setbacks from Interior Property Lines.** Minimum Building setbacks from interior property lines shall be zero, except that greater setbacks shall be provided as necessary to conform to the Uniform Building Code.

3. OPEN SPACE, PASEOS AND PROMENADES

The configuration of open space, paseos and promenades within the planned development is intended to create a strong amenity for the use of residents and employees, as well as a public-spirited environment that is welcoming to the surrounding neighborhood. It is particularly important that the open spaces and walkways within the development provide convenient, safe and comfortable linkages to the light rail station at Fruitdale Avenue and Southwest Expressway. The open space, paseos and promenade shall be subject to the following:

a. A central open space of at least 0.8 contiguous acres shall be provided within the heart of the new community.

b. An east-west publicly accessible "Paseo" with a minimum width of 50 feet measured from building face to building face shall be provided between St. Elizabeth Drive and the Southwest Expressway, as a linkage between the Fruitdale LRT station and the neighborhoods to the east. The width of the paseo pathway shall be a minimum of 15 feet;

c. A north south publicly accessible "Promenade" of at least 8 feet in width shall be provided along the eastern edge of the open space to provide a linkage between the Paseo and the Fruitdale Avenue/Southwest Expressway intersection.

d. The paseo and promenade shall be no closer than 15 feet from the front face of adjacent residential buildings.

e. The paseos shall not be gated and the central open space shall not be fenced.

4. RESIDENTIAL OPEN SPACE

a. At least 50% of residential units within the development must provide a minimum of 60 square feet of private open space such as balconies.

b. A minimum of 100 square feet of common useable open space shall be provided for each residential unit.

5. GROUND LEVEL ORIENTATION AND TREATMENTS

a. On Parcels B and C1 facing St. Elizabeth Drive, residential units must provide their primary entries oriented to street. Unit entries shall include front stoops with a ground elevation not to exceed 60 inches above grade. The interval of entries should be no greater than 50 feet.

b. On Parcel C2 Fruitdale Avenue, ground level retail uses shall be located along the frontage within 12 inches of predominant grade. This frontage should include a storefront treatment with glazing that provides 60% transparency, as measured from floor to ceiling. Awnings, canopies and/or arcades encouraged.

c. On Parcel C2 St. Elizabeth Drive frontage, residential units with at-grade entries or commercial store-fronts shall be located along the street frontage.

d. On Parcels D and E facing Southwest Expressway ground level retail shall be maintained within 12 inches of grade. This frontage should include a storefront treatment with glazing that provides 60% transparency, as measured from floor to ceiling. Awnings, canopies and/or arcades encouraged.

e. On Parcels A, B and C facing the East-West Paseo and North-South Promenade, residential units must provide their primary entries with front stoops at a ground level elevation not to exceed 72 inches above grade. The interval of entries should be no greater than 50 feet.

f. Parking Garages:

(1) On Parcels A, B and C1 where there is ground level residential use, garages are permitted along St. Elizabeth Drive, and the east-west and north-south promenade, up to the setback line, provided that the garage is depressed below grade, with the exposed portion not to exceed 60 inches above grade. Parking shall be architecturally integrated, and screened with landscaping.

(2) On Parcel D where there is ground level office, parking will be permitted to protrude up to 12 inches above grade.

(3) All other parking adjacent to public streets or internal streets, promenades and paseos must be encapsulated, except for the north face of Parcel C1, adjacent to the east/west driveway, which subject to the approval of the Director of Planning, may be permitted to have a full one story elevation of parking if this elevation is architecturally integrated within the overall façade of the building and if public pedestrian access to the parking level is provided from the east-west driveway.

f. Surface Parking Lots:

(1) A surface parking lot of up to 50 spaces may be provided in the southwestern corner of the site with pedestrian access to the east-west paseo connecting to the Fruitdale Station.

(2) A surface parking lot with a maximum of 50 spaces may be provided between Blocks E and C2.

(3) Surface parallel parking is permitted along interior driveways and streets.

(4) The minimum requirement for landscaping within surface parking lots is one tree for each four parking spaces.

g. Parking Access Curb Cuts:

(1) Driveways and curb cuts shall be located at least 100 feet from an intersection with any perimeter street;

(2) No driveway curb cuts will be permitted along the Southwest Expressway, apart from the planned new street intersection providing access to the project area.

(3) Only one curb cut will be permitted along Fruitdale Avenue.

(4) No parking ramp will be permitted within the public right-of-way.

(5) Sight lines and transition slopes at driveways and parking entries shall be designed as per City of San Jose Public Works standards.

h. Loading Access Curb Cuts:

Trucks and service vehicles must be able to maneuver within the property, and not rely on the public right-of-way.

6. OFF-STREET PARKING AND LOADING STANDARDS

a. Residential parking standards shall comply with the City of San Jose's Residential Parking Standards for open garages as follows:

- Studios: 1.5 spaces/unit
- 1 Bedroom: 1.5 spaces/unit
- 2 Bedroom: 2.0 spaces/unit
- 3 Bedroom: 2.0 spaces/unit
- Each Additional Bedroom: 0.25 spaces

b. Tandem parking is allowed subject to approval of a Planned Development Permit. All commercial uses shall comply with the City of San Jose's Parking Standards, except as specified. A 15% reduction is allowed due to the proximity of the project to light rail transit.

c. Neighborhood serving retail uses less than 5,000 square feet in area may be exempt from parking requirements if it is demonstrated to the satisfaction of the Director of Planning that such uses will predominantly serve nearby residents and employees, and will not create undue parking impacts.

d. Parking spaces within this development will meet the size requirement noted in Section 20.12.180 of the City of San Jose Zoning Ordinance.

e. Ten percent of the residential parking shall be designated for visitors. This parking, and any other parking for the use of the general public (e.g., required commercial parking) should be located in the most accessible areas of the project and may be located at grade.

f. No off-street loading spaces shall be required within the Residential/Mixed-Use Parcels, provided that permitted individual commercial businesses do not exceed 5,000 gross square feet.

g. Commercial uses greater than 5,000 gross square feet shall comply with City of San Jose Zoning standards for off-street loading spaces.

h. Bicycle parking shall be provided in conformance with the requirements of Title 20 of the San Jose Municipal Code, as amended.

7. **ARCHITECTURAL TREATMENT** The intent is to create a transit and pedestrian-oriented neighborhood rather than isolated building projects.

a. Buildings should be designed to reinforce the spatial organization and cohesiveness of the new community, providing a clear edge to the public open spaces, promenades, paseos and streets which define and traverse the area.

b. Building facades along St. Elizabeth Drive and the internal streets, promenade, paseo and park should be scaled to the pedestrian.

c. Massing should create interest and variety, with modulation in the roofline silhouette, as well as in the façade, with the use of bay windows, balconies, loggias, projecting eaves, etc.

d. Treatment of the building elevation along Fruitdale Avenue should provide for visibility to ground level retail and public-oriented uses, but ensure a harmonious and integrated façade with upper level uses.

e. Treatment of the building elevation along the Southwest Expressway should recognize the large scale of this urban transit boulevard, but avoid a monolithic appearance through modulation in both the roofline and in the fenestration and vertical plane of the facade.

f. Special architectural treatment (e.g., towers, radial corner, special fenestration, etc.) should be employed at the intersection of Fruitdale Avenue and Southwest Expressway to create an urban edge and to create a landmark statement opposite the transit station.

g. In addition, special architectural expression should be employed within the development at key entries, view termini and corners to provide for further articulation, scale and interest.

8. **AFFORDABLE HOUSING.** Prior to issuance of any Planned Development Permit to implement this Zoning, the property owner shall ensure that at least 9 percent of the units ~~in Phase I~~ on Blocks A, B, C1, C2 and D of the subject development shall be available at affordable housing costs to persons and families of low or moderate income and that at least 6 percent of the units in Phase I shall be available at affordable housing costs to persons and families of very low-income households as required by State law for the required time-period by recording affordability restrictions implementing Health and Safety Code Section 33413.

Prior to the approval of a Planned Development Permit for ~~Phase II~~ Block E, the property owner shall fully comply with the City's current Inclusionary Housing Policy by recording affordability restrictions implementing Health and Safety Code Section 33413.

9. **SCHEDULE OF PUBLIC IMPROVEMENTS**

- The applicant shall implement the following to the satisfaction of the Director of Public Works:

  a) Construct a second southbound left-turn lane along Southwest Expressway and Fruitdale Avenue and extend the southbound left-turn lane to 220 feet.

  b) Construct a second westbound left-lane along Fruitdale Avenue and Southwest Expressway and extend westbound left-turn lane to 220 feet.

  c) Install a traffic signal on Southwest Expressway and the Project Site Driveway and interconnect it with the signal at the intersection of Southwest Expressway and Fruitdale Avenue.

  d) Construct two southbound left-turn lanes of at least 200 feet each along Southwest Expressway and the Project Site Driveway.

  e) Install a traffic signal at the intersection of Saint Elizabeth Drive and Fruitdale Avenue.

f) In lieu of installing a pedestrian traffic signal across Saint Elizabeth Drive, developer to contribute $50,000 for future traffic calming along the St. Elizabeth drive corridor.

g) The In Lieu Undergrounding Fee shall be paid to the City for all frontages adjacent to Southwest Expressway and Fruitdale Avenue prior to issuance of a Public Works clearance. 100 percent of the base fee in place at the time of payment will be due. (Currently, the base fee is $224 per linear foot of frontage.) The Director of Public Works may, at her discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to Southwest Expressway and Fruitdale Avenue. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

h) Remove and replace curb, gutter, and sidewalk along project frontages on Southwest Expressway, Fruitdale Avenue, and Saint Elizabeth Drive.

i) Close unused driveway cut(s).

j) Proposed driveway width on Fruitdale Avenue cannot be wider than 32 feet.

k) Install handicap ramp at the corner of Southwest Expressway and Fruitdale Avenue

l) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.

m) Existing bus shelter and bus pad will need to be relocated due to the location of the proposed driveway on Fruitdale Avenue. Location of the new bus stop will need to be determined prior to the approval of this zoning permit and at a location acceptable to the VTA. For additional information or assistance, please contact Kiyo Ushino, VTA Passenger Facilities Program Manager, at (408) 321-5828.

n) Extend the northern crosswalk of the proposed intersection on Southwest Expressway and the project driveway to the future Fruitdale Light Rail Station and install sidewalk connecting crosswalk and the southern end of the Fruitdale Station platform.

o) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

p) Developer is required to construct landscaped median on Southwest Expressway along project frontage. Upon successful completion of the median island, the City will reimburse the developer for the reimbursable costs of the construction pursuant to the Residential Construction Tax Contribution Fund Program, in accordance with section 4.64.100 of the Municipal Code.

B. PERFORMANCE STANDARDS

Lighting. All light fixtures except pedestrian lighting shall use low-pressure sodium fixtures of full or modified cut-off design. Light fixtures within surface parking lots shall not exceed 25 feet in height.

C. ENVIRONMENTAL MITIGATIONS

Prior to issuance of a Planned Development Permit, a noise analysis, supplementing the report prepared by Illingworth and Rodkin, dated November 11, 1999 shall be submitted to the satisfaction of the Director of Planning. This supplemental report shall identify window and other building specifications needed to reduce interior noise levels to 45 db DNL.

D. WATER POLLUTION CONTROL PLANT NOTE

- Pursuant to Part 2.75 of 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 make a determination that the cumulative sewage treatment demand on 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 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.

E. PRIVATE INFRASTRUCTURE STANDARDS

- All private streets and infrastructure shall comply with Common Interest Development Standards to the satisfaction of the Director of Public Works.

F. PARKLAND DEDICATION/FEE REQUIREMENTS

The project is subject to the applicable requirements of the Parkland Dedication and Impact Ordinances. The applicant has dedicated to the City approximately 0.5 acres of public parkland within 300 feet of the project site.

G. PRIOR PERMIT

Development allowed pursuant to Planned Development Permit File No. PD01-013 for Phase I (blocks A, B, and D) is incorporated into this Planned Development Zoning.

COUNCIL AGENDA: ~~4-18-06~~ ~~5/16/06~~ 5/2/06
ITEM: ~~11.4~~ ~~11.3~~ ~~6-13 11.5~~ 6-20-06 – 11.11

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

190066

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: March 23, 2006

COUNCIL DISTRICT: 6

SUBJECT: PDC05-095, PLANNED DEVELOPMENT REZONING FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO INCREASE THE MAXIMUM NUMBER OF ATTACHED RESIDENTIAL UNITS FROM 500 TO 502, TO ELIMINATE 250,000 SQUARE FEET OF COMMERCIAL, TO REDUCE THE MAXIMUM AMOUNT OF RETAIL FROM 30,000 TO 29,225 SQUARE FEET, AND TO MODIFY THE DEVELOPMENT STANDARDS FOR THE 12.7-ACRE SITE LOCATED ON THE SOUTHEAST CORNER OF SOUTHWEST EXPRESSWAY AND FRUITDALE AVENUE.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed rezoning as recommended by staff, with a minimum of 50,000 and up to100,00 square feet of commercial uses focused along the street frontages.

BACKGROUND

On March 22, 2006, the Planning Commission held a public hearing to consider a rezoning from A(PD) Planned Development to A(PD) Planned Development to increase the maximum number of attached residential units from 500 to 502, to eliminate 250,000 square feet of commercial, to reduce the maximum amount of retail from 30,000 to 29,225 square feet and to modify the development standards for the 12.7-acre site located on the southeast corner of Southwest Expressway and Fruitdale Avenue.

The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. Staff provided a brief oral report to the Commission regarding changes to the Draft Development Standards recommended in response to community input, including a requirement for residential units with ground-level entrances on the St. Elizabeth Drive frontage of Block C2, the associated increase in allowed residential units from 502 to 505 and a prohibition on fencing the central 0.8-acre open space (in addition to the previously recommended prohibition on gating the paseos).

Public Testimony

The applicant made a brief presentation regarding the history of the project site and Redevelopment Agency involvement and indicated that he objected to the prohibition on gates and fences, indicating that security would be needed at night and that this issue should be addressed at the Planned Development Permit stage.

Ed Rast, representing the Willow Glen Neighborhood Association, expressed concern about the potential loss of the 7-11 use on the corner of Fruitdale Avenue and St. Elizabeth Drive, indicated that the 8.5 story building would not fit well into the area, that more commercial should be retained on the site and that the mixed-use component should not be lost as it had been at other transit sites. He expressed concern that benches and BBQ pits were not included in the central open space and that trees surrounding the area could be a security issue at night.

Randi Kinman representing the Sherman Oaks Neighborhood Association indicated that the project should provide more employment opportunities, that both retail and office square footage had been greatly reduced and that additional retail uses were needed in this area. She questioned whether the project proposal for the corner of Fruitdale Avenue and St. Elizabeth Drive could be built due to the 15-year lease held by the existing 7-11 retail store and expressed concern regarding the height of the building proposed at this location due to its proximity to the existing residential uses, including a single-family house.

Several speakers expressed concern that the 85-foot maximum height of the proposed building at Fruitdale and St. Elizabeth Drive would be too intrusive and that the Southwest Expressway frontage would be a more appropriate location for this height. Several speakers indicated the need for additional retail in this area, indicating that the former Kmart on the site had provided retail opportunities that served the needs of the neighborhood. Speakers indicated a desire for such retail and personal service uses as restaurants, clothing stores, and cleaners.

Harvey Darnell reiterated concern regarding the loss of retail and tax generating uses and emphasized the importance of providing light rail line patrons opportunities to spend money in San Jose rather than other cities.

In his closing remarks, the applicant asked for flexibility regarding the proposed requirement for ground-floor residential units on the St. Elizabeth Drive frontage of Block C2 to allow for adequate parking and stated that his project should not be treated differently than other projects in regard to the requirement to provide affordable units. The applicant clarified that he is currently proposing 21,000 square feet of retail, where 7,000 square feet were previously proposed.

Commission Discussion

Commissioner James asked whether, in the absence of a market for office space, it would be feasible to provide more retail on the site. In response, the applicant explained how at-grade areas of the project were modified to provide the proposed retail in a u-shaped configuration around the parking. He indicated that additional retail would require additional parking which would need to encroach into the open space area.

Commissioner Levy expressed concern that the large open space did not provide appropriate amenities. The applicant indicated that it might be possible to include benches around the perimeter of the park and that this could be addressed at the Planned Development Permit stage.

Staff concurred with neighbors that the Southwest Expressway frontage is the best location on the site for height, but that the corner of Fruitdale Avenue and St. Elizabeth Drive is second best. Staff indicated that this is a prominent corner and that the proposed building has a small footprint, steps down at the St. Elizabeth frontage and fits well in this location.

Commissioner James expressed concern that the more residential units were not being constructed. He indicated that since office uses were unlikely in the short term he would like to see more units on the west side of the site and more retail on the 7-11 site. He asked staff to clarify whether the project was being treated the same as other projects in regard to the affordable housing requirement.

Staff responded that the project was being treated the same as other projects located within a Redevelopment Area. Staff clarified that the requirement for affordable units was included in the approved Planned Development Zoning and that the Redevelopment Agency had indicated that already-approved units would provide 15 Percent of the units as affordable, while new units would be subject to a 20-percent requirement.

Commissioner Zito asked about the status of the approved units under the proposed new zoning and questioned the proposed 15-percent parking reduction. Staff responded that the approved plans for the blocks where no changes were proposed (Blocks A, B and D) were incorporated into the new Development Standards by reference and clarified that the 15 percent parking reduction was included in the original zoning and that it was appropriate give the transit-oriented character of the development and proximity to the light rail station. Deputy Director Hamilton further clarified that a 10-percent reduction was allowed under the Zoning Code, but that a higher percentage could be allowed under a Planned Development Zoning,

Commissioner Levy indicated that it would be appropriate to add more commercial and inquired about the typical size of a sit-down restaurant. Staff indicated that such restaurants ranged between 3,000 and 8,000 square feet but that 5,000 square feet was typical and could be accommodated on the site. Staff indicated that most of the proposed retail was located at the street where retail is most successful, but that retail had also been located on the interior side of the parking lot where it would draw customers into the site and allow for uses, such as sidewalk cafes, that would benefit from views of the central open space.

Commissioner James asked if the Commission's recommendation could include more retail along Fruitdale and along St. Elizabeth Drive in Block C2. Staff responded that ground floor uses along these frontages were already proposed to be entirely retail except for the residential entrance lobby on the Block C2 building. Staff indicated that the existing environmental review documents for this site would allow for more commercial.

Commissioner Zito concurred that a stronger commercial component would be advisable and moved that the Commission recommend approval of the project with up to 505 attached residential units, up to 50,000 feet of retail and up to 50,000 square feet of commercial. Commissioner James expressed concern that 100,000 square feet of commercial might be more

than could be leased at this location. Commissioner Levy suggested a minimum of 50,000 square feet of retail/commercial. Commissioner Zito revised the motion to recommend approval of up to 505 attached residential units, with a maximum of 100,000 square feet of commercial and a minimum of 50,000 square feet and indicated that the commercial should be located along the street frontages. Staff clarified that the C2 Block was the most appropriate location along St. Elizabeth Drive for commercial uses and the Commission concurred.

PUBLIC OUTREACH

A community meeting was held for the project on January 17, 2006, with an attendance of approximately 50. Those in attendance expressed concern regarding the following: the loss of jobs associated with the proposed changes to the project; the height and design of the building proposed for the corner of Fruitdale and St. Elizabeth Drive; the potential for this building to shade nearby residential uses; the need for dedication of park land; the need for adequate maintenance of the recreation and open space facilities; the need for on-site security; the lack of affordable units; the need to preserve the existing 7-Eleven business and a desire for additional neighborhood-serving retail uses; the adequacy of visitor parking; the need to protect retail and visitor parking from LRT riders; the need to synchronize the traffic signals on Southwest Expressway and replace the existing bus shelter; and the existing problem of large trucks parking on Southwest Expressway.

A notice of the public hearing before the Planning Commission and City Council was published and distributed to the owners and tenants of all properties located within 1,000 feet of the project site and to all those who signed the attendance sheets at the November 1, 2000 public meetings. Staff has been available to discuss the project with members of the public. This staff report is available for review on the City's web site.

COORDINATION

This project was coordinated with the Department of PublicWorks, Fire Department, Police Department, Parks Department, Environmental Services Department, and the City Attorney.

CEQA

Environmental Impact Reports, Resolution Nos. 69886 and 70356.

Susan Walton

for JOSEPH HORWEDEL
Secretary, Planning Commission

Attachments /: Revised Draft Development Standards

PDC05-095
DRAFT DEVELOPMENT STANDARDS

A. DEVELOPMENT PARCELS

1. USES

a. **Permitted Uses.** Residential/Mixed-Use Parcels (Parcels A, B, C1, C2, D and E) shall be developed with for-sale and/or rental flats, townhouses, condominiums and/or apartments and permitted uses of the CP Commercial Pedestrian Zoning District of the City of San Jose Zoning Ordinance, as amended. Live work uses may be allowed with a Planned Development Permit.

b. **Conditional Uses.** Conditional Uses of the CP Commercial Pedestrian Zoning District of the City of San Jose Zoning Ordinance, as amended, shall be allowed subject to approval of a Planned Development Permit(s)/Amendment(s). These uses included:

Off-Sale of Alcohol. Sale of alcohol for off-site consumption shall be allowed subject to approval of a Planned Development Permit by the Director of Planning. The sale of alcohol for on-site consumption will be allowed incidental to a restaurant.

After Midnight Uses. Commercial uses operating between the hours of 12 midnight and 6 a.m. shall be allowed subject to approval of a Planned Development Permit by the Director of Planning.

c. **Resident Serving Support Uses**

Also permitted within the Residential/Mixed-Use Parcels are resident-serving support uses such as leasing offices, club houses, health clubs, fitness rooms, meeting rooms, pools and other residential amenities.

2. PHYSICAL DEVELOPMENT STANDARDS

a. **Development Size and Density**

(1) A maximum of 505 dwelling units shall be permitted on Parcels A, B, C, D and E. The minimum number of dwelling units shall be 300.

(2) A maximum of 100,000 square feet and a minimum of 50,000 square feet of retail/commercial uses may be developed on Parcels C1, C2, D and E.

a. Maximum Height

The site is subject to the following height requirements as depicted on the *Maximum Height Diagram.*

1) *Blocks A.* Buildings/structures shall not exceed 25 feet in height at the minimum setback (35 feet) from the south property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

2) *Block B.* Buildings/structures shall not exceed 25 feet in height at the minimum setback (35 feet) from the southerly property line and shall not exceed 35 feet at the minimum setback (15 feet) from the east property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

3) *Block C1.* Buildings/structures shall not exceed 40 feet in height at the minimum setback (15 feet) from the east property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

4) *Block C2.* See Maximum Height Diagram for areas subject to maximum height limits of 65, 75 and 85 feet.

5) *Block E.* Buildings/structures shall not exceed 60 feet in height.

6) *Block D.* Buildings/structures shall not exceed 50 feet in height.

7) *Exception.* Non-habitable architectural projections and special treatments (e.g., chimneys, weather vanes, cupolas, pediments and other devices) shall be permitted to project above the maximum height limits to create architectural variation. Non-habitable mechanical and equipment rooms shall also be permitted to exceed the height limit provided that such equipment is screened from predominant public view or architecturally integrated within the building. Such projections shall not exceed 15 feet in height and shall be limited in area to no more than 20% of the floor area of the uppermost habitable floor.

b. Minimum Height

The minimum height along the central open space shall be 25 feet or two floors to ensure strong spatial definition.

c. **Perimeter Setbacks:** Buildings shall be oriented parallel to perimeter streets and to the publicly accessible streets, promenades and paseos of the planned community, subject to the following:

(1) No setback is required along the Southwest Expressway and Fruitdale Avenue frontages, except as sufficient to create a sidewalk and landscaped parkway of at least 20 feet in width. This 20-foot width may be reduced only as needed to accommodate a bus stop.

(2) Buildings along the southern property line shall provide a minimum setback of 35 feet to provide for continuous emergency access and a landscaped buffer.

(3) Buildings along St. Elizabeth Drive shall be set back by a minimum of 15 feet to create a landscaped zone for residential entries.

(4) Porches and stoops may extend into any setback area by a maximum of eleven feet.

(5) At street intersections such encroachments may extend into the setback area but shall not encroach on the triangle of land formed by two (2) intersecting streets, where two (2) sides of the triangle consist of the curb lines of the intersecting streets and the third side of the triangle is a straight line drawn between points on each curb line located forty (40) feet from the intersection.

(6) Minor architectural projections such as fireplaces and bay windows may project into any setback by up to two feet for a length not to exceed 20 feet or 20 percent of the building elevation length.

d. **Podium Setbacks.** Parking garages shall be permitted to be constructed to the setback lines described above, provided that they conform with the provisions for ground level orientation and treatment described in Section 5.

e. **Setbacks from Interior Property Lines.** Minimum Building setbacks from interior property lines shall be zero, except that greater setbacks shall be provided as necessary to conform to the Uniform Building Code.

3. OPEN SPACE, PASEOS AND PROMENADES

The configuration of open space, paseos and promenades within the planned development is intended to create a strong amenity for the use of residents and employees, as well as a public-spirited environment that is welcoming to the surrounding neighborhood. It is particularly important that the open spaces and walkways within the development provide convenient, safe and comfortable linkages to the light rail station at Fruitdale Avenue and Southwest Expressway. The open space, paseos and promenade shall be subject to the following:

a. A central open space of at least 0.8 contiguous acres shall be provided within the heart of the new community.

b. An east-west publicly accessible "Paseo" with a minimum width of 50 feet measured from building face to building face shall be provided between St. Elizabeth Drive and the Southwest Expressway, as a linkage between the Fruitdale LRT station and the neighborhoods to the east. The width of the paseo pathway shall be a minimum of 15 feet;

c. A north south publicly accessible "Promenade" of at least 8 feet in width shall be provided along the eastern edge of the open space to provide a linkage between the Paseo and the Fruitdale Avenue/Southwest Expressway intersection.

d. The paseo and promenade shall be no closer than 15 feet from the front face of adjacent residential buildings.

e. The paseos shall not be gated and the central open space shall not be fenced.

4. RESIDENTIAL OPEN SPACE

a. At least 50% of residential units within the development must provide a minimum of 60 square feet of private open space such as balconies.

b. A minimum of 100 square feet of common useable open space shall be provided for each residential unit.

5. GROUND LEVEL ORIENTATION AND TREATMENTS

a. On Parcels B and C1 facing St. Elizabeth Drive, residential units must provide their primary entries oriented to street. Unit entries shall include front stoops with a ground elevation not to exceed 60 inches above grade. The interval of entries should be no greater than 50 feet.

b. On Parcel C2 Fruitdale Avenue, ground level retail uses shall be located along the frontage within 12 inches of predominant grade. This frontage should include a storefront treatment with glazing that provides 60% transparency, as measured from floor to ceiling. Awnings, canopies and/or arcades encouraged.

c. On Parcel C2 St. Elizabeth Drive frontage, residential units with at-grade entries or commercial store-fronts shall be located along the street frontage.

d. On Parcels D and E facing Southwest Expressway ground level retail shall be maintained within 12 inches of grade. This frontage should include a storefront treatment with glazing that provides 60% transparency, as measured from floor to ceiling. Awnings, canopies and/or arcades encouraged.

e. On Parcels A, B and C facing the East-West Paseo and North-South Promenade, residential units must provide their primary entries with front stoops at a ground level elevation not to exceed 72 inches above grade. The interval of entries should be no greater than 50 feet.

f. Parking Garages:

(1) On Parcels A, B and C1 where there is ground level residential use, garages are permitted along St. Elizabeth Drive, and the east-west and north-south promenade, up to the setback line, provided that the garage is depressed below grade, with the exposed portion not to exceed 60 inches above grade. Parking shall be architecturally integrated, and screened with landscaping.

(2) On Parcel D where there is ground level office, parking will be permitted to protrude up to 12 inches above grade.

(3) All other parking adjacent to public streets or internal streets, promenades and paseos must be encapsulated, except for the north face of Parcel C1, adjacent to the east/west driveway, which subject to the approval of the Director of Planning, may be permitted to have a full one story elevation of parking if this elevation is architecturally integrated within the overall façade of the building and if public pedestrian access to the parking level is provided from the east-west driveway.

f. Surface Parking Lots:

(1) A surface parking lot of up to 50 spaces may be provided in the southwestern corner of the site with pedestrian access to the east-west paseo connecting to the Fruitdale Station.

(2) A surface parking lot with a maximum of 50 spaces may be provided between Blocks E and C2.

(3) Surface parallel parking is permitted along interior driveways and streets.

(4) The minimum requirement for landscaping within surface parking lots is one tree for each four parking spaces.

g. Parking Access Curb Cuts:

(1) Driveways and curb cuts shall be located at least 100 feet from an intersection with any perimeter street;

(2) No driveway curb cuts will be permitted along the Southwest Expressway, apart from the planned new street intersection providing access to the project area.

(3) Only one curb cut will be permitted along Fruitdale Avenue.

(4) No parking ramp will be permitted within the public right-of-way.

(5) Sight lines and transition slopes at driveways and parking entries shall be designed as per City of San Jose Public Works standards.

h. Loading Access Curb Cuts:

Trucks and service vehicles must be able to maneuver within the property, and not rely on the public right-of-way.

6. OFF-STREET PARKING AND LOADING STANDARDS

a. Residential parking standards shall comply with the City of San Jose's Residential Parking Standards for open garages as follows:

- Studios: 1.5 spaces/unit
- 1 Bedroom: 1.5 spaces/unit
- 2 Bedroom: 2.0 spaces/unit
- 3 Bedroom: 2.0 spaces/unit
- Each Additional Bedroom: 0.25 spaces

b. Tandem parking is allowed subject to approval of a Planned Development Permit. All commercial uses shall comply with the City of San Jose's Parking Standards, except as specified. A 15% reduction is allowed due to the proximity of the project to light rail transit.

c. Neighborhood serving retail uses less than 5,000 square feet in area may be exempt from parking requirements if it is demonstrated to the satisfaction of the Director of Planning that such uses will predominantly serve nearby residents and employees, and will not create undue parking impacts.

d. Parking spaces within this development will meet the size requirement noted in Section 20.12.180 of the City of San Jose Zoning Ordinance.

e. Ten percent of the residential parking shall be designated for visitors. This parking, and any other parking for the use of the general public (e.g., required commercial parking) should be located in the most accessible areas of the project and may be located at grade.

f. No off-street loading spaces shall be required within the Residential/Mixed-Use Parcels, provided that permitted individual commercial businesses do not exceed 5,000 gross square feet.

g. Commercial uses greater than 5,000 gross square feet shall comply with City of San Jose Zoning standards for off-street loading spaces.

h. Bicycle parking shall be provided in conformance with the requirements of Title 20 of the San Jose Municipal Code, as amended.

7. **ARCHITECTURAL TREATMENT** The intent is to create a transit and pedestrian-oriented neighborhood rather than isolated building projects.

a. Buildings should be designed to reinforce the spatial organization and cohesiveness of the new community, providing a clear edge to the public open spaces, promenades, paseos and streets which define and traverse the area.

b. Building facades along St. Elizabeth Drive and the internal streets, promenade, paseo and park should be scaled to the pedestrian.

c. Massing should create interest and variety, with modulation in the roofline silhouette, as well as in the façade, with the use of bay windows, balconies, loggias, projecting eaves, etc.

d. Treatment of the building elevation along Fruitdale Avenue should provide for visibility to ground level retail and public-oriented uses, but ensure a harmonious and integrated façade with upper level uses.

e. Treatment of the building elevation along the Southwest Expressway should recognize the large scale of this urban transit boulevard, but avoid a monolithic appearance through modulation in both the roofline and in the fenestration and vertical plane of the facade.

f. Special architectural treatment (e.g., towers, radial corner, special fenestration, etc.) should be employed at the intersection of Fruitdale Avenue and Southwest Expressway to create an urban edge and to create a landmark statement opposite the transit station.

g. In addition, special architectural expression should be employed within the development at key entries, view termini and corners to provide for further articulation, scale and interest.

8. **AFFORDABLE HOUSING.** Prior to issuance of any Planned Development Permit to implement this Zoning, the property owner shall ensure that at least 9 percent of the units in Phase I of the subject development shall be available at affordable housing costs to persons and families of low or moderate income and that at least 6 percent of the units in Phase I shall be available at affordable housing costs to persons and families of very low-income households as required by State law for the required time-period by recording affordability restrictions implementing Health and Safety Code Section 33413.

Prior to the approval of a Planned Development Permit for Phase II, the property owner shall fully comply with the City's current Inclusionary Housing Policy by recording affordability restrictions implementing Health and Safety Code Section 33413.

9. **SCHEDULE OF PUBLIC IMPROVEMENTS**

- The applicant shall implement the following to the satisfaction of the Director of Public Works:

  a) Construct a second southbound left-turn lane along Southwest Expressway and Fruitdale Avenue and extend the southbound left-turn lane to 220 feet.

  b) Construct a second westbound left-lane along Fruitdale Avenue and Southwest Expressway and extend westbound left-turn lane to 220 feet.

  c) Install a traffic signal on Southwest Expressway and the Project Site Driveway and interconnect it with the signal at the intersection of Southwest Expressway and Fruitdale Avenue.

  d) Construct two southbound left-turn lanes of at least 200 feet each along Southwest Expressway and the Project Site Driveway.

  e) Install a traffic signal at the intersection of Saint Elizabeth Drive and Fruitdale Avenue.

f) In lieu of installing a pedestrian traffic signal across Saint Elizabeth Drive, developer to contribute $50,000 for future traffic calming along the St. Elizabeth drive corridor.

g) The In Lieu Undergrounding Fee shall be paid to the City for all frontages adjacent to Southwest Expressway and Fruitdale Avenue prior to issuance of a Public Works clearance. 100 percent of the base fee in place at the time of payment will be due. (Currently, the base fee is $224 per linear foot of frontage.) The Director of Public Works may, at her discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to Southwest Expressway and Fruitdale Avenue. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

h) Remove and replace curb, gutter, and sidewalk along project frontages on Southwest Expressway, Fruitdale Avenue, and Saint Elizabeth Drive.

i) Close unused driveway cut(s).

j) Proposed driveway width on Fruitdale Avenue cannot be wider than 32 feet.

k) Install handicap ramp at the corner of Southwest Expressway and Fruitdale Avenue

l) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.

m) Existing bus shelter and bus pad will need to be relocated due to the location of the proposed driveway on Fruitdale Avenue. Location of the new bus stop will need to be determined prior to the approval of this zoning permit and at a location acceptable to the VTA. For additional information or assistance, please contact Kiyo Ushino, VTA Passenger Facilities Program Manager, at (408) 321-5828.

n) Extend the northern crosswalk of the proposed intersection on Southwest Expressway and the project driveway to the future Fruitdale Light Rail Station and install sidewalk connecting crosswalk and the southern end of the Fruitdale Station platform.

o) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

p) Developer is required to construct landscaped median on Southwest Expressway along project frontage. Upon successful completion of the median island, the City will reimburse the developer for the reimbursable costs of the construction pursuant to the Residential Construction Tax Contribution Fund Program, in accordance with section 4.64.100 of the Municipal Code.

B. PERFORMANCE STANDARDS

Lighting. All light fixtures except pedestrian lighting shall use low-pressure sodium fixtures of full or modified cut-off design. Light fixtures within surface parking lots shall not exceed 25 feet in height.

C. ENVIRONMENTAL MITIGATIONS

Prior to issuance of a Planned Development Permit, a noise analysis, supplementing the report prepared by Illingworth and Rodkin, dated November 11, 1999 shall be submitted to the satisfaction of the Director of Planning. This supplemental report shall identify window and other building specifications needed to reduce interior noise levels to 45 db DNL.

D. WATER POLLUTION CONTROL PLANT NOTE

- Pursuant to Part 2.75 of 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 make a determination that the cumulative sewage treatment demand on 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 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.

E. PRIVATE INFRASTRUCTURE STANDARDS

- All private streets and infrastructure shall comply with Common Interest Development Standards to the satisfaction of the Director of Public Works.

F. PARKLAND DEDICATION/FEE REQUIREMENTS

The project is subject to the applicable requirements of the Parkland Dedication and Impact Ordinances. The applicant has dedicated to the City approximately 0.5 acres of public parkland within 300 feet of the project site.

G. PRIOR PERMIT

Development allowed pursuant to Planned Development Permit File No. PD01-013 for Phase I (blocks A, B, and D) is incorporated into this Planned Development Zoning.

PLANNING COMMISSION
AGENDA: 03-22-06
ITEM: 4.d

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: March 14, 2006

COUNCIL DISTRICT: 6

SUPPLEMENTAL MEMO

SUBJECT: PDC05-095, PLANNED DEVELOPMENT REZONING FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO INCREASE THE MAXIMUM NUMBER OF ATTACHED RESIDENTIAL UNITS FROM 500 TO 502, TO ELIMINATE 250,000 SQUARE FEET OF COMMERCIAL, TO REDUCE THE MAXIMUM AMOUNT OF RETAIL FROM 30,000 TO 29,225 SQUARE FEET, AND TO MODIFY THE DEVELOPMENT STANDARDS FOR THE 12.7-ACRE SITE LOCATED ON THE SOUTHEAST CORNER OF SOUTHWEST EXPRESSWAY AND FRUITDALE AVENUE.

This item was originally scheduled to be heard by the Planning Commission on February 22, 2006, but was deferred at the applicant's request. Correspondence from the Sherman Oaks and Willow Glen Neighborhood Associations received shortly before distribution of the Planning Commission Packet (see attached), indicated concern in two areas that staff believes requires additional discussion. These issues include the design of the building on Block C2 and the need to assure continued public access to the central open space. After distribution of the packet, staff received an additional email regarding the Block C2 building from Sal LaBarbera, a resident of property across St. Elizabeth Drive from the project site (see attached).

Staff continues to believe that the proposed increase in the maximum height for the C2 Block from 65 to 85 feet is appropriate at this prominent corner. Staff concurs, however, that the St. Elizabeth Drive façade could be improved by eliminating the at-grade parking garage and providing more active uses at the ground level. Toward this end, staff has revised the Draft Development Standards to require that residential units with ground-level entries be provided along the St. Elizabeth Drive frontage of Block C2. Staff believes that up to three additional units could be accommodated in this location. In order to facilitate this proposed revision, staff has increased the total residential units allowed on the site from 502 to 505. A revised Addendum to the Neighborhood Business Clusters Final EIR has been prepared to address this proposed change.

The applicant has, from the inception of this project, proposed that the central open space area be available to the public as well as to residents and employees of the site. The following language was included in the Development Standards of the approved Planned Development Zoning and is retained in the current Draft Development Standards:

> *"The configuration of open space, paseos and promenades within the planned development is intended to create a strong amenity for the use of residents and employees, as well as a public-spirited environment that is welcoming to the surrounding neighborhood. It is particularly important that the open spaces and walkways within the development provide convenient, safe and comfortable linkages to the light rail station at Fruitdale Avenue and Southwest Expressway."*

Consistent with the applicant's proposal to make these facilities available to the surrounding neighborhood, staff has included conditions in the Draft Development Standards indicating that the paseos may not be gated and that the central open space may not be fenced. These conditions reinforce the applicant's commitment to providing a mixed use, transit-oriented development that is well-integrated with the surrounding neighborhood.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the proposed Planned Development Rezoning with the attached revised Draft Development Standards.

Jean Hamilton

FOR JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

SONA

Sherman Oaks Neighborhood Association

RECEIVED
FEB 13 2006
CITY OF SAN JOSE
PLANNING DEPARTMENT

February 8, 2006

Carol Hamilton
Department of Planning, Building & Code Enforcement
Planning Division
200 E. Santa Clara Street
San Jose CA 95113

Dear Ms. Hamilton;

After reviewing the plans for the PD zoning proposal for the Fruitdale Station complex and after attending the recent community meeting, we feel it is necessary to place into record some of our concerns about this project. While it is under the current density for housing/development per the City's standards, this project currently does not meet long term goals for either the City or our neighborhood.

1) Prior to development of this site there was one large retailer and numerous smaller businesses that provided jobs, services and amenities in more than 200,000 square feet of retail space. When the currently accepted project was brought forward it included 200,000 square feet of office space. This was intended to bring jobs back to the community and to provide the necessary work place infrastructure to make this a sustainable site. Prior to demolition of the old site, there were hundreds of people who could walk to work and thousands who could walk to shopping that provided groceries, dry goods, furniture, household appliances, clothing, garden supplies, hardware supplies, shoes and much more. This provided hundreds of benefited career track jobs for the local neighborhood and City's economy. In addition, there were goods and services provided by local small businesses. There was no parking built adjacent to light rail because the development on this site was to provide both jobs and housing. The local 7-11 store provides the only site within walking distance that continues to serve a portion of the neighborhoods basic needs. It is a well maintained site that does not emphasize sale of alcohol and has produced few complaints. The current plan to provide 19,545 to 20,845 square feet of retail does not allow for larger stores/companies to become part of the development and is broken into small pieces that will only bring low wage, part time employment. This is not compatible with the City's plans for light rail development in that there are no jobs adjacent to a site with no parking and new residents will be forced to drive for basic amenities such as groceries or spend their money in Campbell (the Bascom/Southwest stop is closer to grocery shopping than the Race Street stop). The lack of amenities and reduced parking ratios on this site will negatively impact the surrounding neighborhoods.

2) The proposed tower on the St. Elizabeth/Fruitdale corner is excessively tall and an intrusion on the surrounding neighborhood. It is more than twice the size of any near by building and is 20 feet higher than anything ever proposed on this frontage. At all previous public meetings with staff and the developer, the neighborhood was promised that the height fronting St. Elizabeth would never reach more than three stories. The closest buildings to this site (excluding what the developer has under construction) reach no more than two stories unless set behind a parking lot. In addition, this tower is directly opposite a single family home that would suffer from blockage of sunlight. St. Elizabeth is a two-lane street that would be overcome by the height of this building and by the traffic. The tower also includes a stretch of ground level parking garage which detracts from the "walkability" of this street which is currently used to access the Los Gatos Creek trail and which will be used as access to the new park on St. Elizabeth and Curci.

3) The developer was given credits for open space when plans for a community center/pool were approved and because of the triangle of passive open space in the center of the project. Considering the developer's recent statements that given a choice he would provide no low-income housing and there is a likelihood the units under construction as rentals could be converted to condos, we have concerns that the credits for low income housing and open space be maintained in perpetuity and attached to all residential buildings. We are concerned that condo conversion could result in the site being subdivided with different buildings under different management, leaving some people without access to the common recreational areas. We are also concerned that condo conversions on this site are done in a manner that ensures the low income housing credits are not wasted. In addition, the central open space currently calls for no amenities. Failure to install benches and garbage cans and ensure the maintenance of this area could create long term blight issues. Considering the developer's response to security questions was that residents would be providing primary security, we want to make sure that the open area remains accessible to everyone in a safe and usable manner.

4) The current construction area has been plagues with inadequate maintenance and control of litter, the street amenities approved for the current project have no time line for completion and the removal of the dirt from the current project has not moved forward, causing us concern that Phase II will start without completion of Phase I. Neighbors complained for years about the accumulation of debris and litter and were finally forced to file formal complaints with Code Enforcement to get the site cleaned up. The developer had no time line for installation of street lights and landscaping. Neighbors are concerned that the dirt excavated for the current parking pads will stay in place during Phase II and continue to be an eyesore.

SONA | P.O. Box 59146 San Jose, CA 95129-0146 | Phone: (408) 835-2881 | Web: http://www.sona-sj.com

Willow Glen
Neighborhood Association

February 16, 2006

Ms. Carol Hamilton
City of San Jose
Planning, Building & Code Enforcement Department
200 East Santa Clara Street,
San Jose, CA 95113-1905

cc: Ken Yeager, SJ Councilmember, District 6

Subject: Fruitdale Station Project, #PDC05-095

Dear Ms. Hamilton,

Thank you and the other Planning Department staff member for agreeing to meet with me to discuss the Willow Glen Neighborhood Association (WGNA) concerns and suggestions about the Fruitdale Station Project, #PDC05-095 at Fruitdale and Saint Elizabeth Drive and we support the concerns and recommendations of the Sherman Oaks Neighborhood Association

We are interested in the project development plans and three of our Board members attended the community meeting on January 17, 2006. We appreciate that the city policy requiring a early stage planning public meeting process meeting where residents and neighborhood associations can review and make suggestions to improve proposed developments since any community proposed changes are more acceptable to a developer when their project design has not been fully completed.

We found a number of commendable aspects of the proposed project, including public access through the project to the Fruitdale Light Rail station and public use of the proposed half-acre interior privately maintained park, the screening of the underground parking, the individual townhouse unit access to exterior public ways and the inclusion of 15-20% below market housing.

However, we do have some project concerns as enumerated below:

- Overall Project Design – Rather than make sections of the project appear as if they were constructed by different developers, as suggested by the project architect, we would prefer that they be tied together by common elements, such as stucco exterior walls, common colors, similar roof shape and materials.
- 6-8 Story High-rise – The proposed design of the high rise structure we found the most disappointing. The flat roof and institutional façade design looked more like a hospital than a mixed-use residential structure. We suggest two possible approaches to remedying this project design weakness:
    - Redesign the structure to better conform with the other projects and existing neighborhood buildings. We recommend conformance with the city's own *Residential Design Guidelines*, specifically chapter 11 regarding *Building Design* would be a good starting point. Specific suggestions include a peaked roof and improved façade articulation like the Alma Bowl residential towers project .

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- The additional floor area represented by the upper floors of the high rise be transferred to the residential structures along the Southwest Expressway in the form of an additional floor. These structures are closest to the light rail station and furthest from the surrounding residential neighborhood, thus best reinforcing city policy supporting public transit.

- Continued Public Access to the project's half acre Open Space – We believe it is crucial that public access to the project's half-acre triangular interior open space be maintained and that it not be gated or fenced off to the public. How will the developer assure the city that public access to the open space will be maintained after completion and sale of the project? Requiring the construction of public amenities, such as public restrooms in the open space would help to underline this requirement. The project's total Park Impact fees, which should be in the range of $5 million, should be large enough for the developer to build out at the same time as project construction both the interior open space with public rest rooms and part or all of a nearby neighborhood public park.
- Los Gatos Creek Trail Improvements – We suggest that this project, together with other projects in the area, contribute toward the completion of specific trail improvements set forth in the Los Gatos Creek Trail Master Plan, specifically:
  - Bridge over the creek, 1/2 block W of Meridian (at St. Elizabeth) - This would connect the new residents to Willow St and the Willow Street / Bramhall Park. It would also provide better access to shops at Meridian/Willow, and improved access from the professional businesses on Westwood over to the Light Rail Station.
  - Trail under crossing at the Meridian Avenue bridge - This extends the trail to the east side of Meridian, avoiding a busy street crossing. This is the local end of the trail, as per the LGCT MP, but perhaps it might be possible to continue the trail along the creek and on local streets up to Lincoln

San Jose, City Council District 6 and many of the city's older neighborhoods where the majority of high density infill development is being built currently lack sufficient parks according to the approved city park policy.

The main contribution factor is that large developers who have the capability to cost efficiently acquire parkland as part of their project or build out public parks at the time as their project construction are allowed to contribute impact fees to the city rather than be required to either deed over or acquire parkland and if sufficient parkland fees are available from the project or in combination with previous contributed parkland fees from smaller projects build out the required parkland at the same time as they construct their project.

Most residents and neighborhood associations strongly support this change in Parkland policy or city development practice since the acquisition of additional city parklands or the completion of neighborhood parks at the same time as infill projects are developed is a very high neighborhood quality of life priority. This will also substantially reduce one of the most common residents objections to additional infill development since they view developments without additional parks as a decrease in their neighborhood quality of life and not in conformance with San Jose's Smart Growth policy.

Willow Glen
Neighborhood Association

San Jose current development procedures result in existing and new infill development residents either never getting a park, it is build years later at considerable greater cost or the size of the park eventually built is reduced due to increased land acquisition and construction costs further increasing the shortage of parkland in the older neighborhoods where the majority of infill development are being built.

Again, we appreciate the opportunity to participate in these community meetings and the development review process. Please keep us informed of future project developments.

Sincerely,

Ed Rast,
President, WGNA.

P. O. Box 7706 • San Jose, CA • 95150-7706
408.294.WGNA • 408.294.9462 • www.wgna.net

Hamilton, Carol

From: Sal J. LaBarbera [sjlabarbera@sbcglobal.net]
Sent: Wednesday, February 22, 2006 3:31 PM
To: Carol Hamiton
Subject: Fruitdale Station PDC05-095

Dear Ms. Hamilton,

I live across St. Elizabeth Dr. from the Fruitdale Station PD and recently reviewed the proposed changes as provided for in the public hearing notice. There are a number of concerns I share with the Sherman Oaks and Willow Glen Neighborhood Associations about Block C2.

The proposed increase from 63 feet to 85 feet is way too intrusive on a small two lane residential street.

I understand that the architect wants to keep the development from looking like a "project" but the proposed design of Block C2 looks like an office building or hospital and just does not fit into the neighborhood. The design of the rest of the development is very good and should be carried through to Block C2.

At a community meeting the developer mentioned that Block E would drive this project. It seems to me if Block E were increased 1 story Block C2 could be kept to 4 stories stepped to 5 stories. There would be more residences closer to the light rail station, less traffic on St. Elizabeth Dr. and the developer would realize income without having to wait for the 7-11 lease issue to be resolved.

Sincerely,
Sal J. LaBarbera

PDC05-095
DRAFT DEVELOPMENT STANDARDS

A. DEVELOPMENT PARCELS

1. USES

a. **Permitted Uses.** Residential/Mixed-Use Parcels (Parcels A, B, C1, C2, D and E) shall be developed with for-sale and/or rental flats, townhouses, condominiums and/or apartments and permitted uses of the CP Commercial Pedestrian Zoning District of the City of San Jose Zoning Ordinance, as amended. Live work uses may be allowed with a Planned Development Permit.

b. **Conditional Uses.** Conditional Uses of the CP Commercial Pedestrian Zoning District of the City of San Jose Zoning Ordinance, as amended, shall be allowed subject to approval of a Planned Development Permit(s)/Amendment(s). These uses included:

Off-Sale of Alcohol. Sale of alcohol for off-site consumption shall be allowed subject to approval of a Planned Development Permit by the Director of Planning. The sale of alcohol for on-site consumption will be allowed incidental to a restaurant.

After Midnight Uses. Commercial uses operating between the hours of 12 midnight and 6 a.m. shall be allowed subject to approval of a Planned Development Permit by the Director of Planning.

c. **Resident Serving Support Uses**

Also permitted within the Residential/Mixed-Use Parcels are resident-serving support uses such as leasing offices, club houses, health clubs, fitness rooms, meeting rooms, pools and other residential amenities. The use of these amenities shall be restricted to residents or employees and their guests.

2. PHYSICAL DEVELOPMENT STANDARDS

a. **Development Size and Density**

(1) A maximum of 505 dwelling units shall be permitted on Parcels A, B, C, D and E. The minimum number of dwelling units shall be 300.

(2) Up to 29,225 square feet of ground level retail uses may be developed on Parcels C1, C2, D and E.

a. Maximum Height

The site is subject to the following height requirements as depicted on the *Maximum Height Diagram.*

1) *Blocks A.* Buildings/structures shall not exceed 25 feet in height at the minimum setback (35 feet) from the south property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

2) *Block B.* Buildings/structures shall not exceed 25 feet in height at the minimum setback (35 feet) from the southerly property line and shall not exceed 35 feet at the minimum setback (15 feet) from the east property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

3) *Block C1.* Buildings/structures shall not exceed 40 feet in height at the minimum setback (15 feet) from the east property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

4) *Block C2.* See Maximum Height Diagram for areas subject to maximum height limits of 65, 75 and 85 feet.

5) *Block E.* Buildings/structures shall not exceed 60 feet in height.

6) *Block D.* Buildings/structures shall not exceed 50 feet in height.

7) *Exception.* Non-habitable architectural projections and special treatments (e.g., chimneys, weather vanes, cupolas, pediments and other devices) shall be permitted to project above the maximum height limits to create architectural variation. Non-habitable mechanical and equipment rooms shall also be permitted to exceed the height limit provided that such equipment is screened from predominant public view or architecturally integrated within the building. Such projections shall not exceed 15 feet in height and shall be limited in area to no more than 20% of the floor area of the uppermost habitable floor.

b. Minimum Height

The minimum height along the central open space shall be 25 feet or two floors to ensure strong spatial definition.

c. **Perimeter Setbacks:** Buildings shall be oriented parallel to perimeter streets and to the publicly accessible streets, promenades and paseos of the planned community, subject to the following:

(1) No setback is required along the Southwest Expressway and Fruitdale Avenue frontages, except as sufficient to create a sidewalk and landscaped parkway of at least 20 feet in width. This 20-foot width may be reduced only as needed to accommodate a bus stop.

(2) Buildings along the southern property line shall provide a minimum setback of 35 feet to provide for continuous emergency access and a landscaped buffer.

(3) Buildings along St. Elizabeth Drive shall be set back by a minimum of 15 feet to create a landscaped zone for residential entries.

(4) Porches and stoops may extend into any setback area by a maximum of eleven feet.

(5) At street intersections such encroachments may extend into the setback area but shall not encroach on the triangle of land formed by two (2) intersecting streets, where two (2) sides of the triangle consist of the curb lines of the intersecting streets and the third side of the triangle is a straight line drawn between points on each curb line located forty (40) feet from the intersection.

(6) Minor architectural projections such as fireplaces and bay windows may project into any setback by up to two feet for a length not to exceed 20 feet or 20 percent of the building elevation length.

d. **Podium Setbacks.** Parking garages shall be permitted to be constructed to the setback lines described above, provided that they conform with the provisions for ground level orientation and treatment described in Section 5.

e. **Setbacks from Interior Property Lines.** Minimum Building setbacks from interior property lines shall be zero, except that greater setbacks shall be provided as necessary to conform to the Uniform Building Code.

3. OPEN SPACE, PASEOS AND PROMENADES

The configuration of open space, paseos and promenades within the planned development is intended to create a strong amenity for the use of residents and employees, as well as a public-spirited environment that is welcoming to the surrounding neighborhood. It is particularly important that the open spaces and walkways within the development provide convenient, safe and comfortable linkages to the light rail station at Fruitdale Avenue and Southwest Expressway. The open space, paseos and promenade shall be subject to the following:

a. A central open space of at least 0.8 contiguous acres shall be provided within the heart of the new community.

b. An east-west publicly accessible "Paseo" with a minimum width of 50 feet measured from building face to building face shall be provided between St. Elizabeth Drive and the Southwest Expressway, as a linkage between the Fruitdale LRT station and the neighborhoods to the east. The width of the paseo pathway shall be a minimum of 15 feet;

c. A north south publicly accessible "Promenade" of at least 8 feet in width shall be provided along the eastern edge of the open space to provide a linkage between the Paseo and the Fruitdale Avenue/Southwest Expressway intersection.

d. The paseo and promenade shall be no closer than 15 feet from the front face of adjacent residential buildings.

e. The paseos shall not be gated and the central open space shall not be fenced.

4. RESIDENTIAL OPEN SPACE

a. At least 50% of residential units within the development must provide a minimum of 60 square feet of private open space such as balconies.

b. A minimum of 100 square feet of common useable open space shall be provided for each residential unit.

5. GROUND LEVEL ORIENTATION AND TREATMENTS

a. On Parcels B and C1 facing St. Elizabeth Drive, residential units must provide their primary entries oriented to street. Unit entries shall include front stoops with a ground elevation not to exceed 60 inches above grade. The interval of entries should be no greater than 50 feet.

b. On Parcel C2 Fruitdale Avenue, ground level retail uses shall be located along the frontage within 12 inches of predominant grade. This frontage should include a storefront treatment with glazing that provides 60% transparency, as measured from floor to ceiling. Awnings, canopies and/or arcades encouraged.

c. On Parcel C2 St. Elizabeth Drive frontage, residential units with at-grade entries shall be located along the street frontage.

d. On Parcels D and E facing Southwest Expressway ground level retail shall be maintained within 12 inches of grade. This frontage should include a storefront treatment with glazing that provides 60% transparency, as measured from floor to ceiling. Awnings, canopies and/or arcades encouraged.

e. On Parcels A, B and C facing the East-West Paseo and North-South Promenade, residential units must provide their primary entries with front stoops at a ground level elevation not to exceed 72 inches above grade. The interval of entries should be no greater than 50 feet.

f. Parking Garages:

(1) On Parcels A, B and C1 where there is ground level residential use, garages are permitted along St. Elizabeth Drive, and the east-west and north-south promenade, up to the setback line, provided that the garage is depressed below grade, with the exposed portion not to exceed 60 inches above grade. Parking shall be architecturally integrated, and screened with landscaping.

(2) On Parcel D where there is ground level office, parking will be permitted to protrude up to 12 inches above grade.

(3) All other parking adjacent to public streets or internal streets, promenades and paseos must be encapsulated, except for the north face of Parcel C1, adjacent to the east/west driveway, which subject to the approval of the Director of Planning, may be permitted to have a full one story elevation of parking if this elevation is architecturally integrated within the overall façade of the building and if public pedestrian access to the parking level is provided from the east-west driveway, except for the south building facade of C2, which can have above-grade parking garage subject to approval by the Director of Planning provided the façade is architecturally treated and the garage is fully ventilated.

f. Surface Parking Lots:

(1) A surface parking lot of up to 50 spaces may be provided in the southwestern corner of the site with pedestrian access to the east-west paseo connecting to the Fruitdale Station.

(2) A surface parking lot with a maximum of 50 spaces may be provided between Blocks E and C2.

(3) Surface parallel parking is permitted along interior driveways and streets.

(4) The minimum requirement for landscaping within surface parking lots is one tree for each four parking spaces.

g. Parking Access Curb Cuts:

(1) Driveways and curb cuts shall be located at least 100 feet from an intersection with any perimeter street;

(2) No driveway curb cuts will be permitted along the Southwest Expressway, apart from the planned new street intersection providing access to the project area.

(3) Only one curb cut will be permitted along Fruitdale Avenue.

(4) No parking ramp will be permitted within the public right-of-way.

(5) Sight lines and transition slopes at driveways and parking entries shall be designed as per City of San Jose Public Works standards.

h. Loading Access Curb Cuts:

Trucks and service vehicles must be able to maneuver within the property, and not rely on the public right-of-way.

6. OFF-STREET PARKING AND LOADING STANDARDS

a. Residential parking standards shall comply with the City of San Jose's Residential Parking Standards for open garages as follows:

- Studios: 1.5 spaces/unit
- 1 Bedroom: 1.5 spaces/unit
- 2 Bedroom: 2.0 spaces/unit
- 3 Bedroom: 2.0 spaces/unit
- Each Additional Bedroom: 0.25 spaces

b. Tandem parking is allowed subject to approval of a Planned Development Permit. All commercial uses shall comply with the City of San Jose's Parking Standards, except as specified. A 15% reduction is allowed due to the proximity of the project to light rail transit.

c. Neighborhood serving retail uses less than 5,000 square feet in area may be exempt from parking requirements if it is demonstrated to the satisfaction of the Director of Planning that such uses will predominantly serve nearby residents and employees, and will not create undue parking impacts.

d. Parking spaces within this development will meet the size requirement noted in Section 20.12.180 of the City of San Jose Zoning Ordinance.

e. Ten percent of the residential parking shall be designated for visitors. This parking, and any other parking for the use of the general public (e.g., required commercial parking) should be located in the most accessible areas of the project and may be located at grade.

f. No off-street loading spaces shall be required within the Residential/Mixed-Use Parcels, provided that permitted individual commercial businesses do not exceed 5,000 gross square feet.

g. Commercial uses greater than 5,000 gross square feet shall comply with City of San Jose Zoning standards for off-street loading spaces.

h. Bicycle parking shall be provided in conformance with the requirements of Title 20 of the San Jose Municipal Code, as amended.

7. **ARCHITECTURAL TREATMENT** The intent is to create a transit and pedestrian-oriented neighborhood rather than isolated building projects.

a. Buildings should be designed to reinforce the spatial organization and cohesiveness of the new community, providing a clear edge to the public open spaces, promenades, paseos and streets which define and traverse the area.

b. Building facades along St. Elizabeth Drive and the internal streets, promenade, paseo and park should be scaled to the pedestrian.

c. Massing should create interest and variety, with modulation in the roofline silhouette, as well as in the façade, with the use of bay windows, balconies, loggias, projecting eaves, etc.

d. Treatment of the building elevation along Fruitdale Avenue should provide for visibility to ground level retail and public-oriented uses, but ensure a harmonious and integrated façade with upper level uses.

e. Treatment of the building elevation along the Southwest Expressway should recognize the large scale of this urban transit boulevard, but avoid a monolithic appearance through modulation in both the roofline and in the fenestration and vertical plane of the facade.

f. Special architectural treatment (e.g., towers, radial corner, special fenestration, etc.) should be employed at the intersection of Fruitdale Avenue and Southwest Expressway to create an urban edge and to create a landmark statement opposite the transit station.

g. In addition, special architectural expression should be employed within the development at key entries, view termini and corners to provide for further articulation, scale and interest.

8. **AFFORDABLE HOUSING.** Prior to issuance of any Planned Development Permit to implement this Zoning, the property owner shall ensure that at least 9 percent of the units in Phase I of the subject development shall be available at affordable housing costs to persons and families of low or moderate income and that at least 6 percent of the units in Phase I shall be available at affordable housing costs to persons and families of very low-income households as required by State law for the required time-period by recording affordability restrictions implementing Health and Safety Code Section 33413.

   Prior to the approval of a Planned Development Permit for Phase II, the property owner shall fully comply with the City's current Inclusionary Housing Policy by recording affordability restrictions implementing Health and Safety Code Section 33413.

9. **SCHEDULE OF PUBLIC IMPROVEMENTS**

   - The applicant shall implement the following to the satisfaction of the Director of Public Works:

     a) Construct a second southbound left-turn lane along Southwest Expressway and Fruitdale Avenue and extend the southbound left-turn lane to 220 feet.

     b) Construct a second westbound left-lane along Fruitdale Avenue and Southwest Expressway and extend westbound left-turn lane to 220 feet.

     c) Install a traffic signal on Southwest Expressway and the Project Site Driveway and interconnect it with the signal at the intersection of Southwest Expressway and Fruitdale Avenue.

     d) Construct two southbound left-turn lanes of at least 200 feet each along Southwest Expressway and the Project Site Driveway.

e) Install a traffic signal at the intersection of Saint Elizabeth Drive and Fruitdale Avenue.

f) In lieu of installing a pedestrian traffic signal across Saint Elizabeth Drive, developer to contribute $50,000 for future traffic calming along the St. Elizabeth drive corridor.

g) The In Lieu Undergrounding Fee shall be paid to the City for all frontages adjacent to Southwest Expressway and Fruitdale Avenue prior to issuance of a Public Works clearance. 100 percent of the base fee in place at the time of payment will be due. (Currently, the base fee is $224 per linear foot of frontage.) The Director of Public Works may, at her discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to Southwest Expressway and Fruitdale Avenue. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

h) Remove and replace curb, gutter, and sidewalk along project frontages on Southwest Expressway, Fruitdale Avenue, and Saint Elizabeth Drive.

i) Close unused driveway cut(s).

j) Proposed driveway width on Fruitdale Avenue cannot be wider than 32 feet.

k) Install handicap ramp at the corner of Southwest Expressway and Fruitdale Avenue

l) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.

m) Existing bus shelter and bus pad will need to be relocated due to the location of the proposed driveway on Fruitdale Avenue. Location of the new bus stop will need to be determined prior to the approval of this zoning permit and at a location acceptable to the VTA. For additional information or assistance, please contact Kiyo Ushino, VTA Passenger Facilities Program Manager, at (408) 321-5828.

n) Extend the northern crosswalk of the proposed intersection on Southwest Expressway and the project driveway to the future Fruitdale Light Rail Station and install sidewalk connecting crosswalk and the southern end of the Fruitdale Station platform.

o) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

p) Developer is required to construct landscaped median on Southwest Expressway along project frontage. Upon successful completion of the median island, the City will reimburse the developer for the reimbursable costs of the construction pursuant to the Residential Construction Tax Contribution Fund Program, in accordance with section 4.64.100 of the Municipal Code.

B. PERFORMANCE STANDARDS

Lighting. All light fixtures except pedestrian lighting shall use low-pressure sodium fixtures of full or modified cut-off design. Light fixtures within surface parking lots shall not exceed 25 feet in height.

C. ENVIRONMENTAL MITIGATIONS

Prior to issuance of a Planned Development Permit, a noise analysis, supplementing the report prepared by Illingworth and Rodkin, dated November 11, 1999 shall be submitted to the satisfaction of the Director of Planning. This supplemental report shall identify window and other building specifications needed to reduce interior noise levels to 45 db DNL.

D. WATER POLLUTION CONTROL PLANT NOTE

- Pursuant to Part 2.75 of 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 make a determination that the cumulative sewage treatment demand on 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 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.

E. PRIVATE INFRASTRUCTURE STANDARDS

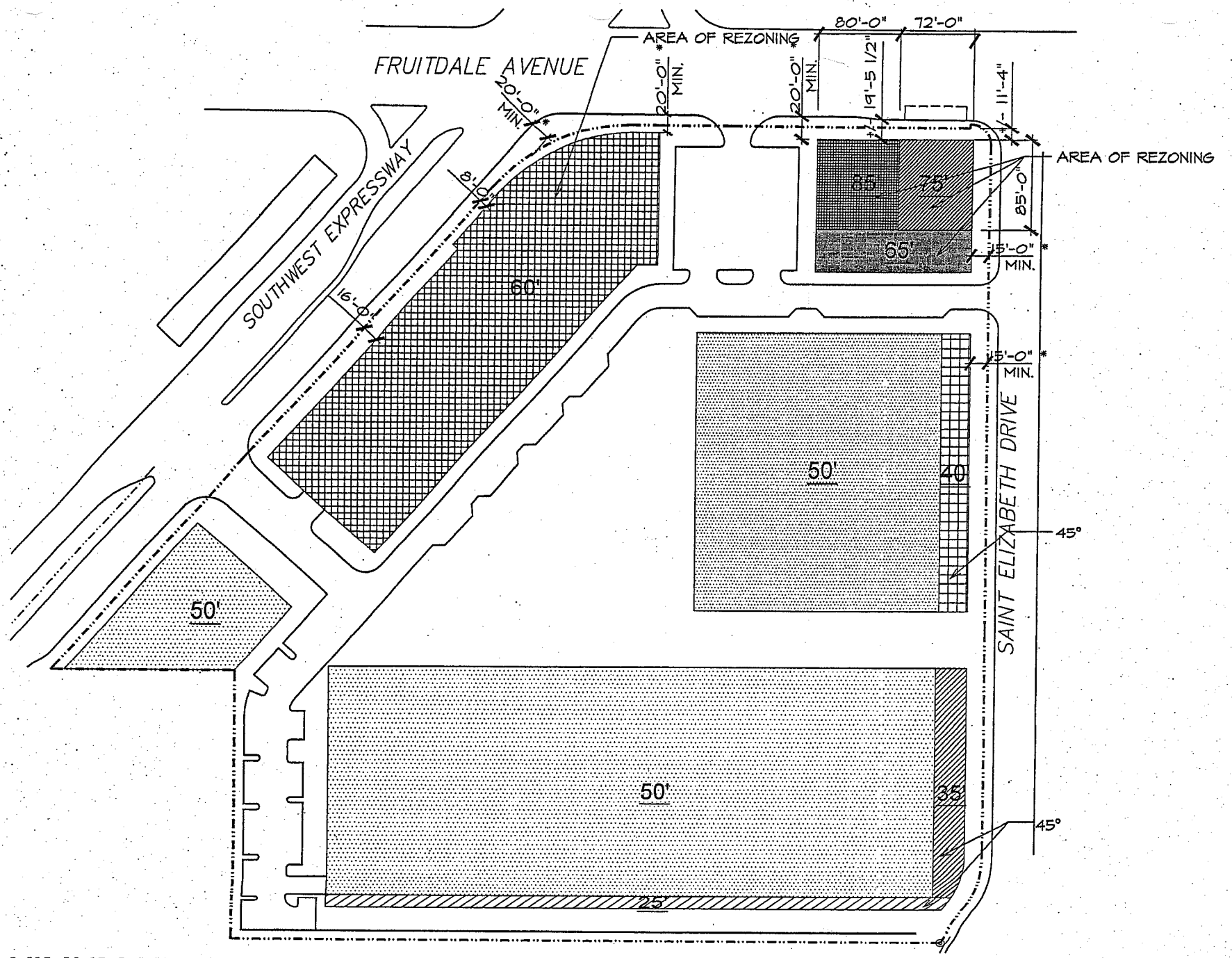
- All private streets and infrastructure shall comply with Common Interest Development Standards to the satisfaction of the Director of Public Works.

F. PARKLAND DEDICATION/FEE REQUIREMENTS

The project is subject to the applicable requirements of the Parkland Dedication and Impact Ordinances. The applicant has dedicated to the City approximately 0.5 acres of public parkland within 300 feet of the project site.

G. PRIOR PERMIT

Development allowed pursuant to Planned Development Permit File No. PD01-013 for Phase I (blocks A, B, and D) is incorporated into this Planned Development Zoning.



MAXIMUM HEIGHT DIAGRAM

FRUITDALE STATION - BLOCKS C1, C2 + E

SAN JOSE, CALIFORNIA

DE ANZA PROPERTIES

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

DATE: 12/02/05

REVISED

TO: Carol Hamilton
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO:	PDC05-095
DESCRIPTION:	Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow 80 single-family attached residences and 10,315 sq.ft. of retail space on a 12.71 gross acre site
LOCATION:	southeast corner of Southwest Expressway and Fruitdale Avenue
ADDRESS:	southeast corner of Southwest Expressway and Fruitdale Avenue (9477 TRACT)
FOLDER #:	05 053577 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on the following information from drawings dated 11/16/05 by SEIDEL HOTZMA Arch.

Largest building:	Block C2-high rise sq. ft.
Construction Type:	FR
Occupancy Group:	R1/M/S3
Number of stories:	8 over (2) underground garage

1. The project plans as submitted, do not comply with the Fire Code. The following are discrepancies noted to be addressed before applying for Building permits:

a) Fire apparatus access roads are not in accordance with the requirements of the SJFC. Every portion of all building exterior walls shall be within 150 feet of an access road-not complied with(podium design). All alternate means of access shall be reviewed and approved by the San Jose Fire Department.- (see attached variance form). The East-West Paseo and the North-South Promenade need to be EVAs also.

b) The plans do not indicate that the required fire flow of 4500GPM will be available at the project site. Please ask the applicant to immediately contact Jim Bariteau of San Jose Water Co. at 408-279-7874 to get the water flow information.

c) The plans do not show location of hydrants. The required fire flow shall be provided through 4 hydrants.

2. Please advice the applicant to submit plans to the Fire Department that provide the following information:

a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:

- be at least 20 feet wide;
- have an unobstructed vertical clearance of not less than 14 feet;
- be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds;
- have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
- be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet; and
- have a gradient less than or equal to 15%.
- **Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)**

  i) Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked

  ii) Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked

c) Location of fire hydrants. The average distance between hydrants shall not exceed 250 feet.

All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections. There shall be multiple fire department

connections –for both sprinkler system(s) and stand pipe system(s)-on opposite ends of the building subject to the approval of the San Jose Fire Department.

d) Available fire flow. Provide a copy of the letter from San Jose Water Co. that indicates the water flow available.

e) Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code, and accessible for Fire Dept. laddering operation.

f) Provide Fire Department personnel route of travel for the interior podium for access to all interior rescue windows. The Fire Department requires all exterior stairways to have direct egress to all interior court(s) without obstructions for equipment (i.e., ladders, etc.) used by this Department for rescue as well as suppression. All exterior stairways to interior podium shall be 6 feet wide for the fire personnel for reasons as noted.

An ordinance has been approved by the San Jose City Council that requires a Firefighter's breathable air system, and communication repeaters to be installed in some buildings. . This ordinance may apply to this building- to be determined in the Building/Fire plan check for construction process.

The developer/owner shall create and maintain a Management Association which will be responsible for the 5-year inspection on the sprinkler system, per Title 19 and access to the riser room if applicable (exterior risers excepted).

All exterior structures shall within 150 feet from an approved emergency vehicle access road without crossing property lines as per fire code. If crossing property lines recorded easement to be provided.

Note: The plans shall be submitted to the Fire Department ***by appointment only*** (call Nadia Naum-Stoian) as soon as possible.

Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699

19066

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

STAFF REPORT

Hearing Date/Agenda Number
P.C. 2/22/06 Item: 4.e.
C.C. 3/7/06

File Number
PDC 05-095

Application Type
Planned Development Rezoning

Council District
6

Planning Area
Willow Glen

Assessor's Parcel Number(s)
284-02-007; 284-02-008; 284-52-001

PROJECT DESCRIPTION

Completed by: Carol Hamilton

Location: Southeast corner of Southwest Expressway and Fruitdale Avenue

Gross Acreage: 12.7 Net Acreage: Net Density: 39.5 DU/AC

Existing Zoning: A (PD) Planned Development Existing Use: Vacant/Retail

Proposed Zoning: A(PD) Planned Development Proposed Use: Single and Multi-family residential and retail

GENERAL PLAN

Completed by: CH

Land Use/Transportation Diagram Designation
Transit Corridor Residential (20+ DU/AC) and General Commercial with Transit-Oriented Development Corridor Overlay

Project Conformance:
[X] Yes [ ] No
[X] See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: CH

North:	Multi-family Residential	A(PD) Planned Development
East:	Multi-family Attached Residential	R-3-A Residential
South:	Single-family Attached Residential	R-1:B-6 (PD)
West:	Southwest Expressway, LRT Station and multi-family residential	R-3 Residential

ENVIRONMENTAL STATUS

Completed by: CH

[x] Environmental Impact Reports found complete on August 9, 2000 and
[ ] Negative Declaration
[ ] Negative Declaration adopted on

[ ] Exempt
[ ] Environmental Review Incomplete

FILE HISTORY

Completed by: CH

Annexation Title: Hamilton No. 32 Date: August 31, 1970

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

[x] Approval
[ ] Approval with Conditions
[ ] Denial
[ ] Uphold Director's Decision

Date: February 16, 2006

Approved by: Susan Walton
[ ] Action
[✓] Recommendation

APPLICANT/DEVELOPER/OWNER

John Vidovich, De Anza Properties
920 West Fremont Avenue
Sunnyvale, CA 94087

PUBLIC AGENCY COMMENTS RECEIVED **Completed by:** CH

Department of Public Works

See Attached Memorandum.

Other Departments and Agencies

See attached memoranda from Fire Department.

GENERAL CORRESPONDENCE

See attached correspondence from

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, DeAnza Properties, is requesting a Planned Development Rezoning from A(PD) Planned Development to A (PD) Planned Development to allow up to 502 single and multi-family attached residential units and up to 29,225 square feet of retail uses and associated recreational and open space facilities on the subject 12.7 acre property.

Prior Approvals

Two Planned Development Zonings, File Nos. PDC00-068 and PDC01-068, approved by the City Council in 2000 and 2001, respectively, govern development of the site. The former, covering 10.7 acres of the subject site, allows for a mixed-use development of 500 attached residential units and 30,000 square feet of ground floor retail/commercial uses. The latter, covering the remaining 2 acres fronting onto Southwest Expressway, allows for the development of a 250,000 square foot, six-story (95 foot tall) commercial building with three levels of subterranean parking. A Planned Development Permit (File No. PD01-013) was approved on August 31, 2001, to implement the 10.7-acre mixed-use portion of the site. This Permit allows 442 attached residential units and 8,690 square feet of retail, the first phase of which is currently under construction. Shortly after approval of the Planned Development Zoning for the residential/mixed use project, the Neighborhood Business Cluster Redevelopment Project Area was formed, incorporating the entire 12.7-acre site.

Site Conditions and Surrounding Land Uses

A large commercial building and expansive parking lot formerly located on the site, have been demolished. A small retail building remains at the southwest corner of Fruitdale Avenue and St. Elizabeth Drive, which currently houses a 7-Eleven convenience store and a nail salon. The remainder of the site has been cleared of structures and trees and is now under construction.

The 12.7-acre site fronts onto three public streets, Southwest Expressway to the northwest; Fruitdale Avenue to the north and St. Elizabeth Drive to the east. The Wilshire Park condominiums are located immediately adjacent to the site to the south, and additional attached residential uses are located to the southwest. Existing uses across St. Elizabeth Drive from the site include multi-family attached residential, senior housing and a single-family residence. Commercial uses are currently located to the north across Fruitdale Avenue; however, a Planned Development Zoning and Permit approved for this site allow for the

future construction of 96 single-family attached units at a density of approximately 50 units per acre and a maximum height of 55 feet. The Fruitdale LRT Station is located immediately adjacent to the site on Southwest Expressway, with single-family and multi-family attached residential beyond.

Project Description

The project proposes a total of 502 residential units and 29,225 square feet of retail uses and changes in the development standards for the project necessary to accommodate the proposed uses. No changes are proposed for the Phase I area of the site (Blocks A, B and D), which is currently under construction with the previously-approved 246 attached residential units, fitness club and leasing office. Additionally, no change is proposed to the 0.8+ acre open space area located at the center of the site. The primary changes to the project involve Blocks E, C2 and C1.

Block E. Previously proposed for a 250,000 square-foot office building with ground-floor retail (6 stories and 95 feet in height), Block E is now proposed to accommodate 80 residential townhouses and flats in three and four stories with 10,315 square feet of ground-floor retail. The proposed residential buildings, which front onto Southwest Expressway on the north and a private street on the south, sandwich two levels of parking beneath a podium. Stoops and patios for the proposed townhouse units orient to Southwest Expressway and the internal street. Upper units include stoops and private patios on a podium courtyard located between the two buildings and above the parking. The proposal includes ground-floor retail space at west end of the block on the corner of Southwest Expressway and Fruitdale Avenue. Retail space is oriented to the public streets and to a small surface parking lot located between Blocks E and C2. The proposed maximum building height for Block E is 60 feet.

Block C2. The approved Planned Development Permit for the site allows 76 residential units and 7,387 square feet of ground-floor retail in a five-story building, 65 feet in height, over subsurface parking. The subject PD Zoning proposes 59 residential units and 6,040 square feet of ground-floor retail in a smaller footprint, 7- and 8-story building, 65 to 85 feet in height. The building includes two levels of subsurface parking and a small amount of at-grade parking. This Block also accommodates the larger portion of the surface retail parking lot shared with Block E.

Block C1. The approved Planned Development Permit for the site allows 120 residential units and no retail with a maximum height at the building setback from St. Elizabeth Drive of 50 feet at the northerly end and 35 feet on the remainder, stepping up to a maximum of 50 feet at a 45 degree angle. The current proposal includes 117 units and 4,630 square feet of ground-floor retail with a maximum height of 40 feet along the entire setback line stepping up to a maximum height of 50 feet at a 45 degree angle. The retail is oriented to the private street and the retail parking lot straddling Bocks E and C2.

PUBLIC OUTREACH

A community meeting was held for the project on January 17, 2006, with an attendance of approximately 50. Those in attendance expressed concern regarding the following: the loss of jobs associated with the proposed changes to the project; the height and design of the building proposed for the corner of Fruitdale and St. Elizabeth Drive; the potential for this building to shade nearby residential uses; the need for dedication of park land; the need for adequate maintenance of the recreation and open space facilities; the need for on-site security; the lack of affordable units; the need to preserve the existing 7-Eleven business and a desire for additional neighborhood-serving retail uses; the adequacy of visitor parking; the need to protect retail and visitor parking from LRT riders; the need to synchronize the traffic signals on Southwest Expressway and replace the existing bus shelter; and the existing problem of large trucks parking on

Southwest Expressway.

A notice of the public hearing before the Planning Commission and City Council was published and distributed to the owners and tenants of all properties located within 1,000 feet of the project site and to all those who signed the attendance sheets at the November 1, 2000 public meetings. Staff has been available to discuss the project with members of the public. This staff report is available for review on the City's web site.

ENVIRONMENTAL REVIEW

The environmental impacts of the development of this site were addressed in the *Neighborhood Business Clusters Area Formation Final Environmental Impact Report* (EIR) certified by the Planning Commission on August 25, 2000 and in the *Fruitdale Office General Plan and Subsequent PD Rezoning Final Environmental Impact Report* certified by the Planning Commission in 2001. The Business Clusters EIR addressed the redevelopment of six retail sites in San Jose, including the subject property, which was assumed for development of 954 multi-family residential units and 45,000 square feet of retail uses on a 12.7-acre site. The Fruitdale Office EIR addressed the development of 250,000 square feet of commercial uses on an approximately 2-acre portion of the larger 12.7-acre site. The current project proposes 502 multi-family residential units and 29,225 square feet of retail uses on 12.7 acres. An addendum to the EIRs prepared for this rezoning concludes that the proposed reduced-scale project will not result in any additional impacts and that the EIRs adequately address the impacts of this project. Based on the traffic studies prepared in the EIRs, Public Works Department staff are satisfied that the reduced project conforms to the City's Level of Service Policy.

Based on concern expressed at the community meeting regarding the impacts of the 85-foot tall building proposed for Block C2 on the single-family residence located across St. Elizabeth Drive, the applicant prepared a sun/shade analysis which is included in the project plan set (sheets 7a and 7b). This analysis looked at the shadows created by the proposed 85-foot building and the previously approved 65-foot building at 10:00 a.m. and 4:00 p.m. on March 21st, June 21st, September 21st and December 21st. The analysis indicates that neither the previously-approved nor the proposed building will result in significant shading of the proximate residential uses, including the single-family residence.

GENERAL PLAN CONFORMANCE

Land Use Transportation Diagram

The San José 2020 General Plan Land Use/Transportation Diagram designates a 10.7-acre portion of the site *Transit Corridor Residential (20+ DU/AC)* and the remaining 2 acres *General Commercial*. The entire site is located within the *Vasona Light Rail Transit-Oriented Development Corridor.* The Transit-Corridor Residential (20+ DU/AC) designation allows for medium-high and high density residential uses within 2000 feet of passenger rail stations, requires densities of 20 units or more per acre, and allows commercial uses. The project proposes a mixed-use project at a density of 39.5 dwelling units per acre in conformance with this designation.

The proposed project conforms to the General Commercial designation based on the General Plan's *Discretionary Alternate Use Policy*; *Residential Uses on Commercially Designated Parcels.* This Policy allows higher density residential development or mixed-use commercial/residential development on sites located on major thoroughfares that are designated General Commercial, if such development is designed to facilitate transit ridership and pedestrian activities; is compact, well-integrated and part of an appropriate

residential or mixed- use environment; the site and architectural design are of exception quality; and the density does not exceed 65 units per acre (for projects located on a Major Arterial). The project proposes compact vertical mixed-use development at a density of approximately 40 units per acre immediately adjacent to a light rail station and bus stop in a configuration that is well-integrated with the overall site design and a building design that is of high quality and appropriate to the location in conformance with the Discretionary Alternate Use Policy.

The project is located within the Vasona Light Rail Transit Oriented Development Corridor. The General Plan indicates that the purpose of the Vasona LRT Corridor is to facilitate new higher density housing and mixed use development on currently underutilized commercial sites where intensified uses and public transit will be mutually supportive and help to create vibrant pedestrian-oriented neighborhoods. The proposed rezoning provides multi-family residential development on a formerly underutilized commercial site at a density of 39.5 DU/AC and ground-floor retail uses in a pedestrian-oriented configuration that is proximate to a future light rail station in full conformance with the General Plan designations for this site.

Greenline/Urban Growth Boundary (UGB) and Housing Major Strategies
The proposed rezoning furthers the closely-related General Plan Greenline and Housing Major Strategies. The Greenline/Urban Growth Boundary Strategy specifies that urban development should only occur within the Urban Service Areas where urban development can be accommodated and where urban services can be efficiently provided. In support of the Greenline Strategy, the Housing Strategy promotes higher density infill housing, especially close to transit facilities, to ensure the efficient use of land, to reduce the pressure to build more housing at the fringe of the City, to reduce traffic congestion and to promote an adequate supply of housing for existing and future residents. This underutilized site within the existing urbanized area provides an ideal opportunity for infill development in support of these strategies. The current rezoning proposal has the potential to 1) increase the housing supply, 2) serve as a catalyst for neighborhood revitalization, 3) maximize the efficient use of existing infrastructure and future transit facilities, and 4) reduce pressure for growth outside the UGB.

General Plan Height Limits
The Urban Design Policies of the General Plan govern height limitations throughout the City. The height policy pertaining to high density residential housing, limits height to a maximum of 120 feet for developments within 2000 feet of a passenger light rail station. The intention of this policy is to encourage residential densities that are supportive of public transportation and that complement the public investment in the light rail line. The proposed project conforms to the General Plan height limit for this LRT station site.

ANALYSIS

The primary issues associated with this proposal include land use, site design, massing and architecture, park dedication and common open space, affordable housing, parking, and traffic improvements.

Land Use
The Planned Development Zoning proposes to change the allowed land use on the site's 2-acre Southwest Expressway frontage from office with ground floor retail to high density residential with ground floor retail. This proposal would result in the loss of jobs associated with the previously-approved 250,000 square feet of office/commercial uses. The loss of potential jobs associated with employment-generating land uses at this transit-oriented site certainly raises a concern; however, the mixed use development at this key transit stop offers much-need housing and neighborhood-serving retail at a level of intensity needed to support the

new LRT facility, and stands as the first development of its kind in this area of San Jose. The proposed housing adjacent to a light rail station preserves the opportunity for future residents to commute by light rail to other employment sites in Downtown San Jose and along the North San Jose LRT Corridor. The proposed rezoning also expands the mixed-use portion of the project onto Block C1, providing for ground-floor retail at the south end of the retail parking lot, drawing retail customers into the interior of the site and providing opportunities for cafes and outdoor dining with views of the central open space.

Members of the community have expressed support for the existing 7-Eleven business and have requested that it be retained and that additional neighborhood-serving uses be provided on the site. The applicant has indicated his intention to accommodate the 7-Eleven in the new development and to seek an appropriate mix of neighborhood-serving commercial retail uses for the ground-floor retail areas of the site.

Site Design, Massing and Architecture

The proposed modifications to the approved project build on the basic site design established in the original ROMA concept plan and reflected in the approved Planned Development Zonings. The site is divided into development blocks surrounding a central public open space. The blocks are separated by private streets and pedestrian paseos that crisscross the site providing access to the mixed-use and residential buildings, the central open space, and the Fruitdale LRT Station. A 35-foot setback along the southerly property line allows for emergency access, a landscape buffer and appropriate transition from the residential condominium project to the south. Fifteen-foot setbacks are proposed along St. Elizabeth Drive to create a landscape zone between the public right-of-way and the residential buildings. No minimum setbacks are required along Southwest Expressway and Fruitdale Avenue, except as necessary to create a wide pedestrian sidewalk. These minimal setbacks make it possible to provide a larger publicly-accessible open space at the center of the site, serve to encourage transit ridership by project residents and provide an appropriately urban streetscape along this transit corridor. In areas on the site where there are no retail uses at grade, front entry stoops are provided to enhance the streetscape, create additional building articulation, and ensure a strong relationship between the buildings and the street.

Without changing the basic structure of the site, the current rezoning proposes modifications to building massing within the development blocks. The change on Bock C1, to allow a maximum height of 40 feet where 35 and 50 were previously allowed, is minimal. The modification of Block E from a 95-foot height to the currently proposed sixty-foot height is more significant. While a larger building mass would be desirable along the Southwest Expressway frontage, staff believes that the proposed four-story residential and mixed use buildings provide massing and conceptual elevations that are appropriately urban for this primary street frontage of the proposed development.

The proposed changes to Block C2 at the corner of Fruitdale Avenue and St Elizabeth Drive, including the introduction of a surface parking lot and a taller building (increased from 6 to 8 stories and from 65 to 85 feet in height), has raised concern among neighborhood residents who indicated at the community meeting that the building is too tall for its location proximate to lower density residential uses including a single-family house; that the design of the St.Elizabeth Street frontage is not pedestrian-friendly; and that the architecture is not compatible with the neighborhood and the remainder of the proposed project. Staff believes that the height and massing of this building provide a welcome variation in building form along the St. Elizabeth Street frontage (see plan sheet 5a) and locate a strong building mass at this prominent Fruitdale Avenue location (see plan sheet 5c). The building, although taller, includes a considerably smaller footprint and fewer units than the previously approved building and does step down to 75 and 65 feet along St. Elizabeth Drive. In response to community comments, the project architect has reduced the mass of the eighth floor and has proposed to fully-ventilate the garage so that glazing can be provided at the pedestrian

level along St. Elizabeth Drive. As indicated above, the sun/shade analysis included in the project plan set indicates that shading of the adjacent residential properties by the proposed building will be minimal. Based on the above analysis, staff believes that the proposed changes to the building massing are appropriate for the proposed Block C2 location.

The conceptual elevations indicate buildings that are well-articulated and detailed and that show an appropriate degree of variation in the design of individual buildings, creating interesting streetscapes with varied roof lines. The architecture at the front of the site along Southwest Expressway and Fruitdale Avenue is more urban in character than the remainder of the site, reflecting the commercial elements along this frontage and the proximity of the LRT station. Staff believes that the more modern, flat-roof design of the 8-story building located at the corner of Southwest Expressway provides interesting variation in the project that is appropriate to the location; however, the quality of materials is crucial to the success of this design. At the Planned Development Permit stage, staff will not be supportive of a building at the maximum height of 85 feet, unless the design includes high quality materials (such as brick).

Park Dedication and Common Open Space

Parkland dedication in the form of 0.5 acres of parkland at the corner of St. Elizabeth and Curci Drives has already occurred for this project based on the requirements of the approved Planned Development Zoning. Additional area will be added to the park site by a recently approved adjacent residential development allowing development of the park to proceed. The current rezoning, which proposes to increase the allowed number of units by 2, will not support additional parkland dedication. Although the project site does not include a public park, it does provide significant amounts of useable common open space (approximately twice the amount recommended by the Residential Design Guidelines), including the 0.8-acre open space at the center of the site which is proposed to be accessible to the public.

Affordable Housing

Both the approved Planned Development Zoning and the subsequent Planned Development Permit for the 10.7-acre parcel include conditions specifying that the project must conform to the affordable housing requirements of the Redevelopment Project Area. The Permit specifically requires that the property owner enter into an agreement with the City for the provision of the required affordable units. Housing Department staff have indicated that the applicant has not yet executed such an agreement for the Phase I development which is currently under construction. Staff has included a condition in the Draft Development Standards requiring that the affordability agreement for Phase I be executed before any Planned Development Permit is issued to implement the current Planned Development Zoning.

Parking

Parking spaces are proposed in conformance with the Residential Design Guidelines. A 15% reduction for retail parking, included in the approved PD Zoning because of the site's proximity to light rail, is not proposed to change. The Draft Development Standards require that 10 percent of the proposed vehicular parking be reserved for guests and that bicycle parking be provided in conformance with the requirements of the Zoning Code. Most of the proposed parking is located beneath the residential or mixed use podium buildings. Surface parking includes the retail lot at the front of the site, parallel parking along the private streets and a 50-space surface parking lot located at the southwestern corner of the site. The latter may be made available for a park-and-ride lot for transit patrons accessing the LRT at the Fruitdale Station. Park-and-ride spaces were accommodated on the site when the Kmart store was in operation. During the review process for the previous Planned Development Zoning, the community requested that a park-and-ride lot be included in the project design. In response, the applicant provided a 50-space guest parking area at the southwest corner of the site that has the potential to be used as a park-and-ride facility if the applicant and

the VTA reach agreement on this issue. Use of the lot for light rail parking was allowed, but not required, by the approved Planned Development Zonings, and staff has maintained that status in the current Development Standards.

Transportation Improvements

A complete list of the transportation improvements required for this project is included in the attached Public Works memorandum. These requirements include the following improvements that were identified as issues of concern at the project community meeting: installation of traffic signals at the intersections of Southwest Expressway and the project entrance and Southwest Expressway and Fruitdale Avenue and the interconnection of these signals; provision of a landscaped median island on Southwest Expressway along the project frontage; relocation/replacement of the existing bus shelter and pad on Fruitdale Avenue; and contribution of $50,000 for future traffic calming along the St. Elizabeth Drive corridor. The design of the originally-proposed cross walk on St. Elizabeth Drive at the location of the east-west paseo will be determined through the larger traffic calming effort. The Department of Transportation has indicated that the possible provision of on-street parking along the Southwest Expressway frontage will be evaluated once the project is constructed.

Conclusion

Based on the above analysis, staff concludes that the proposed project provides a significant opportunity to further important goals and strategies of the General Plan for transit-oriented, high-density/mixed-use, urban infill development within the Urban Service Area; and that the proposed uses and buildings are appropriate to the site and compatible with surrounding development.

RECOMMENDATION

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Transit Corridor Residential (20+ Dwelling Units per Acre).
2. The project furthers the goals and objectives of the City's infill housing strategies and will promote transit usage.
3. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

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PDC05-095
DRAFT DEVELOPMENT STANDARDS

A. DEVELOPMENT PARCELS

1. USES

a. **Permitted Uses.** Residential/Mixed-Use Parcels (Parcels A, B, C1, C2, D and E) shall be developed with for-sale and/or rental flats, townhouses, condominiums and/or apartments and permitted uses of the CP Commercial Pedestrian Zoning District of the City of San Jose Zoning Ordinance, as amended.

b. **Conditional Uses.** Conditional Uses of the CP Commercial Pedestrian Zoning District of the City of San Jose Zoning Ordinance, as amended, shall be allowed subject to approval of a Planned Development Permit(s)/Amendment(s). These uses included:

Off-Sale of Alcohol. Sale of alcohol for off-site consumption shall be allowed subject to approval of a Planned Development Permit by the Director of Planning. The sale of alcohol for on-site consumption will be allowed incidental to a restaurant.

After Midnight Uses. Commercial uses operating between the hours of 12 midnight and 6 a.m. shall be allowed subject to approval of a Planned Development Permit by the Director of Planning.

c. **Resident Serving Support Uses**

Also permitted within the Residential/Mixed-Use Parcels are resident-serving support uses such as leasing offices, club houses, health clubs, fitness rooms, meeting rooms, pools and other residential amenities. The use of these amenities shall be restricted to residents or employees and their guests.

2. PHYSICAL DEVELOPMENT STANDARDS

a. **Development Size and Density**

(1) A maximum of 502 dwelling units shall be permitted on Parcels A, B, C, D and E. The minimum number of dwelling units shall be 300.

(2) Up to 29,225 square feet of ground level retail uses may be developed on Parcels C1, C2, D and E.

a. Maximum Height

The site is subject to the following height requirements as depicted on the *Maximum Height Diagram.*

1) *Blocks A.* Buildings/structures shall not exceed 25 feet in height at the minimum setback (35 feet) from the south property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

2) *Block B.* Buildings/structures shall not exceed 25 feet in height at the minimum setback (35 feet) from the southerly property line and shall not exceed 35 feet at the minimum setback (15 feet) from the east property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

3) *Block C1.* Buildings/structures shall not exceed 40 feet in height at the minimum setback (15 feet) from the east property line. Buildings may increase in height one foot for every additional foot of setback to a maximum height of 50 feet.

4) *Block C2.* See Maximum Height Diagram for areas subject to maximum height limits of 65, 75 and 85 feet.

5) *Block E.* Buildings/structures shall not exceed 60 feet in height.

6) *Block D.* Buildings/structures shall not exceed 50 feet in height.

7) *Exception.* Non-habitable architectural projections and special treatments (e.g., chimneys, weather vanes, cupolas, pediments and other devices) shall be permitted to project above the maximum height limits to create architectural variation. Non-habitable mechanical and equipment rooms shall also be permitted to exceed the height limit provided that such equipment is screened from predominant public view or architecturally integrated within the building. Such projections shall not exceed 15 feet in height and shall be limited in area to no more than 20% of the floor area of the uppermost habitable floor.

b. Minimum Height

The minimum height along the central open space shall be 25 feet or two floors to ensure strong spatial definition.

c. **Perimeter Setbacks:** Buildings shall be oriented parallel to perimeter streets and to the publicly accessible streets, promenades and paseos of the planned community, subject to the following:

(1) No setback is required along the Southwest Expressway and Fruitdale Avenue frontages, except as sufficient to create a sidewalk and landscaped parkway of at least 20 feet in width. This 20-foot width may be reduced only as needed to accommodate a bus stop.

(2) Buildings along the southern property line shall provide a minimum setback of 35 feet to provide for continuous emergency access and a landscaped buffer.

(3) Buildings along St. Elizabeth Drive shall be set back by a minimum of 15 feet to create a landscaped zone for residential entries.

(4) Porches and stoops may extend into any setback area by a maximum of eleven feet.

(5) At street intersections such encroachments may extend into the setback area but shall not encroach on the triangle of land formed by two (2) intersecting streets, where two (2) sides of the triangle consist of the curb lines of the intersecting streets and the third side of the triangle is a straight line drawn between points on each curb line located forty (40) feet from the intersection.

(6) Minor architectural projections such as fireplaces and bay windows may project into any setback by up to two feet for a length not to exceed 20 feet or 20 percent of the building elevation length.

d. **Podium Setbacks.** Parking garages shall be permitted to be constructed to the setback lines described above, provided that they conform with the provisions for ground level orientation and treatment described in Section 5.

e. **Setbacks from Interior Property Lines.** Minimum Building setbacks from interior property lines shall be zero, except that greater setbacks shall be provided as necessary to conform to the Uniform Building Code.

3. OPEN SPACE, PASEOS AND PROMENADES

The configuration of open space, paseos and promenades within the planned development is intended to create a strong amenity for the use of residents and employees, as well as a public-spirited environment that is welcoming to the surrounding neighborhood. It is particularly important that the open spaces and walkways within the development provide convenient, safe and comfortable linkages to the light rail station at Fruitdale Avenue and Southwest Expressway. The open space, paseos and promenade shall be subject to the following:

a. A central open space of at least 0.8 contiguous acres shall be provided within the heart of the new community.

b. An east-west publicly accessible "Paseo" with a minimum width of 50 feet measured from building face to building face shall be provided between St. Elizabeth Drive and the Southwest Expressway, as a linkage between the Fruitdale LRT station and the neighborhoods to the east. The width of the paseo pathway shall be a minimum of 15 feet;

c. A north south publicly accessible "Promenade" of at least 8 feet in width shall be provided along the eastern edge of the open space to provide a linkage between the Paseo and the Fruitdale Avenue/Southwest Expressway intersection.

d. The paseo and promenade shall be no closer than 15 feet from the front face of adjacent residential buildings.

e. The paseos shall not be gated.

4. RESIDENTIAL OPEN SPACE

a. At least 50% of residential units within the development must provide a minimum of 60 square feet of private open space such as balconies.

b. A minimum of 100 square feet of common useable open space shall be provided for each residential unit.

5. GROUND LEVEL ORIENTATION AND TREATMENTS

a. On Parcels B and C1 facing St. Elizabeth Drive, residential units must provide their primary entries oriented to street. Unit entries shall include front stoops with a ground elevation not to exceed 60 inches above grade. The interval of entries should be no greater than 50 feet.

b. On Parcel C2 Fruitdale Avenue, ground level retail uses shall be located along the frontage within 12 inches of predominant grade. This frontage should include a storefront treatment with glazing that provides 60% transparency, as measured from floor to ceiling. Awnings, canopies and/or arcades encouraged.

c. On Parcels D and E facing Southwest Expressway ground level retail shall be maintained within 12 inches of grade. This frontage should include a storefront treatment with glazing that provides 60% transparency, as measured from floor to ceiling. Awnings, canopies and/or arcades encouraged.

d. On Parcels A, B and C facing the East-West Paseo and North-South Promenade, residential units must provide their primary entries with front stoops at a ground level elevation not to exceed 72 inches above grade. The interval of entries should be no greater than 50 feet.

e. Parking Garages:

(1) On Parcels A, B and C1 where there is ground level residential use, garages are permitted along St. Elizabeth Drive, and the east-west and north-south promenade, up to the setback line, provided that the garage is depressed below grade, with the exposed portion not to exceed 60 inches above grade. Parking shall be architecturally integrated, and screened with landscaping.

(2) On Parcel D where there is ground level office, parking will be permitted to protrude up to 12 inches above grade.

(3) All other parking adjacent to public streets or internal streets, promenades and paseos must be encapsulated, except for the north face of Parcel C1, adjacent to the

east/west driveway, which subject to the approval of the Director of Planning, may be permitted to have a full one story elevation of parking if this elevation is architecturally integrated within the overall façade of the building and if public pedestrian access to the parking level is provided from the east-west driveway, and except for the east and south building facades of C2, which can have above-grade parking garage subject to approval by the Director of Planning provided the façade is architecturally treated and the garage is fully ventilated.

f. Surface Parking Lots:

(1) A surface parking lot of up to 50 spaces may be provided in the southwestern corner of the site with pedestrian access to the east-west paseo connecting to the Fruitdale Station.

(2) A surface parking lot with a maximum of 50 spaces may be provided between Blocks E and C2.

(3) Surface parallel parking is permitted along interior driveways and streets.

(4) The minimum requirement for landscaping within surface parking lots is one tree for each four parking spaces.

g. Parking Access Curb Cuts:

(1) Driveways and curb cuts shall be located at least 100 feet from an intersection with any perimeter street;

(2) No driveway curb cuts will be permitted along the Southwest Expressway, apart from the planned new street intersection providing access to the project area.

(3) Only one curb cut will be permitted along Fruitdale Avenue.

(4) No parking ramp will be permitted within the public right-of-way.

(5) Sight lines and transition slopes at driveways and parking entries shall be designed as per City of San Jose Public Works standards.

h. Loading Access Curb Cuts:

Trucks and service vehicles must be able to maneuver within the property, and not rely on the public right-of-way.

6. OFF-STREET PARKING AND LOADING STANDARDS

a. Residential parking standards shall comply with the City of San Jose's Residential Parking Standards for open garages as follows:

- Studios: 1.5 spaces/unit

- 1 Bedroom: 1.5 spaces/unit
- 2 Bedroom: 2.0 spaces/unit
- 3 Bedroom: 2.0 spaces/unit
- Each Additional Bedroom: 0.25 spaces

b. Tandem parking is allowed subject to approval of a Planned Development Permit. All commercial uses shall comply with the City of San Jose's Parking Standards, except as specified. A 15% reduction is allowed due to the proximity of the project to light rail transit.

c. Neighborhood serving retail uses less than 5,000 square feet in area may be exempt from parking requirements if it is demonstrated to the satisfaction of the Director of Planning that such uses will predominantly serve nearby residents and employees, and will not create undue parking impacts.

d. Parking spaces within this development will meet the size requirement noted in Section 20.12.180 of the City of San Jose Zoning Ordinance.

e. Ten percent of the residential parking shall be designated for visitors. This parking, and any other parking for the use of the general public (e.g., required commercial parking) should be located in the most accessible areas of the project and may be located at grade.

f. No off-street loading spaces shall be required within the Residential/Mixed-Use Parcels, provided that permitted individual commercial businesses do not exceed 5,000 gross square feet.

g. Commercial uses greater than 5,000 gross square feet shall comply with City of San Jose Zoning standards for off-street loading spaces.

h. Bicycle parking shall be provided in conformance with the requirements of Title 20 of the San Jose Municipal Code, as amended.

7. **ARCHITECTURAL TREATMENT** The intent is to create a transit and pedestrian-oriented neighborhood rather than isolated building projects.

a. Buildings should be designed to reinforce the spatial organization and cohesiveness of the new community, providing a clear edge to the public open spaces, promenades, paseos and streets which define and traverse the area.

b. Building facades along St. Elizabeth Drive and the internal streets, promenade, paseo and park should be scaled to the pedestrian.

c. Massing should create interest and variety, with modulation in the roofline silhouette, as well as in the façade, with the use of bay windows, balconies, loggias, projecting eaves, etc.

d. Treatment of the building elevation along Fruitdale Avenue should provide for visibility to ground level retail and public-oriented uses, but ensure a harmonious and integrated façade with upper level uses.

e. Treatment of the building elevation along the Southwest Expressway should recognize the large scale of this urban transit boulevard, but avoid a monolithic appearance through modulation in both the roofline and in the fenestration and vertical plane of the facade.

f. Special architectural treatment (e.g., towers, radial corner, special fenestration, etc.) should be employed at the intersection of Fruitdale Avenue and Southwest Expressway to create an urban edge and to create a landmark statement opposite the transit station.

g. In addition, special architectural expression should be employed within the development at key entries, view termini and corners to provide for further articulation, scale and interest.

8. **AFFORDABLE HOUSING.** Prior to issuance of any Planned Development Permit to implement this Zoning, the property owner shall ensure that at least 9 percent of the units in Phase I of the subject development shall be available at affordable housing costs to persons and families of low or moderate income and that at least 6 percent of the units in Phase I shall be available at affordable housing costs to persons and families of very low-income households as required by State law for the required time-period by recording affordability restrictions implementing Health and Safety Code Section 33413.

Prior to the approval of a Planned Development Permit for Phase II, the property owner shall fully comply with the City's current Inclusionary Housing Policy by recording affordability restrictions implementing Health and Safety Code Section 33413.

9. **SCHEDULE OF PUBLIC IMPROVEMENTS**

- The applicant shall implement the following to the satisfaction of the Director of Public Works:

  a) Construct a second southbound left-turn lane along Southwest Expressway and Fruitdale Avenue and extend the southbound left-turn lane to 220 feet.

  b) Construct a second westbound left-lane along Fruitdale Avenue and Southwest Expressway and extend westbound left-turn lane to 220 feet.

  c) Install a traffic signal on Southwest Expressway and the Project Site Driveway and interconnect it with the signal at the intersection of Southwest Expressway and Fruitdale Avenue.

  d) Construct two southbound left-turn lanes of at least 200 feet each along Southwest Expressway and the Project Site Driveway.

  e) Install a traffic signal at the intersection of Saint Elizabeth Drive and Fruitdale Avenue.

f) In lieu of installing a pedestrian traffic signal across Saint Elizabeth Drive, developer to contribute $50,000 for future traffic calming along the St. Elizabeth drive corridor.

g) The In Lieu Undergrounding Fee shall be paid to the City for all frontages adjacent to Southwest Expressway and Fruitdale Avenue prior to issuance of a Public Works clearance. 100 percent of the base fee in place at the time of payment will be due. (Currently, the base fee is $224 per linear foot of frontage.) The Director of Public Works may, at her discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to Southwest Expressway and Fruitdale Avenue. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

h) Remove and replace curb, gutter, and sidewalk along project frontages on Southwest Expressway, Fruitdale Avenue, and Saint Elizabeth Drive.

i) Close unused driveway cut(s).

j) Proposed driveway width on Fruitdale Avenue cannot be wider than 32 feet.

k) Install handicap ramp at the corner of Southwest Expressway and Fruitdale Avenue

l) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.

m) Existing bus shelter and bus pad will need to be relocated due to the location of the proposed driveway on Fruitdale Avenue. Location of the new bus stop will need to be determined prior to the approval of this zoning permit and at a location acceptable to the VTA. For additional information or assistance, please contact Kiyo Ushino, VTA Passenger Facilities Program Manager, at (408) 321-5828.

n) Extend the northern crosswalk of the proposed intersection on Southwest Expressway and the project driveway to the future Fruitdale Light Rail Station and install sidewalk connecting crosswalk and the southern end of the Fruitdale Station platform.

o) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

p) Developer is required to construct landscaped median on Southwest Expressway along project frontage. Upon successful completion of the median island, the City will reimburse the developer for the reimbursable costs of the construction pursuant to the Residential Construction Tax Contribution Fund Program, in accordance with section 4.64.100 of the Municipal Code.

B. PERFORMANCE STANDARDS

Lighting. All light fixtures except pedestrian lighting shall use low-pressure sodium fixtures of full or modified cut-off design. Light fixtures within surface parking lots shall not exceed 25 feet in height.

C. ENVIRONMENTAL MITIGATIONS

Prior to issuance of a Planned Development Permit, a noise analysis, supplementing the report prepared by Illingworth and Rodkin, dated November 11, 1999 shall be submitted to the satisfaction of the Director of Planning. This supplemental report shall identify window and other building specifications needed to reduce interior noise levels to 45 db DNL.

D. WATER POLLUTION CONTROL PLANT NOTE

- Pursuant to Part 2.75 of 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 make a determination that the cumulative sewage treatment demand on 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 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.

E. PRIVATE INFRASTRUCTURE STANDARDS

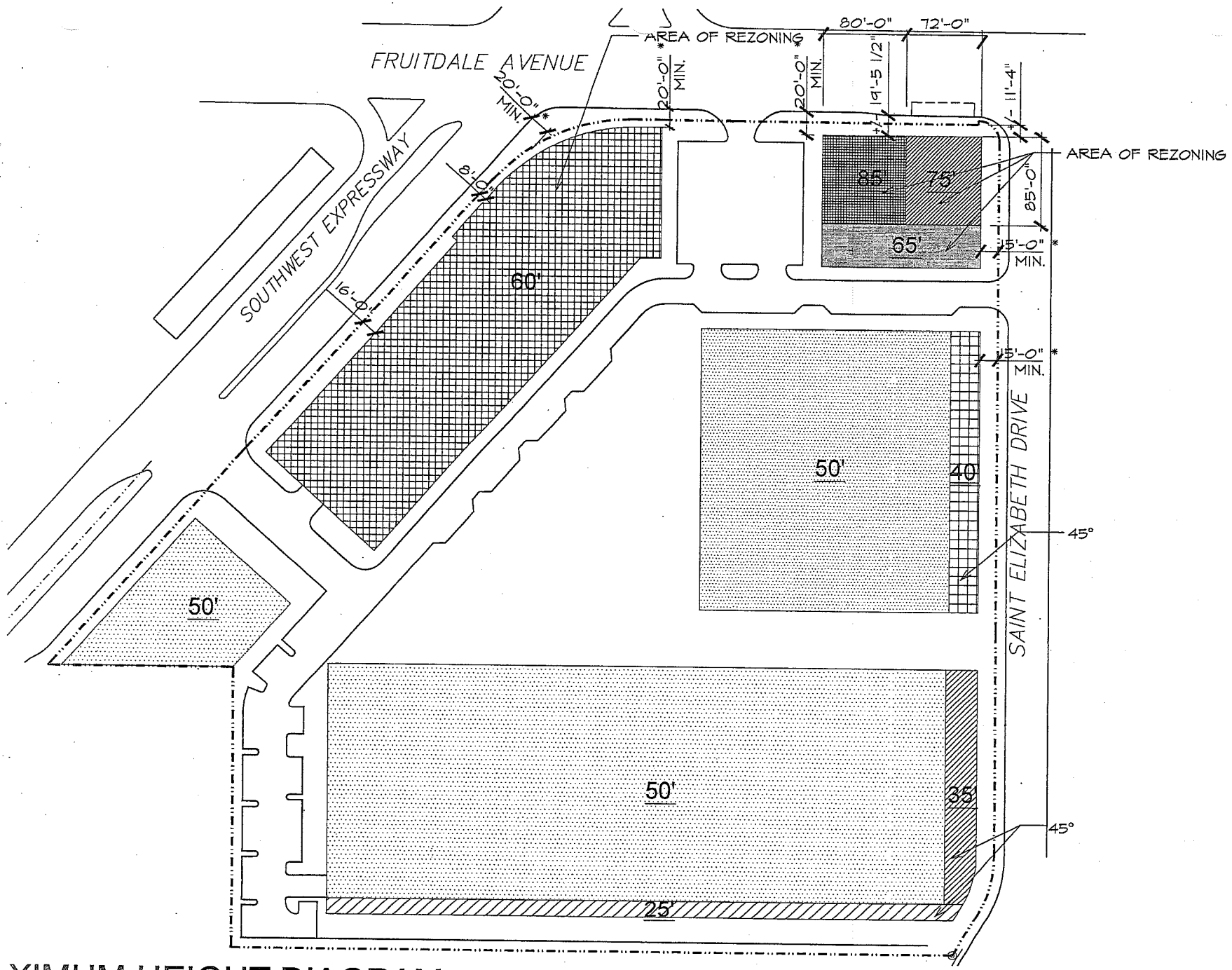
- All private streets and infrastructure shall comply with Common Interest Development Standards to the satisfaction of the Director of Public Works.

F. PARKLAND DEDICATION/FEE REQUIREMENTS

The project is subject to the applicable requirements of the Parkland Dedication and Impact Ordinances. The applicant has dedicated to the City approximately 0.5 acres of public parkland within 300 feet of the project site.

G. PRIOR PERMIT

Development allowed pursuant to Planned Development Permit File No. PD01-013 for Phase I (blocks A, B, and D) is incorporated into this Planned Development Zoning.

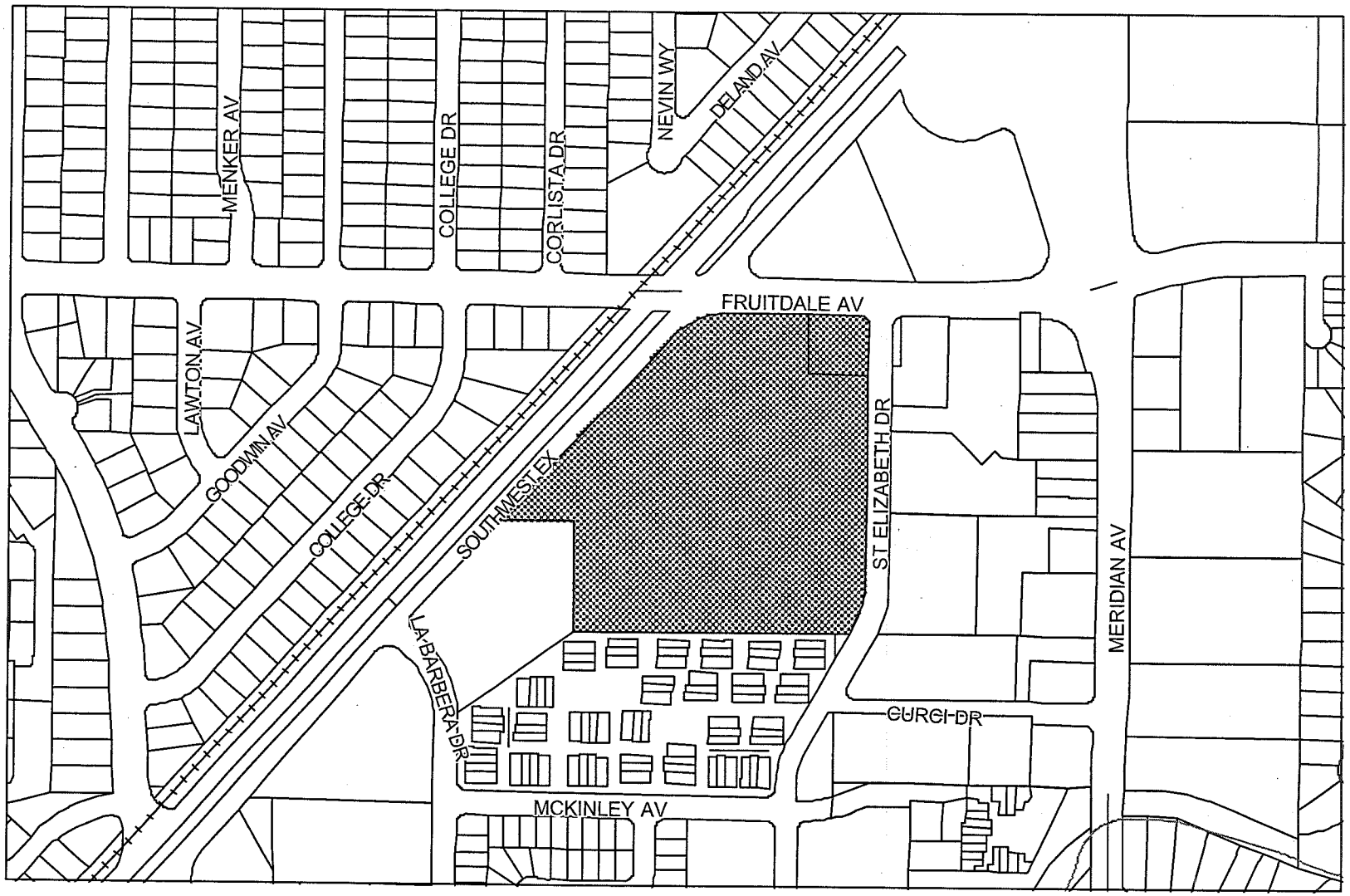


MAXIMUM HEIGHT DIAGRAM

FRUITDALE STATION - BLOCKS C1, C2 + E

SAN JOSE, CALIFORNIA

DE ANZA PROPERTIES



Scale 1 in = 400 ft 1:4,800

Noticing Radius: 500 ft

N

0 200 400
feet

Map Created On:
2/1/2006

File No: PDC05-095
District: 06
Quad No: 098

SEIDEL
HOLZMAN

Architecture
Land Planning
Engineering
Interior Design

February 14, 2006

Mr. John Vidovich & Ms. Jenny Clarke
DE ANZA PROPERTIES
920 West Fremont
Sunnyvale, California 94087

SENT VIA FAX 408-738-0231

Re: Fruitdale Station Rezoning Application
Sherman Oaks Neighborhood Association Letter dated 08FEB06

Dear John,

We are in receipt of the February 8, 2006 letter from the Sherman Oaks Neighborhood Association and offer the following observation:

For Item No. 2 – the author is incorrect in stating that the height on St. Elizabeth Drive would not exceed three stories. The zoning developed by the consultants to the San Jose Redevelopment Agency clearly permitted a height of 65 feet facing St. Elizabeth Drive on the C2 Parcel as documented in the November 7, 2000 zoning documents. The subsequent approved PD Permit building design clearly detailed a massing of 63 feet in that location. Additionally, the proposed structure for that location was considerably larger than the currently proposed design, as it included 76 residential units as opposed to the currently proposed 59 residential units. The proposed height along St. Elizabeth Drive varies from 65 feet to 75 feet.

Sincerely,
SEIDEL/HOLZMAN

Alexander Seidel, FAIA

cc: Carol Hamilton/San Jose Planning
Sent Via Fax 408-292-6055

SONA

Sherman Oaks Neighborhood Association

RECEIVED
FEB 13 2006
CITY OF SAN JOSE
PLANNING DEPARTMENT

February 8, 2006

Carol Hamilton
Department of Planning, Building & Code Enforcement
Planning Division
200 E. Santa Clara Street
San Jose CA 95113

Dear Ms. Hamilton;

After reviewing the plans for the PD zoning proposal for the Fruitdale Station complex and after attending the recent community meeting, we feel it is necessary to place into record some of our concerns about this project. While it is under the current density for housing/development per the City's standards, this project currently does not meet long term goals for either the City or our neighborhood.

1) Prior to development of this site there was one large retailer and numerous smaller businesses that provided jobs, services and amenities in more than 200,000 square feet of retail space. When the currently accepted project was brought forward it included 200,000 square feet of office space. This was intended to bring jobs back to the community and to provide the necessary work place infrastructure to make this a sustainable site. Prior to demolition of the old site, there were hundreds of people who could walk to work and thousands who could walk to shopping that provided groceries, dry goods, furniture, household appliances, clothing, garden supplies, hardware supplies, shoes and much more. This provided hundreds of benefited career track jobs for the local neighborhood and City's economy. In addition, there were goods and services provided by local small businesses. There was no parking built adjacent to light rail because the development on this site was to provide both jobs and housing. The local 7-11 store provides the only site within walking distance that continues to serve a portion of the neighborhoods basic needs. It is a well maintained site that does not emphasize sale of alcohol and has produced few complaints. The current plan to provide 19,545 to 20,845 square feet of retail does not allow for larger stores/companies to become part of the development and is broken into small pieces that will only bring low wage, part time employment. This is not compatible with the City's plans for light rail development in that there are no jobs adjacent to a site with no parking and new residents will be forced to drive for basic amenities such as groceries or spend their money in Campbell (the Bascom/Southwest stop is closer to grocery shopping than the Race Street stop). The lack of amenities and reduced parking ratios on this site will negatively impact the surrounding neighborhoods.

2) The proposed tower on the St. Elizabeth/Fruitdale corner is excessively tall and an intrusion on the surrounding neighborhood. It is more than twice the size of any near by building and is 20 feet higher than anything ever proposed on this frontage. At all previous public meetings with staff and the developer, the neighborhood was promised that the height fronting St. Elizabeth would never reach more than three stories. The closest buildings to this site (excluding what the developer has under construction) reach no more than two stories unless set behind a parking lot. In addition, this tower is directly opposite a single family home that would suffer from blockage of sunlight. St. Elizabeth is a two-lane street that would be overcome by the height of this building and by the traffic. The tower also includes a stretch of ground level parking garage which detracts from the "walkability" of this street which is currently used to access the Los Gatos Creek trail and which will be used as access to the new park on St. Elizabeth and Curci.

3) The developer was given credits for open space when plans for a community center/pool were approved and because of the triangle of passive open space in the center of the project. Considering the developer's recent statements that given a choice he would provide no low-income housing and there is a likelihood the units under construction as rentals could be converted to condos, we have concerns that the credits for low income housing and open space be maintained in perpetuity and attached to all residential buildings. We are concerned that condo conversion could result in the site being subdivided with different buildings under different management, leaving some people without access to the common recreational areas. We are also concerned that condo conversions on this site are done in a manner that ensures the low income housing credits are not wasted. In addition, the central open space currently calls for no amenities. Failure to install benches and garbage cans and ensure the maintenance of this area could create long term blight issues. Considering the developer's response to security questions was that residents would be providing primary security, we want to make sure that the open area remains accessible to everyone in a safe and usable manner.

4) The current construction area has been plagues with inadequate maintenance and control of litter, the street amenities approved for the current project have no time line for completion and the removal of the dirt from the current project has not moved forward, causing us concern that Phase II will start without completion of Phase I. Neighbors complained for years about the accumulation of debris and litter and were finally forced to file formal complaints with Code Enforcement to get the site cleaned up. The developer had no time line for installation of street lights and landscaping. Neighbors are concerned that the dirt excavated for the current parking pads will stay in place during Phase II and continue to be an eyesore.

SONA | P.O. Box 59146 San Jose, CA 95129-0146 | Phone: (408) 835-2881 | Web: http://www.sona-sj.com

Sherman Oaks Neighborhood Association

We are not lodging complaints without suggesting possible solutions to the problem. While we understand that the developer wants a quick approval on the current design so he can generate funds through the sale of condos on the Southwest Expressway portion of the site, we need to make sure we are moving in a manner that will ensure long term quality conclusions for the City and the neighborhoods.

1) The buildings along Southwest that wrap around Fruitdale could be raised in height, allowing for more retail and could include a second floor of office/professional suites that would bring services and small businesses to the area. This site was originally proposed with a component that provided jobs in accordance with the City's policies concerning sustainable live/work areas along transit lines. Larger retail areas would allow stores that provide needed services and goods to move into an area where we were promised white-collar jobs. Providing small business/professional suites would encourage professionals to live and work in the area while providing services for the neighborhoods. Condos could be built above, providing the developer with the initial cash he says he needs from this site. Southwest Expressway is at a minimum four lanes wide with turning lanes and a median, making it conducive to this type of development. There would be no concern with shadow effects as the shadowing would be limited to the project site's streets. We would also address the fact the Fruitdale Light Rail Station was built without parking because this development was to bring in jobs. If the development does not include substantial increase in retail and business/professional suites, the developer should be responsible for paying for permit parking programs and permits for adjacent and adjoining neighborhoods.

2) The tower on St. Elizabeth/Fruitdale can be reduced to a design more compatible with the existing neighborhood and current project under construction. By raising the height of the Southwest side of the development, the developer can capture more housing in a timelier manner. This would suit all parties' needs.

3) The entire housing complex needs to be treated as one entity. Any move to parcel out the different buildings, alter the landscape plan or even alter the recreation center/pool area should be subject to the widest notification under the Public Outreach Policy. Guarantees of low income housing should be part of the site, whether the units are apartments or condos. The developer should be given no credit for open/recreational space as long as he is using recreational facility as a leasing office or for any other non-public use.

4) Until Phase I of the site is completed, Phase II cannot begin. All amenities must be in place and the site must be cleared of Phase I materials or a strict time line must be agreed upon and adhered to.

We are not "anti-development" and are not arguing for a decrease in the site's development. We are asking, however, that the project comply with the needs and goals of the City as well and the needs and goals of the neighborhoods. We look forward to a time when this site is completed and is no longer a visual or economic blight on the City or the neighborhood.

Sincerely,

Randi Kinman

Randi Kinman
Administrative Vice-President
Sherman Oaks Neighborhood Association.

SONA | P.O. Box 59146 San Jose, CA 95129-0146 | Phone: (408) 835-2881 | Web: http://www.sona-sj.com

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Carol Hamilton
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: **FINAL RESPONSE TO DEVELOPMENT APPLICATION**

DATE: 2/14/06

PLANNING NO.: PDC05-095
DESCRIPTION: Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the maximum number of attached residential units from 500 to 502, to eliminate 250,000 square feet of commercial (office and retail), to reduce the maximum amount of retail from 30,000 square feet to 29,225 square feet, and to modify the development standards for a 12.7 acre site located at the southeast corner of Southwest Expressway and Fruitdale Avenue
LOCATION: southeast corner of Southwest Expressway and Fruitdale Avenue
P.W. NUMBER: 3-00867

Public Works received the received submittal for the subject project on 2/9/06 and submits the following comments and requirements.

Project Conditions:

1. **Plan Revisions:** Line up signal operated pedestrian crosswalk on Saint Elizabeth Drive with East-West Paseo.

2. **Stormwater Runoff Pollution Control Measures**: This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.
   a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed. At PD stage, submit the final Stormwater Control Plan and numeric sizing calculations.
   b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
   c) For proposed outfall(s), the applicant is required to obtain a permit from the Santa Clara Valley Water District and a Clean Water Act Section 401 Water Quality

Certification from the Regional Water Board. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a Public Works Clearance.

Public Works Clearance for Building Permit(s): Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

Public Works Approval of Tract Map: Prior to the approval of the tract map by the Director of Public Works, the applicant will be required to have satisfied all of the following Public Works conditions.

3. **Construction Agreement**: The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

4. **Transportation Improvements**: A previous TIA was completed for PDC00-08-068, which included the cumulative impact of 450 residential units, 40,000 square feet of retail and 250,000 square feet of office. The proposed project is required to complete the following mitigation measures:
   a) Construct a second southbound left-turn lane along Southwest Expressway and Fruitdale Avenue and extend the southbound left-turn lane to 220 feet.
   b) Construct a second westbound left-lane along Fruitdale Avenue and Southwest Expressway and extend westbound left-turn lane to 220 feet.
   c) Install a traffic signal on Southwest Expressway and the Project Site Driveway and interconnect it with the signal at the intersection of Southwest Expressway and Fruitdale Avenue.
   d) Construct two southbound left-turn lanes of at least 200 feet each along Southwest Expressway and the Project Site Driveway.
   e) Install a traffic signal at the intersection of Saint Elizabeth Drive and Fruitdale Avenue.
   f) In lieu of installing a pedestrian traffic signal across Saint Elizabeth Drive, developer to contribute $50,000 for future traffic calming along the St. Elizabeth drive corridor.
   g) Dedication of four feet of right-of-way is required to accommodate the new geometric lane configuration at the intersection of Southwest Expressway and Fruitdale Avenue.

5. **Grading/Geology:**
   a) A grading permit is required prior to the issuance of a Public Works Clearance.
   b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
   c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm

water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.

6. **Flood: Zone D**
   a) The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.

7. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

8. **Undergrounding**:
   a) The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Southwest Expressway and Fruitdale Avenue prior to issuance of a Public Works clearance. 100 percent of the base fee in place at the time of payment will be due. (Currently, the base fee is $224 per linear foot of frontage.)
   b) The Director of Public Works may, at her discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to Southwest Expressway and Fruitdale Avenue. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

9. **Street Improvements**:
   a) Remove and replace curb, gutter, and sidewalk along project frontages on Southwest Expressway, Fruitdale Avenue, and Saint Elizabeth Drive.
   b) Close unused driveway cut(s).
   c) Proposed driveway width on Fruitdale Avenue cannot be wider than 32 feet.
   d) Install handicap ramp at the corner of Southwest Expressway and Fruitdale Avenue
   e) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
   f) Existing bus shelter and bus pad will need to be relocated due to the location of the proposed driveway on Fruitdale Avenue. Location of the new bus stop will need to be determined prior to the approval of this zoning permit and at a location acceptable to the VTA. For additional information or assistance, please contact Kiyo Ushino, VTA Passenger Facilities Program Manager, at (408)321-5828.
   g) Extend the northern crosswalk of the proposed intersection on Southwest Expressway and the project driveway to the future Fruitdale Light Rail Station and install sidewalk connecting crosswalk and the southern end of the Fruitdale Station platform.
   h) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

10. **Complexity Surcharge (In-Fill)**: This project has been identified as an in-fill project, and as such is subject to the following:
    a) Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.

11. **Sanitary**:
    a) Submit a conceptive sanitary sewer plan at the PD permit stage.
    b) The project is required to submit plan and profile of the private sewer mains with lateral locations for final review and comment prior to construction.

12. **Electrical**: Installation, relocation and relamping of electrolier(s) along project frontage may be required.

13. **Landscape**:
    a) Install street trees within the public right-of-way along the entire street frontage per City standards.
    b) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
    c) Contact the City Arborist at (408) 277-2756 for the designated street tree.

14. **Private Streets**:
    a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
    b) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.
    c) Revise plans to show profile of proposed private street.

15. **Median Island**: Developer is required to construct landscaped median on Southwest Expressway along project frontage. Upon successful completion of the median island, the City will reimburse the developer for the reimbursable costs of the construction pursuant to the Residential Construction Tax Contribution Fund Program, in accordance with section 4.64.100 of the Municipal Code.

Please contact the Project Engineer, Andrew Turner, at (408) 535-6899 if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

ES:AT:jk
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CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

DATE: 12/02/05

REVISED

TO: Carol Hamilton
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO:	PDC05-095
DESCRIPTION:	Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow 80 single-family attached residences and 10,315 sq.ft. of retail space on a 12.71 gross acre site
LOCATION:	southeast corner of Southwest Expressway and Fruitdale Avenue
ADDRESS:	southeast corner of Southwest Expressway and Fruitdale Avenue (9477 TRACT)
FOLDER #:	05 053577 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on the following information from drawings dated 11/16/05 by SEIDEL HOTZMA Arch.

Largest building:	Block C2-high rise sq. ft.
Construction Type:	FR
Occupancy Group:	R1/M/S3
Number of stories:	8 over (2) underground garage

1. The project plans as submitted, do not comply with the Fire Code. The following are discrepancies noted:

a) Fire apparatus access roads are not in accordance with the requirements of the SJFC. Every portion of all building exterior walls shall be within 150 feet of an access road-not complied with(podium design). All alternate means of access shall be reviewed and approved by the San Jose Fire Department.- (see attached variance form). The East-West Paseo and the North-South Promenade need to be EVAs also.

b) The plans do not indicate that the required fire flow of 4500GPM will be available at the project site. Please ask the applicant to immediately contact Jim Bariteau of San Jose Water Co. at 408-279-7874 to get the water flow information.

c) The plans do not show location of hydrants. The required fire flow shall be provided through 4 hydrants.

2. Please advice the applicant to submit plans to the Fire Department that provide the following information:

a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:

- be at least 20 feet wide;
- have an unobstructed vertical clearance of not less than 14 feet;
- be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds;
- have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
- be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet; and
- have a gradient less than or equal to 15%.
- **Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)**

  i) Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked

  ii) Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked

c) Location of fire hydrants. The average distance between hydrants shall not exceed 250 feet.

All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections. There shall be multiple fire department

connections –for both sprinkler system(s) and stand pipe system(s)-on opposite ends of the building subject to the approval of the San Jose Fire Department.

d) Available fire flow. Provide a copy of the letter from San Jose Water Co. that indicates the water flow available.

e) Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code, and accessible for Fire Dept. laddering operation.

f) Provide Fire Department personnel route of travel for the interior podium for access to all interior rescue windows. The Fire Department requires all exterior stairways to have direct egress to all interior court(s) without obstructions for equipment (i.e., ladders, etc.) used by this Department for rescue as well as suppression. All exterior stairways to interior podium shall be 6 feet wide for the fire personnel for reasons as noted.

An ordinance has been approved by the San Jose City Council that requires a Firefighter's breathable air system, and communication repeaters to be installed in some buildings. . This ordinance may apply to this building- to be determined in the Building/Fire plan check for construction process.

The developer/owner shall create and maintain a Management Association which will be responsible for the 5-year inspection on the sprinkler system, per Title 19 and access to the riser room if applicable (exterior risers excepted).

All exterior structures shall within 150 feet from an approved emergency vehicle access road without crossing property lines as per fire code. If crossing property lines recorded easement to be provided.

Note: The plans shall be submitted to the Fire Department ***by appointment only*** (call Nadia Naum-Stoian) as soon as possible.

Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699