



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** November 30, 2006

**COUNCIL DISTRICT:** 6  
**SNI AREA:** None

**SUBJECT: PDC05-030. PLANNED DEVELOPMENT REZONING FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO: 1) ALLOW UP TO 400 ADDITIONAL MULTI-FAMILY ATTACHED RESIDENCES (1,601 TOTAL UNITS IF A SECOND HOTEL IS NOT BUILT) OR UP TO 210 ADDITIONAL DWELLING UNITS (1,411 TOTAL UNITS IF THE SECOND HOTEL IS BUILT); 2) ALLOW AN ADDITIONAL 15,000 SQUARE FEET OF RETAIL/COMMERCIAL SPACE FOR A TOTAL OF 695,000 SQUARE FEET; 3) ALLOW UP TO 20,000 SQUARE FEET OF CURRENTLY PERMITTED GENERAL RETAIL/COMMERCIAL SPACE TO BE REPLACED WITH 20,000 SQUARE FEET OF RESTAURANT SPACE FOR A TOTAL OF 115,200 SQUARE FEET OF RESTAURANT/NIGHT CLUB USES; AND 4) REDUCTION IN REQUIRED PARKING ON THE 40.79 GROSS ACRE SANTANA ROW SITE LOCATED ON THE SOUTHEAST CORNER OF STEVENS CREEK AND SOUTH WINCHESTER BOULEVARDS**

## RECOMMENDATION

The Planning Commission voted 6-1-0, Commissioner Pham opposed, to recommend that the City Council **approve** the proposed rezoning as recommended by staff.

## OUTCOME

Approval of the subject Planned Development Rezoning would allow the applicant to develop 400 additional residential units (1,601 total units if the second hotel is not built) or up to 210 additional dwelling units (1,411 total units if the second hotel is built); 2) construct an additional 15,000 square feet of retail/commercial space for a total of 695,000 square feet; 3) replace 20,000 square feet of currently permitted general retail/commercial space with 20,000 square feet of restaurant space for a total of 115,200 square feet of restaurant/night club uses; and 4) reduction in required parking. The revised development standards (attached) would regulate the uses of the property.

## BACKGROUND

On November 29, 2006, the Planning Commission held a public hearing to consider a Planned Development Rezoning from the A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow additional residential units, additional commercial square

footage, modifications to the development standards relating particularly to use regulations, and a parking reduction on a 40.79 gross acre site. Staff's recommendation included amended development standards, attached to the staff report to Planning Commission, which would supersede previous development standards for the site. Staff provided a correction to the development standards relative to after-midnight operation, referenced additional correspondence received from members of the public (attached), and clarified that the requested parking reduction would not affect parking ratios for commercial uses but would only reduce parking requirements for residential units to 1.3 parking spaces per unit rather than 1.7 per unit. The Director of Planning recommended approval of the project.

The applicant, Federal Realty, was represented by Linda Callon of Berliner Cohen and Randy Paul, Director of Development for Santana Row. Ms. Callon provided a brief history of activities on the site and prior zonings. She explained the specific changes requested as part of the proposed rezoning, and provided a color diagram of the site (attached).

Commissioner Campos asked for more information about how existing residents access the site, and asked about the applicant's rationale for further reducing the residential parking requirements. Mr. Paul explained that several factors were contributing to the request for a lower parking ratio for residential units. He indicated that some residential parking areas, within fully occupied buildings, are not fully utilized. Commissioner Campos commented that some on-site residents have stated that there is not enough guest parking and Mr. Paul clarified there are separate guest parking areas with available guest parking, but that many visitors to Santana Row park in the main commercial parking areas.

In response to Commissioner Zito, the applicant stated that the 514 units are 99% occupied so that the parking study was based on full occupancy. In response to a comment from Commissioner Zito about whether the reduced parking ratio would be retroactive, the applicant clarified that the parking ratio would apply to the entire site. Commissioner Zito expressed concern that future parking might not be adequate if new units are not provided with sufficient parking. The applicant reiterated that the project would treat the 1.3 parking spaces per unit ratio as a floor and that market demand would dictate the final amount of on-site residential parking.

Commissioner Kalra noted that with full build out, there would be no surface parking lots, and asked about the future location of parking for commercial uses. The applicant clarified that all parking would be in structures within new buildings in the future, with some outdoor drop-off areas. In response to Commissioner Kalra, the applicant noted that maintaining the option for another hotel was important, but the decision about whether to build another hotel is not yet determined, and that the additional commercial area on the site would allow ground-floor commercial uses around a future plaza at the terminus of Santana Row at Olsen Drive and a potential grocery store.

Commissioner Kamkar asked where the additional new units would likely be located. The applicant stated that Lots 9 and 10 are likely, but the final build out plan is not yet determined. In response to Commissioner Kamkar, the applicant clarified that any new units above initial 1,201 would comply with the PDO/PIO regulations in effect at the time of permit issuance.

In response to Commissioner Dhillon, the applicant commented that project build out will take years, but could be completed by 2010 to 2012. In response to Commissioner Dhillon's question about

future rezonings and amendments to the original master plan, the applicant indicated that previous rezonings had allowed relatively small changes, and that the subject rezoning could be the last significant amendment. Commissioner Dhillon expressed concern that the applicant should build out the existing entitlements first. The applicant clarified that it has taken many years to complete the first phase, especially with the delay caused by the fire in Building 7, and that it will take additional time to fully design the subsequent phases toward completing the project.

Eight community members spoke in opposition to the proposed rezoning. Bill Zahrt, president of the Villas HOA, commented on the history of the HOA's relationship of coordination with the Santana Row team. He commented that the developer's recent master planning efforts have changed the direction of the proposed development, making it denser. He commented that the proposed architecture for Building 8B was unacceptable. Another Board Member from the Villas expressed concern about the nature and height of housing to be developed on Parcel 8B, and expressed that the community understanding about the future Santana Row development, based on meetings with previous management teams working for Federal Realty, was not being adhered to. He further expressed concern about existing and future traffic levels.

An adjacent resident commented that there have been security issues and ongoing noise issues related to patrons of Santana Row. Another speaker stated that the community's trust in Santana Row's management was diminishing and that early coordination efforts from past years had lapsed and there is no longer the same connection between the community and the Santana Row management team.

James Yuan, resident of the Villas, further commented regarding the lack of trust between the community and the Santana Row management. He stated that there has been a recent increase in crime, that the City has an inadequate police force to address the crime, and that development of the site should slow down.

Another speaker stated that future traffic would be a serious issue, especially in light of the expansion proposed by Westfield Valley Fair and future housing along Winchester Boulevard, and recommended that the Planning Commission not recommend approval of 400 additional residential units.

Another area resident stated that future traffic increases could lead to additional cut through traffic within the surrounding neighborhood. He also commented that Santana Row had previously indicated that the existing Santana Park along Tisch Way would be expanded and upgraded, and that nothing has occurred since the Santana Row development was initially approved.

Ms. Callon commented that Santana Row is a beautiful, successful project that is known throughout the country. She then highlighted locations of existing on-site open space areas and future open spaces including public plazas and private recreation areas. Ms. Callon clarified that the pending Planned Development Permit to develop Parcel 8B is in progress but not before the Commission at this time. She further explained that the existing and proposed zoning restricts future development of Lot 12, immediately adjacent to the Villas townhouses, by limited the building height to 35 feet and three stories, consistent with the Villas development.

In response to a question from Commissioner Kalra about the master plan for the site and the need to receive additional entitlements at this time, Mr. Paul clarified that master planning for Santana Row is a long-range planning activity and requires a holistic view, rather than a site-by-site piecemeal approach. Commissioner Kalra asked about the height of Building 8B relative to the existing Building 8A. Mr. Paul indicated that Building 8B would be 2 to 3 stories taller than Building 8A, closer to the 90-foot height limit specified by the current and proposed Planned Development Zoning. Commissioner Kalra asked about the anticipated location of a future grocery store, and the applicant indicated that Lot 11 is being studied. Commissioner Kalra stated that future permits for the Santana Row project should involve the community.

In response to Commissioner Zito, the applicant clarified the existing planned distribution of housing units, and explained that the units remaining from the original entitlement and any additional units would be distributed primarily on Lots 9, 10, and 11. The applicant explained that approval of the proposed zoning would allow master planning up to the total number of residential units, in order to complete the project consistent with the vision for the site.

In response to comment from Commissioner Pham that the recurring issues from the community are on-site security issues and trust, the applicant's chief of security Gregory Leslie explained various measures that have been taken to respond to previous security concerns, including additional officers during the holidays for traffic control, closed circuit television cameras in the back parking lots, and additional patrols. The applicant further indicated that several community meetings had been held, including focused meetings with Villas residents, and that the security issues from the previous year mostly related to approval of the Vintage Merchants Wine Bar and were raised by residents who were not at this evening's public hearing.

Commissioner Platten asked whether there are crime statistics that show any increase in crime. Staff responded that there was no recent data available, but that Police Department, Planning staff, and the applicant were working together in an ongoing coordinated program to address issues and that there were improvements.

In response to questions from Commission Dhillon regarding the environmental clearance for the site, the applicant highlighted that the original Environmental Impact Report cleared 1200 residential units and 650,000 square feet of commercial uses and subsequent Addenda provided clearance for the additional residential units and commercial uses. The applicant briefly described the project phasing. In response to Commissioner Dhillon, the applicant explained that they were unable to acquire land to expand Santana Park, and that per the pending settlement agreement they would be contributing money to the City to expand and improve the park.

The City Attorney confirmed the status of parks planning and implementation of the project, noting that some on-site parks were built and some were yet to be built, and she acknowledged that a parkland agreement was coming forward to the City Council to provide cash to the City to pursue parkland acquisition and improvement to Santana Park. She further indicated that the proposed rezoning clarifies the location of future on-site open spaces.

Commissioner Kamkar asked what would keep the applicant from returning to request additional units. The applicant and staff responded that the requested additional units being pursued through the current rezoning request are probably all that could be allowed without a new Environmental

Impact Report. The applicant stated that the proposed additional units may be the maximum that would be desirable to complement the existing development, but that any proposed future project modifications would go through the same zoning process with public hearings. The applicant emphasized that the current rezoning request reflects the fine-tuning of a project that has been in the works for over 10 years.

Commissioner Campos stated the applicant could reapply and future proposals would come back to the Planning Commission and City Council and it would be up to those decision makers to balance the needs of the community, the developer, and the City.

The public hearing was then closed. Planning staff responded to the public testimony, stating that staff believes that the additional units would allow Santana Row to fulfill its potential, particularly for Lots 9, 10, and 11. Staff commented that there is currently a pending Planned Development Permit for Building 8B scheduled for Director's Hearing on December 6, 2006, and that the Permit would be heard by the Planning Commission if appealed.

In response to questions from Commissioner Zito, staff briefly highlighted the locations of existing and future open spaces on the site, and explained that future open spaces would be developed concurrently with development of each lot. Staff clarified that some areas depicted on the open space diagram are private recreation for the future residents. The City Attorney explained that the settlement agreement scheduled for City Council on December 5, 2006, would not apply to the additional 400 residential units, which would need to meet the PDO/PIO requirements in effect at the time of permit approval. With regard to the draft development standards pertaining to definition of gross floor area, Commissioner Zito asked whether the proposed definition would allow additional gross square footage given that the definition excludes storage areas and other like facilities. Staff clarified that the verbiage of the definition reflects the same definition of gross floor area from previous zonings, and that the only change is that the proposed development standards eliminate reference to municipal code sections that no longer exist.

Commissioner Zito asked for a brief explanation of the traffic analysis contained in the Addendum to the EIR. Public Works staff explained that the future increase in traffic would be dispersed around many public streets and several access points, and that any one turning movement may only receive one or two additional cars.

Commissioner Kalra asked staff to clarify the previous and current desired expansion to Santana Park. Staff explained that there was a land swap contemplated at the time of the original Planned Development Zoning, that the developer and the City has been unsuccessful in implementing the original vision, and that the pending Settlement Agreement could result in fees paid to the City that could be used to pursue expansion and upgrade to Santana Park.

Commissioner Platten then moved approval of the project, as recommended by staff, and Commissioner Kalra seconded the motion. Commissioners Zito, Dhillon, and Kamkar stated that they would support the motion, but all stated that Santana Row should continue to outreach to the community and hold additional community meetings to ensure that the community is involved in the planning process. The Planning Commission voted 6-1-0, Pham opposed, to approve the Zoning as recommended by staff.

### ANALYSIS

See original staff report (attached).

### POLICY ALTERNATIVES

Not Applicable

### PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A community meeting was held by the applicant on May 15, 2006, on the site. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1000 feet of the project site and was posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

### COORDINATION

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

### FISCAL/POLICY ALIGNMENT

This project is consistent with the General Plan and applicable General Plan policies as discussed in attached staff report from the Director of Planning, Building, and Code Enforcement to the Planning Commission.

### COST SUMMARY/IMPLICATIONS

Not applicable.

### BUDGET REFERENCE

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

Date: November 29, 2006

Subject: File No. PDC05-030

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**CEQA**

Addendum to Final EIR entitled, "Town and Country Village," certified on June 16, 1998, by City Council Resolution No. 68210.

  
*for* JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Susan Walton at 408-535-7806.

cc: Linda Callon, Berliner Cohen, 10 Almaden Boulevard, 11<sup>th</sup> Floor, San Jose, CA 95113  
Randy Paul and Dawn Becker, Federal Realty Investment Trust, 355 Santana Row, Suite 2000, San Jose, CA 95128

## **PDC05-030**

### **Santana Row**

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

### **Draft Development Standards**

**11-29-06**

#### **PLANNED DEVELOPMENT EFFECTUATION**

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

#### **USES**

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

1. All of the uses identified as "Permitted" in Use Table 20-90 of Section 20.40.100 of the San Jose Municipal Code, as amended, shall be permitted as a matter of right except those uses listed below which are prohibited:
  - a. Laundromats
  - b. All vehicle related uses listed in the Use Table 20-90 except for those that are expressly permitted as indicated in these development standards
  - c. Private clubs/lodges
  - d. Amusement arcades with more than 19 games
  - e. Bowling establishments
  - f. All health and veterinary services listed in the Use Table 20-90 except for those uses that are expressly permitted as indicated in these development standards. Medical, dental, and health practitioner use is permitted by right.
  - g. Cemeteries/columbaries and mortuaries
  - h. Emergency residential shelters, residential care/service facilities for 7 or more persons, and single-room occupancy hotels

- i. Public eating establishments and entertainment/drinking establishments larger than 9,000 gross square feet and large destination, name-brand, entertainment uses, such as Niketown, Hard Rock Café or Planet Hollywood, except that spaces larger than 9,000 gross square feet may be permitted with a Planned Development Permit.
  - j. All uses between 12:00 Midnight and 6:00 A.M. except those within hotel facilities and health club uses. Any allowed health club uses shall not operate between the hours of 12:00 Midnight and 5:00 A.M.
  - k. Recycling facilities, except as incidental to an allowed primary use.
2. Outdoor vending and live/work uses shall be allowed by right in those areas approved for such uses by a Planned Development Permit.
  3. Unless prohibited above, all uses identified as conditional uses of the CG Commercial General Zoning District in the Use Table 20-90 of Section 20.40.100 of the San Jose Municipal Code, as amended, shall require approval of a Planned Development Permit. In addition to the uses identified as "Conditional" in the Use Table 20-90 of Section 20.40.100 of the San Jose Municipal Code, as amended, the following uses shall require Planned Development Permit approval:
    - a. Commercial indoor and commercial outdoor recreational uses
    - b. Amusement arcades for 19 or fewer games or fewer than 19 amusement arcade games incidental to an allowed primary use
    - c. Maintenance and repair, small household appliances
    - d. Day care centers, including those located in school and/or church facilities
    - e. Retail sales establishments with tenant spaces larger than 48,000 gross square feet
    - f. Carwash, detailing
    - g. Auto broker, wholesale, no on-site storage
    - h. Animal grooming and indoor animal boarding

- i. All uses between midnight and 6:00 a.m., except those within hotel facilities and health club uses (approved health club uses shall not operate between the hours of midnight and 5:00 a.m.).

### **MAXIMUM DEVELOPMENT ALLOWANCES:**

#### **Commercial Uses**

1. The maximum gross floor area for all commercial uses shall be 695,000 square feet, including any theater uses, plus that area required for up to 404 hotel rooms.
2. Gross square footage is calculated as per the following definition, with the addition that unenclosed walkways and stairs shall also be excluded from the gross square footage calculations: The sum of the gross horizontal areas of the several floors of a building or buildings in a lot, on or above or below grade, situate within the exterior walls of the building or buildings, excluding such cellar or basement areas as are proposed to be used and are used exclusively for the following purposes:
  - a) Off-street parking, loading and/or unloading of vehicle of owners, occupants, employees, and/or visitors of the building;
  - b) Ways of ingress to and/or egress from off-street vehicular parking, loading and/or unloading areas;
  - c) Heating, cooling and/or air conditioning of the building;
  - d) Heating and/or cooling of water for occupants, employees and visitors of building;
  - e) Building maintenance rooms and facilities;
  - f) Storage space and facilities for use of owners, occupants and/or employees of the building;
  - g) To provide public utility and other services to owners, occupants and/or employees of the building, other than services which are not accessory to the maintenance, operation and use of the building.

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

3. The maximum cumulative gross building area allowed for all "restaurant," drinking establishment, and entertainment establishment uses shall not exceed a total of 115,200 square feet at any time.
  - a) Restaurants shall be defined as those establishments meeting the definition of "bona fide public eating establishment" as defined by California Business and Professions Code Section 23038. ["Bona fide public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation

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

### **Residential Uses**

4. A maximum of 1,601 residential units shall be allowed. All residential development shall be constructed to meet common interest subdivision standards. If any second hotel is built, then a maximum of 1411 residential units shall be allowed.
5. Residential uses shall include a mix of condominiums, townhouses and apartments, as well as leasing offices, club houses, pools and other residential amenities, the specific type and variety of units shall be determined by an approved Planned Development Permit/Amendment.

### **INTERFACES:**

1. Since the character of this project is mixed-use in nature, the adjacency of noise, traffic or odor-generating activities such as loading areas, access and circulation driveways, trash and storage areas, and rooftop equipment to sensitive residential and other used is anticipated, segregation of these uses is not a requirement for this project. However, partial mitigation of these effects is anticipated and should occur in the design and construction techniques of all buildings through the employment of a combination of internal loading facilities, masonry screen walls, landscaping, building orientation, activity usage limitations and construction techniques.
2. Since this project is mixed-use in character with shared residential and commercial parking facilities, any proposed restrictions at the access points for any parking facility must be approved through a Planned Development Permit.
4. All covered unenclosed walkways are to be accessible as public pedestrian ways, 24 hours per day.

### **ARCHITECTURE/BUILDING ORIENTATION:**

1. Architectural design and building materials are subject to approval by the Director of Planning, Building and Code Enforcement and shall be of equal or superior quality to those shown on the building elevations of sheet

- 5, "Conceptual Building Elevations" of the approved plans set for this planned development zoning.
2. "Non-active Building Elevations" facing a street will include details and/or appropriate architectural design consistent with the scale and style of active street facades in the project.
3. Because of the variety of uses within this project, the exterior building design, roof style, color, materials, architectural form and detailing may not be consistent among all buildings. However, each building and each facade on that building will contribute to the project character.

### **LOADING AND TRASH COLLECTION FACILITIES**

1. Loading docks may be located adjacent to residential structures or private rear yards.
2. Loading areas, dock and truck circulation aisles will be separated from residential uses, where possible, by a masonry screen wall or similar device.
3. Aisles designed as fire lanes will be a minimum of 20 feet.
4. Loading/trash collection spaces will be provided throughout the development. Loading and trash collection facilities may be shared between residential and commercial used when appropriate.
5. Loading access may be allowed directly from the street. Such access shall include architectural detailing and other screening measures.

### **MAXIMUM HEIGHT:**

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

### **MINIMUM SETBACKS:**

1. Setbacks will be 15 feet from proposed structures to property line along Stevens Creek Boulevard, 5 feet along Winchester Boulevard and 25 feet from structure-to-structure adjacent to residentially zoned, single-family

detached units except as specifically identified in the General Development Plan Exhibit C.

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

#### **OFF-STREET PARKING:**

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

#### **CIRCULATION:**

1. On-site vehicular access shall be accommodated along internal street and driveway networks, should the site be subdivided. Each site will share the private circulation system common to all sites.
2. Sidewalks shall be provided within the public right-of-way as shown. Internal sidewalk networks will provide access to public spaces and connection points to adjacent sites and the public sidewalk network. Provisions will be made to integrate private pedestrian networks with public sidewalks.

#### **OPEN SPACE REQUIREMENTS**

1. The parks and open space requirements for the original 1201 units are subject to the terms and conditions of that certain agreement entitled "Settlement and Parkland Agreement Between City of San Jose and FRIT San Jose Town and Country Village, LLC" bearing the effective date of December 5, 2006.
2. The locations of existing and future private recreation amenities are shown on Sheet 7 hereof, entitled "Conceptual Park Plans", and incorporated into

this General Development Plan, subject to the provisions of the Agreement identified in paragraph (1) above. These provisions are intended to supersede prior diagrams depicting such site amenities.

The future private recreation improvements shall be installed in conjunction with the construction of the associated residential units as delineated on Sheet 7A, and shall be completed on each parcel on or before the date the Certificate of Occupancy is issued for the last building to be constructed on the parcel that includes the planned private recreational improvements. With respect to any improvements given credit pursuant to the Agreement which relate to the original 1201 dwelling units and which are not completed in accordance with the schedule on Sheet 7A, the credits for the incomplete improvements shall be disallowed and Parkland Fees shall be required to be paid to the City as calculated using the methodology set forth in attachment A to the Agreement.

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

### **AMORTIZATION**

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

### **GENERAL NOTES**

#### Water Pollution Control Plant Notice

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

Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

**To The San Jose Planning Commission:**

We, the concerned neighbors of Santana Row ("Neighbors"), oppose the issuing of the following permits to Federal Realty Investment Trust ("FRIT"):

PD05-066 – Planned Development Permit to construct Building 8B; PT06-082 – the Vesting Planned Tentative Map Permit to subdivide 39 parcels into 244 lots for a 238 single-family condominium and parking structure; and PDC05-030 – Planned Development Rezoning.

In general we oppose the projects because FRIT is presently asking for a vastly enlarged project that far exceeds anything that was originally envisioned when the original approvals were granted. This classic case of "bait and switch" undermines the goodwill between Santana Row and its neighbors and removes the legitimacy of the original approvals; making the need for administrative intervention so urgent.

We are also against the projects for the following more specific reasons:

- The projects **are inconsistent with the "San Jose 2020 General Plan"** in that the building scales, e.g., Building 8B, **overwhelm the neighborhood** and in that the architectural design of the proposed structures **fails to protect the privacy of existing residences.**
- The projects **ignore the previously agreed to westerly "site line,"** extending from the Villas at Town and Country to the maximum zoned height of 120 feet on the western edge of Santana Row along Winchester Blvd. The site line is an integral part of the existing covenant between the Neighbors and FRIT that led to the Neighbor's initial support of the Santana Row development.
- The projects will **increase school class crowding, negatively impact traffic, increase crime, further stress the already inadequate recreational services, erode the neighborhood "feel," and decrease property values.**

We urge our elected officials on the City Council and the Planning Commission members to stop this ill conceived, neighborhood damaging project.

In signing this petition, we formally request that the City Council and Planning Commission reject Federal Realty Investment Trust's request for the approval of permits PD05-066, PT06-082, and PDC05-030.

We sincerely thank you for your time.

Name: Ryan + Tracy Abbott

Address: 600 Villa Centre Way  
San Jose, CA 95128

*Tracy Abbott*  
*Ryan Abbott*

11/28/06





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Name:  (Peng Jiang) +  (Jens Farley)  
Address: 617 Villa Centre Way

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In general we oppose the projects because FRIT is presently asking for a vastly enlarged project that far exceeds anything that was originally envisioned when the original approvals were granted. This classic case of "bait and switch" undermines the goodwill between Santana Row and its neighbors and removes the legitimacy of the original approvals; making the need for administrative intervention so urgent.

We are also against the projects for the following more specific reasons:

- The projects are **inconsistent with the "San Jose 2020 General Plan"** in that the building scales, e.g., Building 8B, **overwhelm the neighborhood** and in that the architectural design of the proposed structures **fails to protect the privacy of existing residences**.
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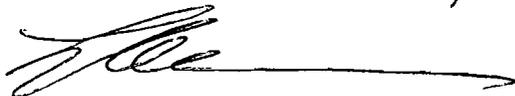
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We sincerely thank you for your time.

Name: *Leagong Chen*

Address: *572 Villa Centre Way*



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Name: *Regina & Igor Jonatan Schmidt*

Address: *672 Villa Centre Way, San Jose, 95128*

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Name: *Сарацова* LYUDMILA SAFONOVA  
*Александр* ALEKSANDR BADAYEV

Address: 668 Villa Centre Way, San Jose, CA 95128

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Name: Sarah Scofield

Address: 531 Villa Centre Way  
San Jose, CA 95128

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Name:

 LAWRENCE J. TING & Y. Ting WONGTING

Address:

536 Villa Centre Way  
San Jose, CA 95128

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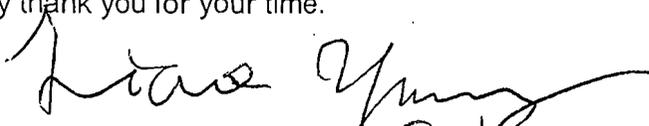
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We sincerely thank you for your time.

Name:

*KNANSHOI KOO*



Address:

*560 Villa Centre Way  
San Jose CA 95128*

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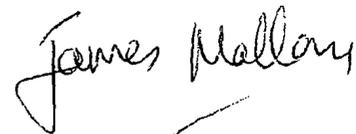
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Name: James Malloy

Address: 645 Villa Centre Way  
San Jose.



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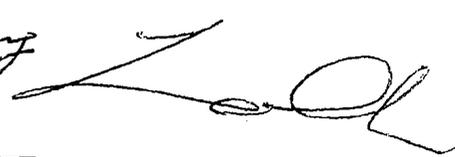
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We sincerely thank you for your time.

Name: *Lawrence Chu & Hong Huang*

Address: *699 Villa Centre Way, San Jose*

A large, stylized handwritten signature in black ink, likely belonging to Lawrence Chu or Hong Huang, written over the address line.

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<sup>RS</sup>  
Name: RAKESH SAHA

Address: 688 VILLA CENTRE WAY  
SAN JOSE  
CA- 95128

  
VANDANA KRISHNAN

688 VILLA CENTRE WAY  
SAN JOSE  
CA- 95128



Print - Close Window

**Date:** Wed, 29 Nov 2006 21:50:27 +0800 (CST)  
**From:** "Lily Chen" <lily2651@yahoo.com>  
**Subject:** Re: [TheVillasatTownCountryHOA] Petition Opposing Santana Row Overbuild  
**To:** cheng4@sbcglobal.net

Hi, David and Kathy,

Can you please add us on your list since we may or may not be able to attend. Thanks

Hui-Chen Chen  
 Chih-Chun Ma  
 2892 Hemlock Ave.

Thanks again!

Hui-Chen & Chih-Chun

--- David & Kathy Cheng <cheng4@sbcglobal.net> >ijG

> Dear Villas Residents,  
 >  
 > I am collecting signatures on behalf of our  
 > neighborhood for a petition opposing the Santana Row  
 > overbuild. Several of you have e-mailed me directly  
 > asking to add your signatures to the petition.  
 > Please feel free to stop by our home at 628 Villa  
 > Centre Way to add your name. Also, please pass the  
 > word on to your neighbors since not all residents  
 > are a part of this Yahoo group. We need as many  
 > signatures as possible!  
 >  
 > Thank you,  
 > Kathy and Dave Cheng  
 >  
 >

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<http://messenger.yahoo.com.tw/>

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Name: Fe M Lee

Address: 2880 Hemlock Ave  
San Jose, CA 95128

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Name: FIONA + MARTIN WEBSTER



Address: 692 VILLA CENTRE WAY  
SAN JOSE, CA 95128.



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Name: *Ryan Lee*

Address: *712 Villa Centre Way*

*San Jose, CA 95128*

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Name: *Ken Moore*

Address: *653 Villa Centre way, S.J 95128*

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We are also against the projects for the following more specific reasons:

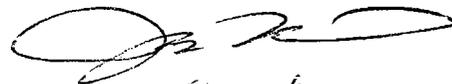
- The projects **are inconsistent with the "San Jose 2020 General Plan"** in that the building scales, e.g., Building 8B, **overwhelm the neighborhood** and in that the architectural design of the proposed structures **fails to protect the privacy of existing residences.**
- The projects **ignore the previously agreed to westerly "site line,"** extending from the Villas at Town and Country to the maximum zoned height of 120 feet on the western edge of Santana Row along Winchester Blvd. The site line is an integral part of the existing covenant between the Neighbors and FRIT that led to the Neighbor's initial support of the Santana Row development.
- The projects will **increase school class crowding, negatively impact traffic, increase crime, further stress the already inadequate recreational services, erode the neighborhood "feel," and decrease property values.**

We urge our elected officials on the City Council and the Planning Commission members to stop this ill conceived, neighborhood damaging project.

In signing this petition, we formally request that the City Council and Planning Commission reject Federal Realty Investment Trust's request for the approval of permits PD05-066, PT06-082, and PDC05-030.

We sincerely thank you for your time.

Name: JAMES YUAN  
GRACE KEYUAN  
Address: 625 VILLA CENTRE WAY  
SAN JOSE CA 95128



James Yuan

## Morris, Erin

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**From:** CATHERINE DWYER [catiemary@msn.com]  
**Sent:** Tuesday, November 28, 2006 4:00 PM  
**To:** Carol Hamilton; Erin Morris; Joseph Horwedel; Linda LaCount  
**Cc:** Chuck Reed; Cindy Chavez; Ken Yeager; Mark Linder; Megan Doyle  
**Subject:** PDC05-030

November 28, 2006

San Jose Planning Commission  
Meeting November 29, 2006  
To be included in the meeting agenda

RE: PDC05-030

My name is Katie Dwyer and I live at 383 S. Baywood Ave, directly behind Santana Row. I am totally against rezoning to allow more restaurants and nightclubs and reducing the required parking. There are more restaurants there then is needed. The alcohol that flow from the establishments already well exceeds a reasonable amount for such a small area. They probably exceed what downtown produces, which is exactly where this type of establishment belongs, not in the middle of residential neighborhoods. You will be adding to problems that already exist. Santana Row has inadequate parking as it is, so reducing the parking requirements will push it into our neighborhoods.

There is no public convenience or necessity to be served with more alcoholic beverage licenses to be issued in the Santana Row shopping site. This site is already extremely over concentrated with facilities that already are allowed to serve alcoholic beverages and adding more establishments serving alcohol to the public will be endangering our neighborhoods safety. I believe there are about 20 establishments in this three block area serving alcohol to the public; the same area that was once only allowed five. I remember Santana Row selling the package to develop the site "as a site for the family", is alcohol part of the family experience? It is a fact that the surrounding area is a mixture of residential/business and it will always be that way, residential in the mixture. We have a right to live in safe neighborhoods and allowing so many of these establishments to serve alcohol is placing us in harms way. This area is not "downtown", this is mainly residential and should not be treated as or competing to be "downtown".

The patrons of Santana Row have no respect for the residents of the surrounding neighborhoods. There are at least three large parking lots that service this establishment is within 50 feet of many residential homes. These are homes of families raising their children. These patrons are often rude, loud, obnoxious and vulgar during operating hours and well into the late night. In the past they have displayed public indecency in front of the children in our neighborhoods. Also, our streets are not wide enough to accommodate the added cars and traffic with the additional patrons this establishment brings.

The level of crime has risen since we have had so many facilities serving alcohol so close to our homes. Within our zip code the important area like education, health and safety we are well below the region and national standards and allowing more establishments to serve alcohol and reducing parking will not help improve our standards. Our quality of life we once had will never exist again.

Reducing the parking requirements is ridicules because there is inadequate parking as it is. Our neighborhoods have cars driving around and around looking for parking because the parking lots at Santana Row will be full be 7:00 PM. We have witnessed fights over parking spaces and more car horns from frustrated patrons than we care to hear. With the increase of resident living to be built, decreasing the parking requirements is going to send more traffic into our neighborhoods. We already have enough problems with what is already exist. Santana Row does not help the neighborhoods in any way. I have asked for signs to be post in the parking lots to please be quiet, but they refused. Right now I

have sign I have to hang my truck stating "residential permit parking only...and yes the SJPD will be called" and one I hang on my recycling bin that states "residential permit parking all streets" with arrows pointing both ways. I am tired of arguing with people and being threaten. I think Santana Row should make some signs for our neighborhoods like Westfield has for the neighborhoods behind them.

One solution to curb some of the problems would be to extend S. Baywood straight down to Olsen and close Hatton Street. This would have at least 3 stops by the time they got to Stevens Creek which would slow down the speed of the vehicles. The traffic would be along a straight street instead of the turns that exist now.

Please do not allow this more frustration to an already frustrated situation. Please do not allow more drinking establishments and please do not reduce the parking requirements. This is not downtown and should not be treated as such. This is residential neighborhoods and should be treated as such.

Thank you.  
Katie Dwyer  
383 S. Baywood Ave



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** November 22, 2006

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## TRANSMITTAL MEMO

**COUNCIL DISTRICT:** Citywide  
**SNI AREAS:** All

**SUBJECT: PDC05-030. LOCATED ON THE SOUTHEAST CORNER OF STEVENS CREEK AND SOUTH WINCHESTER BOULEVARDS (SANTANA ROW).**

The Planning Commission will hear this project on November 29, 2006. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.

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

For questions please contact Susan Walton at (408) 535-7847.

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

Hearing Date/Agenda Number  
PC 11-29-2006 46  
CC 12-5-2006 11.7

File Number  
PDC05-030

Application Type  
Planned Development Rezoning

Council District  
6

Planning Area  
West Valley

Assessor's Parcel Number(s)  
Various

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Erin Morris

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

Gross Acreage: 40.79

Net Acreage: 40.79

Net Density: 40 DU/AC

Existing Zoning: A(PD) Planned Development Existing Use: Mixed Use/Commercial, Residential and Hotel

Proposed Zoning: A(PD) Planned Development Proposed Use: Mixed Use/Commercial, Residential and Hotel

### GENERAL PLAN

Land Use/Transportation Diagram Designation  
Regional Commercial & General Commercial with  
Intensification Corridor Overlay

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

North: Shopping Mall (Valley Fair)

City of Santa Clara and CG Commercial

East: Commercial and Residential

CN, CG Commercial and A(PD) Planned Development

South: Office/Commercial and Residential

CG Commercial and RM Residence

West: Commercial

CN, CG Commercial and A(PD) Planned Development

### ENVIRONMENTAL STATUS

Addendum to Final EIR, approved November 21, 2006  
 Negative Declaration circulated on  
 Negative Declaration adopted on

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Annexation Title: Maypark No\_1 and Moorpark No. 3

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

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: 11-17-06

Approved by: *Susan Walton*  
 Action  
 Recommendation

APPLICANT/OWNER/DEVELOPER	CONTACT	CONTACT
FRIT San Jose Town & Country Village 1626 E. Jefferson Street Rockville, MD 20852	Dawn Becker Federal Realty Investment Trust 355 Santana Row, Suite 2000 San Jose, CA 95128	Linda Callon & Andy Faber Berliner Cohen 10 Almaden Boulevard, 11 <sup>th</sup> Floor San Jose, CA 95113

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: Erin Morris

Department of Public Works

See attached.

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Other Departments and Agencies

None received.

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**GENERAL CORRESPONDENCE**

See attached correspondence.

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**ANALYSIS AND RECOMMENDATIONS**

**BACKGROUND**

The applicant, FRIT San Jose Town and Country LLC (Federal Realty), is proposing to rezone the 40.79-acre Santana Row site from A(PD) Planned Development to A(PD) Planned Development to allow modifications to the project originally approved by the City Council for this site in 1998 (File Number PDCSH97-06-036) and revised in four subsequent Planned Development (PD) Rezoning (File Nos. PDCSH00-09-095, PDCSH01-02-023, PDC02-005, and PDC03-083), previously approved by the City Council. The previous rezonings allowed expansion of the site area to its current 40.79 gross acre size, additional commercial uses including hotel rooms, and an additional hour of operation for health club uses.

The current Planned Development Zoning (File Number PDC03-083) allows up to 680,000 square feet of commercial uses, of which 95,200 square feet may contain restaurant, bar and nightclub uses. The Zoning also allows up to 1201 attached residential units and 404 hotel rooms, with a current residential density of 30 DU/AC. Planned Development (PD) Permits and Tentative Maps have been approved for this site pursuant to the Planned Development Zonings referenced above to allow build out of the first phases of the project. To date this includes 514 residential units, 213 hotel rooms, and 555,270 square feet of commercial uses. Of the commercial construction, 92,358 square feet is devoted to full-service public eating, drinking, and entertainment establishments. A Planned Development Permit (File No. PD05-066) is currently on file to allow construction of 238 residential units on Building/Parcel 8B (see Sheet 7A of the plan set).

The current rezoning proposes to allow up to 400 additional multi-family attached residences (1,601 total units) if a second hotel is not built or up to 210 additional dwelling units (1,411 total units) if the second hotel is built, allow an additional 15,000 square feet of retail/commercial space for a total of 695,000 square feet, allow up to 20,000 square feet of currently permitted general retail/commercial space to be replaced with full-service public eating, drinking, and entertainment establishments, (for a total of 115,200 square feet of such uses), and modify the current parking requirements to provide a modest parking reduction for residential units. A residential density across the entire site of 40 DU/AC would result if 1,601 units are ultimately constructed.

The site is bounded on the north and west by six-lane thoroughfares, Stevens Creek Boulevard on the north and Winchester Boulevard on the west. The Valley Fair Shopping Mall is located directly to the north, across Stevens Creek Boulevard; commercial buildings, including the Century Movie Theater complex and the Winchester Mystery House, lie to the west across Winchester Boulevard; single-family residences and suburban-style offices lie to the east; and two multi-story office buildings are located immediately to the south.

## **PUBLIC OUTREACH**

A community meeting was held May 15, 2006 at Santana Row in the former Casa Adobe tenant space. Approximately 75 people attended the meeting. Community concerns included traffic impacts on the adjacent residential and commercial neighborhoods to the east and north of Santana Row, building height, desire for expansion of Santana Park, potential future connection to Tisch Way, and late night noise impacts of the existing development.

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

## **ENVIRONMENTAL REVIEW**

An Addendum to the Final EIR for the overall project was prepared. The addendum concludes that the proposed modifications to the existing zoning do not create any new impacts that were not covered under the EIR or prior Addendums. All the environmental impacts of the project were addressed in the Final EIR entitled, "Town and Country Village," certified on June 16, 1998, by City Council Resolution No. 68210.

## **GENERAL PLAN CONFORMANCE**

### ***Land Use Transportation Diagram/Discretionary Alternate Use Policies***

The site is designated Regional Commercial and General Commercial on the San José 2020 General Plan Land Use/Transportation Diagram with an Intensification Corridor Overlay. The residential component of the original Planned Development Zoning and subsequent rezonings were found to be consistent with the commercial land use designations through the use of the Discretionary Alternate Land Use Policy, "Residential Uses on Commercially Designated Parcels." This Policy allows residential development on commercially-designated properties when all of the following criteria are met: 1) the project must be high density residential (minimum 17 dwelling units per acre) or mixed use in nature; 2) Planned Development Zoning is required; 3) project site must be located on and take access from a major thoroughfare and be designated Neighborhood/Community Commercial, Office, General Commercial, or Regional Commercial; 4) the project site must be of a size and design to provide an appropriate residential environment within the larger non-residential environment; and 5) The density of residential development should not exceed 65 dwelling units per acre for properties on major arterials such as Winchester Boulevard and Stevens Creek Boulevard.

The subject proposal meets all of the above criteria in that it is a mixed-use, Planned Development Rezoning with an overall residential density of 40 dwelling units per acre over a 40.79 gross acre area. The main vehicular access is provided from Stevens Creek Boulevard and Winchester Boulevard. The project has been designed to provide a high quality mixed-use urban environment for residents, guests, and members of the public. Staff believes that a modest increase to the project's residential density will help support the completion of the overall development in a manner consistent with the exceptional design of the existing development. Based on this analysis, staff concludes that the proposed zoning conforms to the General Plan.

### Greenline/Urban Growth Boundary (UGB) and Housing Major Strategies

The proposed project also furthers the closely related Greenline and Housing Major Strategies of the General Plan. The Greenline/Urban Growth Boundary Strategy specifies that urban development should only occur within the Urban Service Area where urban services can be efficiently provided. 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. The Housing Strategy recognizes that continued economic growth in the City and region could be adversely affected by an inadequate supply of housing.

The subject site is situated within the existing urbanized area of the City of San Jose, in a mixed-use environment with proximate ground floor commercial uses, a regional shopping mall, and access to the area's major highways within short proximity. Thus, the site provides an opportunity for infill development in support of the above-mentioned strategies. The current rezoning proposal has the potential to 1) increase the housing supply, 2) maximize the efficient use of existing infrastructure, and 3) reduce pressure for growth outside the UGB.

## ANALYSIS

### **Development Standards/Use Regulations**

The previous Planned Development Rezonings for the site incorporated the development standards of the C-3 Commercial Zoning District, as amended through April 1998, with specific modifications. The C-3 Commercial district was eliminated in 2001 as part of the comprehensive Zoning Code update and replaced with the CG Commercial General Zoning District, but the Planned Development Zoning development standards for Santana Row continue to reflect and reference the outdated Zoning Code.

Staff has developed revised Draft Development Standards for this rezoning (attached) that incorporate the permitted, conditional, and special uses of the CG Commercial General Zoning District, with some specific modifications to reflect some of the special issues with the subject site. The mixture of uses proposed to be allowed by this rezoning is substantially similar to the previous zonings for the site, with clarifications in key areas, such as allowances for public eating establishments, and parkland and open space requirements. Staff believes that the minor changes to the language relating to public eating establishments and entertainment establishments will help implement City Council direction that the number of regional-draw, large-scale public eating, drinking, and entertainment establishments be limited without unduly

limiting the number of smaller neighborhood-scale public eating establishments, such as coffee, tea and juice shops and ice cream parlors.

The main modifications to the original Development Standards include the proposed up to 400 additional residential units and up to 15,000 square feet of additional commercial development, reduced parking for residential uses, and clarified parkland and open space requirements. These aspects of the project are discussed and analyzed below.

### **Additional Residential Units**

As discussed in the General Plan Conformance section of this report, the proposal to increase the site's residential density to 40 dwelling units per acre is in conformance with the General Plan. Staff believes that increased residential density on the site is positive and consistent with various City objectives to pursue a variety of infill housing types on urbanized sites, support existing and planned transit corridors, and to provide high-quality residential living environments. The existing Santana Row development has demonstrated that provision of high density housing in a mixed-use configuration can be pedestrian-friendly, successful, and provide a vibrant asset to the community. Allowing these additional units will maximize the potential for living units in this active, mixed-use environment.

### **Additional Commercial Development**

The proposal to increase the retail/commercial space by 15,000 square feet for a total of 695,000 square feet represents a modest increase to the existing development. As the remainder of the site builds out, staff believes the additional commercial uses on the ground-floor of the new buildings will continue to enhance the vibrant, ground-floor commercial environment that serves as a regional draw and contributes toward the City's economic vitality. Allowing an additional 20,000 square feet of the new total commercial square footage for public eating, drinking, and entertainment uses will allow these uses to be integrated into subsequent development phases of mixed-use buildings to continue to attract members of the public to the site.

### **Parking**

The proposed Draft Development Standards incorporate parking ratios consistent with the requirements of the Zoning Code for commercial uses, while recognizing that shared and alternating parking arrangements may be accommodated through a Planned Development Permit. The previous Planned Development Zonings allowed a slightly reduced parking requirement for residential units (1.7 spaces per unit, irrespective of bedroom count). The applicant is requesting a further reduction to allow 1.3 parking spaces per residential unit. This proposal is based on a parking study prepared for the applicant by Watry Design, Inc. The applicant has indicated that there is an overall surplus of residential parking for the existing residential units. Following review of the parking study, and consideration of the type of residential units already constructed and occupied on the site, staff believes that 1.3 spaces per unit is a reasonable minimum to ensure adequate residential parking, while not precluding the developer from increasing the amount of parking as the future project unit mix and market forces dictate.

## **Parkland and Open Space**

The previous zonings for the site referenced future off-site parkland acquisition to expand Santana Park, which is located at the northwest corner of Tisch Way and Monroe Street south of the Santana Row site, in addition to referencing and depicting a variety of on-site open space areas to be constructed within the overall development. Several of the on-site open space areas were developed concurrently with the first phases of the development, including Valencia Park, Building 1 Plaza, Oak Park, Chess Area, and residential open space areas atop Building 7 and Building 8A (see Sheet 7A of the plan set).

The City and the property owner, FRIT San Jose Town and Country LLC, have been in ongoing dialogue regarding clarification of the parkland requirements for the project. City staff, including staff from the Parks Department, Planning Department, and Attorney's Office, have met with Federal Realty on numerous occasions in order to develop consensus on how to best resolve outstanding issues and the lack of clarity in prior zonings. A Settlement Agreement between the property owner and the City has been drafted for approval by the City Council on December 5, 2006. If the Agreement as drafted is approved, the Agreement clarifies and identifies on-site open space and private recreation requirements consistent with the diagram depicted on Sheet 7A of the plan set, provides for payment of fees to resolve the PDO/PIO requirements for the first 1201 residential units, and provides that for any units above the original 1201 residential units, the project must comply with the PDO/PIO ordinances in effect at the time of the issuance of related Planned Development Permits and Tentative Maps for those additional units.

## **Other Community Concerns**

The community has expressed concern about traffic and other environmental impacts that were addressed through the "Town and Country EIR" for the project, and subsequent Addenda. Public Works, Transportation, and Planning staff have fully evaluated the proposed project and determined that there will be no new impacts that were not covered by previous environmental clearance.

Of concern to the community is the future connection to Tisch Way, and how this connection may impact Monroe Street and/or other streets that serve the commercial uses and residential neighborhoods to the east of the Santana Row site. Previous zonings for Santana Row have included a notation on the Land Use Plan indicating two potential secondary access points to the south of the Santana Row site. This proposed rezoning does not include modifications to the diagram and maintains the future access requirement.

The intent of these secondary access points is to facilitate connection between Santana Row and the future expanded Santana Park and to provide additional vehicular connections to better disperse vehicle trips in multiple directions. The environmental impacts of the secondary access points were discussed in the original EIR for the project, were vetted through the public discussion and public hearings during the prior rezoning processes, and were determined to be acceptable and approved by the City Council.

Other issues of concern to the community include building height, particularly in the vicinity of the adjacent townhouse development to the east, and noise impacts from late night activity on the site. The applicant has not proposed any modification to the existing height limits that were

determined through previous General Plan Amendments and Planned Development Rezonings. While the applicant was originally proposing to expand the hours of operation for the site and additional parking reductions for commercial uses, those aspects of the proposal were withdrawn by the applicant.

### **Conclusion**

Based on the above analysis, staff has concluded that the proposed rezoning is consistent with the original design concept for Santana Row, supportive of the General Plan goals for the site and the Intensification Corridor, and compatible with surrounding uses.

### **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* designations of Regional Commercial and General Commercial.
2. The proposed project is compatible with adjacent uses.
3. The proposed project furthers the economic development goals of the General Plan.

#### **Attachments:**

Staff Report

Draft Development Standards

Location Map

EIR Addendum

**PDC05-030**  
**Santana Row**

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

**Draft Development Standards**  
**11-22-06**

**PLANNED DEVELOPMENT EFFECTUATION**

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

**USES**

The use regulations of the CG Commercial General Zoning District, as amended, pertain to the subject site.

1. All of the uses identified as "Permitted" in Table 20-90, as amended, shall be permitted as a matter of right except those uses listed below which are prohibited:
  - a. Laundromats
  - b. All vehicle related uses listed in the use table except for those that are expressly permitted as indicated in the development standards
  - c. Private clubs/lodges
  - d. Amusement arcades with more than 19 games
  - e. Bowling establishments
  - f. All health and veterinary services listed in the use table except for those uses that are expressly permitted as indicated in the development standards. Medical, dental, and health practitioner use is permitted by right.
  - g. Cemeteries/columbaries and mortuaries
  - h. Emergency residential shelters, residential care/service facilities for 7 or more persons, and single-room occupancy hotels

- i. Public eating establishments and entertainment/drinking establishments larger than 9,000 gross square feet and large destination, name-brand, entertainment uses, such as Niketown, Hard Rock Café or Planet Hollywood, except that spaces larger than 9,000 gross square feet may be permitted with a Planned Development Permit.
  - j. All uses between 12:00 Midnight and 6:00 A.M. except those within hotel facilities and health club uses. Health club uses are prohibited between 12:00 Midnight and 5:00 A.M.
  - k. Recycling facilities, except as incidental to an allowed primary use.
2. Outdoor vending and live/work uses shall be allowed by right in those areas approved by a Planned Development Permit.
  3. Unless prohibited above, conditional uses of the CG Commercial General Zoning District, as amended, shall require approval of a Planned Development Permit. In addition to the uses identified as "Conditional" in Table 20-90 as amended, the following uses shall require Planned Development Permit approval:
    - a. Commercial indoor and commercial outdoor recreation uses
    - b. Amusement arcades for 19 or fewer games or fewer than 19 amusement arcade games incidental to an allowed primary use
    - c. Maintenance and repair, small household appliances
    - d. Day care centers, including those located in school and/or church facilities
    - e. Retail sales establishments with tenant spaces larger than 48,000 gross square feet
    - f. Carwash, detailing
    - g. Auto broker, wholesale, no on-site storage
    - h. Animal grooming and indoor animal boarding
    - i. All uses between midnight and 6:00 a.m., except those within hotel facilities and health club uses (health club uses are prohibited between midnight and 5:00 a.m.).

## **MAXIMUM DEVELOPMENT ALLOWANCES:**

### **Commercial Uses**

1. The maximum gross floor area for commercial uses shall be 695,000 square feet, including any theater uses, plus that area required for up to 404 hotel rooms.
2. Gross square footage is calculated as per the following definition, with the addition that unenclosed walkways and stairs shall also be excluded from the gross square footage calculations: The sum of the gross horizontal areas of the several floors of a building or buildings in a lot, on or above or below grade, situate within the exterior walls of the building or buildings, excluding such cellar or basement areas as are proposed to be used and are used exclusively for the following purposes:
  - a) Off-street parking, loading and/or unloading of vehicle of owners, occupants, employees, and/or visitors of the building;
  - b) Ways of ingress to and/or egress from off-street vehicular parking, loading and/or unloading areas;
  - c) Heating, cooling and/or air conditioning of the building;
  - d) Heating and/or cooling of water for occupants, employees and visitors of building;
  - e) Building maintenance rooms and facilities;
  - f) Storage space and facilities for use of owners, occupants and/or employees of the building;
  - g) To provide public utility and other services to owners, occupants and/or employees of the building, other than services which are not accessory to the maintenance, operation and use of the building.

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

3. The maximum cumulative gross building area allowed for all "restaurant," drinking establishment, and entertainment establishment uses shall not exceed 115,200 square feet at any time.
  - a) Restaurants shall be defined as those establishments meeting the definition of "bona fide public eating establishment" as defined by California Business and Professions Code Section 23038. ["Bona fide public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must

comply with all the regulations of the local department of health. "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement.]

### **Residential Uses**

4. A maximum of 1,601 residential units shall be allowed. All residential development shall be constructed to meet common interest subdivision standards. If any second hotel is built, then a maximum of 1411 residential units shall be allowed.
5. Residential uses shall include a mix of condominiums, townhouses and apartments, as well as leasing offices, club houses, pools and other residential amenities, the specific type and variety of units shall be determined by an approved Planned Development Permit/Amendment.

### **INTERFACES:**

1. Since the character of this project is mixed-use in nature, the adjacency of noise, traffic or odor-generating activities such as loading areas, access and circulation driveways, trash and storage areas, and rooftop equipment to sensitive residential and other used is anticipated, segregation of these uses is not a requirement for this project. However, partial mitigation of these affects is anticipated in the design and construction techniques of all buildings through the employment of a combination of internal loading facilities, masonry screen walls, landscaping, building orientation, activity usage limitations and construction techniques.
2. Since this project is mixed-use in character with shared residential and commercial parking facilities, any proposed restrictions at the access points for any parking facility must be approved through a Planned Development Permit.
4. All covered unenclosed walkways are to be accessible as public pedestrian ways, 24 hours a day.

### **ARCHITECTURE/BUILDING ORIENTATION:**

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

2. "Non-active Building Elevations" facing a street will include details and/or appropriate architectural design consistent with the scale and style of active street facades in the project.
3. Because of the variety of uses within this project, the exterior building design, roof style, color, materials, architectural form and detailing may not be consistent among all buildings. However, each building and each facade on that building will contribute to the project character.

### **LOADING AND TRASH COLLECTION FACILITIES**

1. Loading docks may be located adjacent to residential structures or private rear yards.
2. Loading areas, dock and truck circulation aisles will be separated from residential uses, where possible, by a masonry screen wall or similar device.
3. Aisles designed as fire lanes will be a minimum of 20 feet.
4. Loading/trash collection spaces will be provided throughout the development. Loading and trash collection facilities may be shared between residential and commercial used when appropriate.
5. Loading access may be allowed directly from the street. Such access shall include architectural detailing and other screening measures.

### **MAXIMUM HEIGHT:**

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

### **MINIMUM SETBACKS:**

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

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

**OFF-STREET PARKING:**

1. As an interim use, surface parking may be permitted with a Planned Development Permit for any area on which a building is ultimately proposed.
2. On-site parking for the project shall be provided in conformance with Table 20-190 of the Zoning Code, as amended. Shared and/or alternating parking arrangements based on a parking analysis for specific uses and residential unit types may be approved through a Planned Development Permit/Amendment. However, the standard for off-street parking for residential units shall be one and three-tenths (1.3) spaces per unit.

**CIRCULATION:**

1. On-site vehicular access shall be accommodated along internal street and driveway networks, should the site be subdivided. Each site will share the private circulation system common to all sites.
2. Sidewalks shall be provided within the public right-of-way as shown. Internal sidewalk networks will provide access to public spaces and connection points to adjacent sites and the public sidewalk network. Provisions will be made to integrate private pedestrian networks with public sidewalks.

**OPEN SPACE REQUIREMENTS**

1. The parks and open space requirements for the original 1201 units are subject to the terms and conditions of that certain agreement entitled "Settlement and Parkland Agreement Between City of San Jose and FRIT San Jose Town and Country Village, LLC" bearing the effective date of December 5, 2006.
2. The locations of existing and future private recreation amenities are shown on Sheet 7 hereof, entitled "Conceptual Park Plans", and incorporated into this General Development Plan, subject to the provisions of the Agreement identified in paragraph (1) above. These provisions are intended to supersede prior diagrams depicting such site amenities.

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

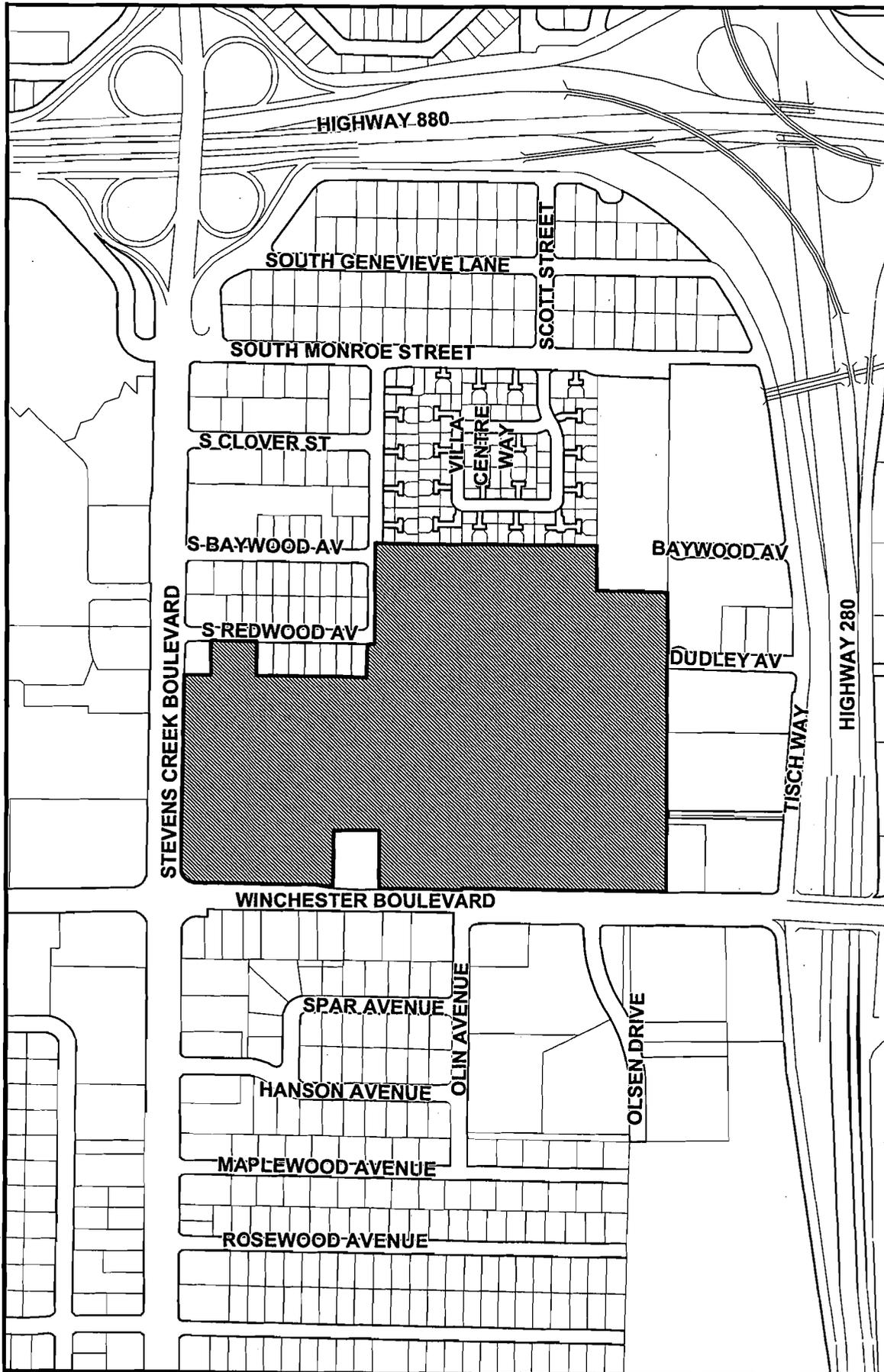
### **AMORTIZATION**

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

### **GENERAL NOTES**

#### Water Pollution Control Plant Notice

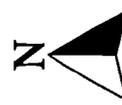
Pursuant to Chapter 15.12 of the San Jose Municipal Code, no vested right to a Building Permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand at the San Jose-Santa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



**File No: PDC05-030**

**District: 06**

**Quad No: 82**



Scale: 1"=500'

Created on 10/02/03

**ADDENDUM TO A FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
TOWN AND COUNTRY VILLAGE PROJECT  
November 2006**

**I. PURPOSE OF ADDENDUM**

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

In 1998, the City of San José certified the EIR for the Town and County Village project, which analyzed the redevelopment of the existing Town and County Village with a mixed use development. The maximum development analyzed in the EIR for this project was 650,000 square feet of commercial/retail space, 1,200 residential units, and two 100-room hotels<sup>1</sup>. Since the certification of the EIR, minor changes have been made to the project that were the subject of three addenda to the certified EIR. The first addendum, in March 2000, was for the preparation of a noise study to allow a concrete crushing plant to be located on-site during construction. No changes were made to the scope of the original project. The second addendum, in January 2001, rezoned the property to annex an existing building at 360 S. Winchester Boulevard, allowing an increase in commercial space of 30,000 square feet, and to add 14 additional hotel rooms, and an increase in building height of 30 feet on the hotel site only. The addendum, in May 2001, expanded the boundaries of the project site to include an adjacent parcel at 3030 Stevens Creek Boulevard and a residential lot at 325 S. Redwood Avenue. In addition, the addendum allowed for an additional 75,000 square feet of commercial space, 190 additional hotel rooms, and one residential unit. An addendum in February 2002 allowed an increase from 80,000 square feet to 95,200 square feet for restaurant, bar, and nightclub uses within the existing total retail/commercial square footage. With the minor changes that have been approved since certification of the FEIR, the maximum development currently allowed on the project site is 680,000 square feet of commercial space, 404 hotel rooms, 1,201 residential units, and a maximum building height of 120 feet<sup>2</sup>.

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

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

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant

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

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

environmental effects or a substantial increase in the severity of previously identified significant effects;

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

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

## **II. DESCRIPTION OF THE PROPOSED CHANGES TO THE PROJECT**

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

1. Replace 190 approved hotel rooms with 400 residential units for a total of 1,601 total residential units OR add up to 210 more dwelling units (1,411 total units) if the second hotel allowed by the existing zoning is built
2. Eliminate a prohibition on operations between the hours of midnight and 6:00 a.m. and instead allow the activities with approval of a PD Permit;
3. Add an additional 15,000 square feet of retail/commercial space;
4. Allow up to 20,000 square feet of currently permitted general retail space to be replaced with 20,000 square feet of restaurant space; and
5. Require 1.3 parking spaces per residential unit instead of the current ratio of 1.7 parking spaces per unit.

The residential units proposed will be located at various locations where residential development is currently allowed, throughout the project site. This Planned Development Rezoning will not change the locations on the site where residences are allowed, nor will it increase the overall maximum building height or building coverage allowed by the existing zoning.

With approval of the proposed addendum, the maximum build out scenario for the project site would be 695,000 square feet of retail/commercial space, 1,601 dwelling units and 214 hotel rooms, or 1,411 dwelling units and 404 hotel rooms.

### III. ENVIRONMENTAL IMPACTS OF PROPOSED CHANGES TO THE PROJECT

The discussion below describes the minor changes in environmental impacts of the currently proposed project when compared to the previously approved project. These environmental issues include the following: traffic, air quality, noise, utilities and public services. No notable changes in other subject areas (e.g., aesthetics, land use, drainage, geology, cultural resources) would result from the changes in the project.

Two elements of the proposed project, the elimination of the prohibition on certain activities between the hours of midnight and 6:00 a.m. and the replacement of 20,000 square feet of currently permitted general retail/commercial space with 20,000 square feet of restaurant space, would have no discernable impact on any of the resource areas because these elements will not result in a physical change on the site that has not already been addressed by the environmental review process. The proposed zoning change is not proposed to allow uses with extended hours on the property or to allow any specific uses to operate with extended hours, but is only intended to bring the zoning on the site into conformance with the City's general zoning ordinance (Zoning Ordinance Section 20.40.500) which allows such uses only if a PD permit is approved. The change from general retail/commercial to restaurant may slightly alter the traffic patterns on the site because of the hours of operation and peak hours of use, but will not result in an increase in square footage on the site. As a result, these elements of the proposed project will not result in any significant impacts and will not be addressed further in this report.

#### *Traffic*

##### Originally Approved Town and Country Village Project

#### *Project Impacts*

The FEIR concluded that implementation of the originally proposed project would result in five intersections in the project area operating at an unacceptable LOS E or worse during at least one of the peak hours. Of the five impacted intersections only two intersections, Moorpark Avenue/Winchester Boulevard and Stevens Creek Boulevard/Winchester Boulevard, were estimated to have an increase in critical movement volumes of one percent or more due to the addition of project traffic. Therefore, only two intersections were significantly impacted as a result of project. The two impacted intersections are located within the City of San José. No intersections within the City of Santa Clara were impacted by the project.

The traffic analysis also concluded that implementation of the proposed project would add one percent or more of project traffic to six freeway segments, which are listed below.

- I-280 southbound from Lawrence Expressway to Saratoga Avenue
- I-280 southbound from Saratoga Avenue to Winchester Boulevard
- I-280 northbound from Winchester Boulevard to Saratoga Avenue
- I-280 northbound from Saratoga Avenue to Lawrence Expressway
- I-280 southbound from Bascom Avenue to Stevens Creek Boulevard
- I-280 northbound from Stevens Creek Boulevard to Bascom Avenue

The addition of one percent or more of project traffic to these freeway segments resulted in a significant impact.

The final traffic impact identified in the FEIR was a Saturday peak hour impact at the intersection of Monroe Avenue and Stevens Creek Boulevard. The intersection peak hour impacts previously discussed were weekday impacts. The traffic analysis concluded that the proposed project would result in the Monroe/Stevens Creek intersection level of service dropping from LOS D to an unacceptable LOS E during the Saturday peak hour.

Mitigation measures were proposed to reduce the LOS impacts to all of the impacted intersections, except for the Stevens Creek Boulevard/Winchester Boulevard intersection, to a less than significant level. Mitigation was included in the project that provided a second northbound turn lane on the south leg of the Stevens Creek Boulevard/Winchester Boulevard intersection. This mitigation, in and of itself, did not reduce the impact to a less than significant level. There was no feasible mitigation identified that could be reasonably imposed on the project to mitigate the impacts to the six freeway segments. The other mitigation proposed for the Stevens Creek Boulevard/Winchester Boulevard intersection was also determined to be infeasible<sup>3</sup>. Therefore, these impacts were considered to be significant and unavoidable.

### *Cumulative Impacts*

The FEIR concluded that six San José study intersections would operate at an unacceptable LOS E or worse during at least one of the peak hours under cumulative conditions. The impacted intersections are listed below:

- Hamilton Avenue and Winchester Boulevard
- Monroe Street and Stevens Creek Boulevard
- Moorpark Avenue and San Tomas Expressway
- San Tomas Expressway and Stevens Creek Boulevard
- Moorpark Avenue and Winchester Boulevard
- Stevens Creek Boulevard and Winchester Boulevard

All Santa Clara intersections were determined to operate at an acceptable LOS D or better during both peak hours under cumulative conditions.

The results of the cumulative freeway analysis showed that on 10 of the 16 freeway segments the mixed-flow lanes would operate at an unacceptable LOS F during at least one of the peak hours under cumulative conditions. The results also showed that on six of these 10 study segments, the volume of project traffic would constitute at least one percent of freeway capacity.

Mitigation measures proposed for the Winchester Boulevard/Moorpark Avenue intersection and the Stevens Creek Boulevard/Monroe Street Intersection were the same as the mitigation identified in the project level analysis. There was no feasible mitigation identified that could be reasonably imposed on the project to mitigate the impacts to the freeway segments and to the Stevens Creek Boulevard/Winchester Boulevard intersection. Therefore, these cumulative impacts were considered to be significant and unavoidable.

### Previously Approved Changes to the Project

The Addendum to the FEIR dated January 2001 analyzed an increase in commercial space of approximately 30,000 square feet, an increase of 14 hotel rooms, and an increase in height for the hotel site of 30 feet. Of the proposed changes to the project, only the increase in commercial space

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<sup>3</sup> While not considered mitigation, a payment of \$300,000 was paid to the City of San José to contribute to a study for these impacted segments.

and the increase in hotel rooms had the potential to increase traffic volumes. An analysis of traffic generated by the proposed changes to the project concluded that the additional 30,000 square feet of commercial space and 14 hotel rooms would not result in any new impacts and would not increase the severity of any impacts previously identified in the FEIR.

The Addendum to the FEIR dated May 2001 analyzed an increase in commercial space of approximately 75,000 square feet and an increase of 190 hotel rooms. Both of these proposed changes had the potential to increase traffic volumes. An analysis of traffic generated by the proposed changes to the project concluded that the additional 75,000 square feet of commercial space and 190 hotel rooms would not result in any new impacts and would not increase the severity of any impacts previously identified in the FEIR.

#### Current Project

A traffic analysis was prepared by *Hexagon Transportation Consultants* that analyzed the affect of the proposed project on existing traffic conditions in the project area. The traffic analysis is attached to this addendum as Appendix A.

The project is said to create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under project conditions; or
2. The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio to increase by .01 or more.

#### *Level of Service Analysis*

The development of 400 dwelling units in exchange for a second hotel is considered to generate more traffic than the development of a second hotel. The traffic analysis assumed similar traffic patterns for the residential and hotel uses because many of the hotel guests are business travelers and would generate traffic trips to employment centers in the Bay Area. The remaining guests of the hotel (those who are not business travelers) are assumed to be customers of Santana Row and, therefore, would typically not be driving during peak hour periods. The trips generated by the approved retail space were assumed to be the same as the restaurant space because travel patterns and peak use periods for both land uses are similar.

Project Trip Generation Estimates								
Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Apartment (proposed)	400 units	2,554	36	144	108	139	75	214
Commercial (proposed)	15,000 s.f.	1,979	18	12	30	53	57	110
Hotel (approved)	190 units	1,552	65	41	106	59	53	112
Sub-Total for Proposed Development		4,533	54	156	210	192	132	324
<b>Net Generated Trips</b>		<b>2,981</b>	<b>-11</b>	<b>114</b>	<b>104</b>	<b>133</b>	<b>80</b>	<b>212</b>

The level of service (LOS) analysis for City of San José and CMP intersections under project conditions show that all of the City of San José and CMP intersections would operate at an acceptable LOS D or better under project conditions. The initial development of Santana Row focused on Stevens Creek Boulevard, which included improvement to major signalized intersections on this roadway. This project proposes more concentrated development on the southern portion of the project site which would utilize Olsen Drive, Tisch Drive, and Monroe Street as primary access. These intersections (located along Winchester Boulevard) currently operate at LOS B. With implementation of the proposed addendum, the aforementioned intersections would not operate below LOS C.

While this proposed project change will result in a net increase in overall traffic to and from the project site, most of the traffic trips from the new land uses will replace traffic trips assumed in the FEIR for the original development. Furthermore, the additional traffic trips can be accommodated on Winchester Boulevard, Monroe Street, Tisch Drive, and Olsen Drive, which are the nearest access points to the proposed development.

#### *Freeway Segment Analysis*

Pursuant to the CMP technical guidelines, a freeway segment level of service analysis is required on all segments for which the project is projected to add one percent or more to the segment capacity. The proposed increases to the Santana Row development are not projected to add one percent to any freeway segment in the project area. As a result, a new freeway analysis was not required.

#### *Traffic Operations*

The analysis indicated that the estimated maximum vehicle queues for two high-demand intersection movements would exceed the existing vehicle storage capacity under project conditions. The maximum queue for the westbound left-turn lane on Stevens Creek Boulevard at Winchester Boulevard would exceed the existing storage capacity of 350 feet per lane. This storage deficiency is projected under background conditions (with the currently approved Santana Row). The current project would add one vehicle to the projected queue.

The maximum queue for the westbound left turn lane on Stevens Creek Boulevard at Santana Row would exceed the existing storage capacity of 140 feet per lane. This storage deficiency is also projected under background conditions. The project would add one vehicle to the projected queue.

These are existing operational issues and are not a result of the proposed minor changes to the approved project. While the proposed project will contribute incrementally to the existing operational issues, this is not considered a significant new impact of an impact of substantially greater severity than previously disclosed.

#### *Future Growth Conditions*

The purpose of analyzing future growth conditions is to assess the traffic conditions that would occur at the time that the proposed development becomes occupied. For this analysis, the assumed occupancy date is August 2007. The analysis of future growth conditions is required by the CMP and includes an analysis of level of service for CMP intersections only.

The analysis concluded that, measured against the CMP level of service standards, the CMP study intersections would operate at an acceptable LOS D or better under future growth conditions.

## *Parking*

Currently the approved project is entitled for a 15 percent mixed use reduction in required parking at the following parking ratios:

- Retail – five spaces per 1,000 square feet
- Restaurant – seven spaces per 1,000 square feet
- Cinema – one space per every 3.5 seats
- Hotel – one space per room
- Residential – 1.7 spaces per unit

The project proponent is requesting a change in the current parking requirements to allow 1.3 parking spaces per residential unit. This proposal is based on a parking study prepared by *Watry Design, Inc.* which demonstrates the feasibility of the proposed parking ratios (see Appendix B). The proposed dedicated residential parking ratio, 1.3 parking spaces per dwelling unit, is greater than the 1.0 parking space per dwelling unit allowed throughout downtown San José. Based on the parking analysis, the proposed parking ratios will be sufficient to support existing and future development on the project site. Therefore, the proposed change in the parking ratio is not considered a new environmental impact of the project.

## *Air Quality*

The FEIR concluded that the approved project would generate emission of regional pollutants in excess of BAAQMD Thresholds and would have a significant impact on regional air quality. Specifically, the net increase in reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), and particulate matter (PM<sub>10</sub>) were all estimated to exceed the established significance threshold of 80 pounds per day per pollutant.

The FEIR also identified significant temporary construction impacts associated with construction activities such as demolition, excavation and grading operations, construction vehicle traffic, and wind blowing over exposed soils.

Mitigation measures were implemented for all significant air quality impacts. The mitigation measures for construction impacts were based on standard BAAQMD control measures for construction and reduced the temporary impact to a less than significant level. The mitigation measures for regional air quality impacts were aimed at reducing the amount of daily trips generated by the project. While it was estimated that these measures would reduce daily trips by one to five percent, it was determined that a reduction of 42 percent was necessary to reduce the impact to a less than significant level. Therefore, the approved project had a significant unavoidable regional air quality impact.

The Bay Area Air Quality Management District (BAAQMD) does not require project specific analysis for projects proposing less than 520 apartments/condominiums. If a project does not exceed the threshold, it is typically assumed to have a less than significant impact on air quality. Nevertheless, an estimation of pollutants anticipated to be generated by the proposed project was calculated using the BAAQMD CEQA Guidelines.

The proposed project will generate approximately 2,981 daily trips<sup>4</sup>. The BAAQMD CEQA Guidelines has established the following significance thresholds for common pollutants:

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<sup>4</sup> Based on the traffic analysis prepared by *Hexagon Transportation Consultants*

- Carbon Monoxide (CO) – 550 pounds per day
- Nitrogen Oxides (NO<sub>x</sub>) – 80 pounds per day
- Reactive Organic Gases (ROG) – 80 pounds per day
- Particulate Matter (PM<sub>10</sub>) – 80 pounds per day

Based on the BAAQMD CEQA Guidelines, it is calculated that the project will generate a net increase of 166 pounds per day (ppd) of CO emissions, 24 (ppd) of NO<sub>x</sub> emissions, 12 ppd of ROG emissions, and 10 ppd of PM<sub>10</sub> emissions, which are all well below the established significance thresholds for these pollutants. As a result, the proposed project will not result in a new significant local and/or regional air quality impact; nor will it substantially worsen the already identified regional air quality impact.

As with the approved project, the proposed project will generate pollutants during construction activities. The same mitigation measures will be implemented with this project as were implemented for the approved project to reduce this temporary impact to a less than significant level.

### *Noise*

The FEIR identified two project boundaries that would have noise levels in excess of 60 dB due to their proximity to major roadways. These boundaries are the northern boundary along Stevens Creek Boulevard and the western boundary along Winchester Boulevard. The FEIR concluded that the exterior noise levels would not result in significant noise impacts, because no noise-sensitive outdoor uses were planned as part of the development along Stevens Creek and Winchester Boulevards. In addition, the FEIR included mitigation measures to ensure interior noise levels below 45 dB. As a result, the project had a less than significant noise impact.

Residential units built under the proposed project would be located along the south and east boundaries of the site, and possibly along Winchester Boulevard. No housing is proposed directly adjacent to Stevens Creek Boulevard. Because the buildings along the south and east boundaries are set back from the major noise sources in the project area and shielded from these noise sources by the existing buildings, the proposed residential units will be able to obtain interior noise levels below 45 dB with standard construction techniques. The additional residential units along Winchester Boulevard will require implementation of the mitigation measures outlined in the FEIR to ensure interior noise levels below 45 dBA. This is a less than significant impact.

Implementation of the proposed project would not substantially increase traffic noise levels along Winchester Boulevard or Stevens Creek Boulevard. Based on traffic projections presented in the transportation impact analysis, traffic would not result in a perceptible noise increase in the project area. Typically, in high noise environments in San José, if the project would cause the existing noise level to increase by more than 3 dB at noise-sensitive receptors, the impact is considered significant. In order for noise levels to increase by 3 dB or more, traffic trips would need to double on the adjacent roadways. The proposed project will not double existing traffic volumes on the adjacent roadways and, as a result, the project will not increase noise levels in the project area by three decibels or more. The project will have a less than significant impact on long-term noise levels in the project area.

### *Utilities*

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

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

Maximum build out of the approved project would use approximately 313,470 gallons per day<sup>5</sup> (gpd) of water and generate approximately 266,450 gpd of wastewater<sup>6</sup> for hotel<sup>7</sup> and residential use. The proposed addition of 210 residential units on the project site would increase the water usage on-site by 28,560 gallons per day and wastewater by 24,277 gpd. The alternative proposal of adding 400 residential units in place of 191 hotel rooms would result in a net decrease in water usage of approximately 20,667 gpd and 17,567 gpd of wastewater.

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

Solid waste production for hotel and residential land uses would increase by 1,074 pounds per day (ppd) with the addition of 210 residential units<sup>8</sup>. The addition of 400 residential units and the reduction of 191 hotel rooms would result in a net increase in solid waste production of approximately 1,664 ppd<sup>9</sup>. An increase of 1,664 ppd of solid waste represents less than four percent of the total waste generated on the project site and approximately one-tenth of one percent of the total daily waste disposed of at the Newby Island Landfill<sup>10</sup>. This minimal increase is considered a less than significant impact.

## ***Public Services***

### *Police and Fire Protection Services*

The FEIR concluded that existing police and fire protection services would be sufficient to serve the project site without the need for new or expanded facilities. The proposed increase in dwelling units

<sup>5</sup> Oberg, John. City of San José. Water usage rates by land use. E-mail to David J. Powers and Associates, Inc. 4 February 2004.

<sup>6</sup> The sewage generation rate for the proposed land use was estimated at 85 percent of the total water usage.

<sup>7</sup> Water usage for hotels is based on the square footage of the building, not by the number of guest rooms. The size of the Valencia Hotel, based on the initial PD Permit, is 156,390 square feet. For the purposes of this analysis, it was assumed that the second approved but not yet built hotel would be the same size as the existing Valencia Hotel.

<sup>8</sup> Anderson, Jeff. City of San José. Waste Generation Rates. E-mail to David J. Powers and Associates, Inc. 31 October 2003.

<sup>9</sup> Environmental Planning Consultants. September 2004. Generation rate of two pounds per room per day.

<sup>10</sup> Newby Island Landfill disposes of approximately 250,000 tons of refuse each year.

and commercial space would incrementally increase the need for police and fire protection services on the project site. The new dwelling units, however, will be built to current codes and will not require new or expanded police and fire protection facilities to serve the site.

### *School Facilities*

At the time the FEIR was prepared, the schools within the Campbell Union Elementary School District and the Campbell Union High School District that would serve the project site were at or near capacity. In accordance with state law (Government Code Section 65996), the project was required to pay a school impact fee to offset the impact of the project on the adequacy of the existing school facilities.

The proposed increase in dwelling units would result in a maximum increase of 68 students, based on the student generation rate of 0.17 students per dwelling unit. While the addition of 68 students in grades K-12 is not a significant enough increase to require new school facilities to be built, the project proponent will be required to pay school impact fees for the additional dwelling units to offset the impact of the students on existing facilities. These fees must be paid prior to the issuance of buildings permits for any new dwelling units on the project site. By complying with the requirements of Government Code Section 65996, the project will not result in significant deterioration of existing school facilities.

### *Parks*

The FEIR concluded that the project area was deficient in park and open space resources prior to the construction of Santana Row and that implementation of the Santana Row project would contribute to an increase in park resource deficiency. While open space and recreational areas were built on-site as part of the original project, it was not of sufficient quantity to offset the existing park deficiency. As a result, the project proponent was required to pay a park impact fee or dedicate parkland as outlined in the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO), and as set forth in the "Agreement Regarding Funding for Acquisition and Improvement of Off-site Property and Dedication of On-site Public Parkland for the Town and Country San José Development", entered into by the City and the project proponent on February 28, 2000. The City has adopted the PDO and PIO that requires residential development to dedicate sufficient neighborhood/community parkland to serve new residents or pay fees in lieu of land dedication to acquire new parkland or improve existing neighborhood parkland.

The Santana Row Project is located in Council District 6 of the City of San José. District 6 is located west of downtown in a densely developed area with the smallest average household size (2.4 persons per household) in the City. The City's Greenprint, a 20 year strategic plan for parks, community facilities, and recreational programs, indicates that District 6 is expected to add 16,000 new residents by the year 2020. This increase in residents will result in a need for an additional 56 acres of neighborhood/community parklands. In the year 2000, District 6 had 282.4 acres of neighborhood/community parkland and recreational school grounds. An additional 70.54 acres of parkland/recreational school grounds is needed to meet the General Plan Service Level Objective of 3.5 acres of parkland per 1000 residents by 2020. However, the Greenprint indicates that the City should add an additional 931 acres of parkland by 2020. The Greenprint also indicated that the overall population of the City will increase by approximately 191,000 residents between 2000 and 2020, which will result in a need for an additional 668.5 acres of parkland citywide.

The proposed maximum increase in dwelling units would result in the need for an additional 2.748 acres<sup>11</sup> of neighborhood/community parkland, based on the City's Parkland Dedication Ordinance/Park Impact Ordinance. There is currently no land available on the project site that would accommodate the development of a 2.748 acre park. However, the City is examining the possible expansion of the existing five acre Santana Park. The proposed project will be required to conform to the PDO and PIO by paying fees to offset the increase in park usage. By complying with the requirements of the PDO and PIO, the project will not result in significant impact on existing or planned park facilities.

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<sup>11</sup> Based on an occupancy rate of 2.29 per dwelling unit and a maximum of 400 new dwelling units.

IV. CONCLUSION

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

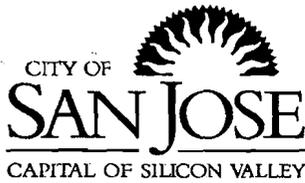
Pursuant to CEQA Guidelines §15164(c), this addendum will not be circulated for public review, but will be included in the public record file for the Town and Country Village EIR,

BY:

Joseph Horwedel, Director  
Planning, Building and Code Enforcement Department

Akuni Amickson  
Signature

11/21/06  
Date



# Memorandum

**TO:** Carol Hamilton

**FROM:** Andrew Turner  
Public Works

**SUBJECT:** SEE BELOW

**DATE:** 10/19/05

Approved

Date

10/20/05

**SUBJECT:** Santana Row Residential Transportation Impact Analysis  
PW NO. 3-06815 (PDC05-030)

We have completed the review of the traffic analysis for the subject project. The project as proposed will consist of the replacement of the previously approved, but yet to be constructed, 190 hotel rooms with 400 residential units and 15,000 square feet (s.f.) of retail/commercial space. In addition, the project is proposing to replace 20,000 s.f. of retail space that was previously approved with 20,000 s.f. of restaurant space. The proposed development is located at the southeast corner of Stevens Creek and South Winchester Boulevards. The proposed development is projected to add 104 a.m. peak hour trips and 212 p.m. peak hour trips.

## ACCESS

Access to the site will be provided via the existing entrances along Stevens Creek Boulevard and Winchester Boulevard. Parking for the site will be provided on-site.

## ANALYSIS

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

**City of San Jose Methodology:** Ten (10) signalized intersections were analyzed for the AM and PM peak commute hours using TRAFFIX and conforming to the City of San Jose Level-Of-Service (LOS) Policy impact criteria. The results indicate that none of the study intersections were significantly impacted by the addition of the project traffic. The results of the analysis are summarized in the attached Table ES-1.

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

Planning and Building

10/19/05

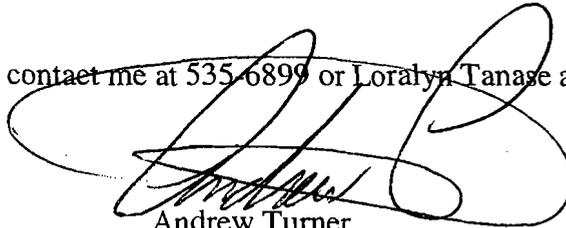
**Subject: Traffic Analysis for PDC05-030**

Page 2

RECOMMENDATION:

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

If you have any questions, please contact me at 535-6899 or Loralyn Tanase at 535-3881.

A large, stylized handwritten signature in black ink, appearing to read 'Andrew Turner', is written over the contact information line.

Andrew Turner

Project Engineer

Transportation and Development Services Division

AT:lt

C: Karen Mack

Candice Lownsbery

Manuel Pineda, DOT

Hexagon Transportation Consultants, Inc.

**Table ES 1  
Intersection Level of Service Summary**

Study Number		Peak Hour	Count Date	Existing		Background		Project Conditions				Future	
				Ave. Delay	LOS	Ave. Delay	LOS	Ave. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C	Ave. Delay	LOS
1	Stevens Creek Boulevard and Winchester Blvd*	AM	10/14/04	35	C	36	D	36	D	0.0	0.002	36	D
		PM	10/14/04	42	D	43	D	43	D	0.2	0.006	43	D
2	Stevens Creek Boulevard and Santana Row	AM	4/26/05	11	B	12	B	16	B	7.0	0.074		
		PM	4/26/05	22	C	25	C	25	C	0.6	0.012		
3	Stevens Creek Boulevard and Redwood Avenue	AM	5/10/05	5	A	5	A	5	A	0.0	-0.001		
		PM	5/10/05	20	C	20	B	20	B	-0.1	0.004		
4	Stevens Creek Boulevard and Monroe Street	AM	4/26/05	19	B	24	C	26	C	1.7	0.020		
		PM	4/26/05	26	C	37	D	38	D	1.7	0.016		
5	Stevens Creek Boulevard and I-880 SB off-ramp*	AM	10/5/04	23	C	26	C	26	C	-0.1	-0.003	25	C
		PM	10/5/04	20	C	25	C	26	C	0.6	0.019	25	C
6	Winchester Boulevard and Olin Avenue	AM	4/26/05	11	B	13	B	13	B	0.0	0.001		
		PM	4/26/05	13	B	15	B	16	B	-9.8	-0.063		
7	Winchester Boulevard and Olsen Drive	AM	4/26/05	8	A	12	B	14	B	2.5	0.017		
		PM	4/26/05	11	B	15	B	15	B	0.5	0.018		
8	Winchester Boulevard and I-280 WB on-ramp	AM	5/3/05	18	B	18	B	21	C	-0.2	0.014		
		PM	4/26/05	26	C	30	C	32	C	1.2	0.025		
9	Winchester Boulevard and Moorpark Avenue	AM	5/5/05	36	D	36	D	36	D	-0.1	-0.002		
		PM	5/5/05	41	D	41	D	41	D	0.2	0.010		
10	I-280 EB off-ramp and Moorpark Avenue*	AM	9/29/04	11	B	11	B	11	B	0.0	-0.001	11	B
		PM	9/29/04	24	C	24	C	24	C	0.0	0.006	24	C

\* Denotes CMP Intersection