

January 28, 2020

Erik Schoennauer
90 Hawthorne Way
San Jose, CA 95110
es@stanfordalumni.org

Site Address: 1312 El Paseo de Saratoga Avenue & 1777 Saratoga Avenue
RE. File No. PDC19-047: Planned Development Rezoning from the Commercial General & Commercial Pedestrian zoning districts to a Planned Development zoning district for up to 800 residential units, 50,000 square feet of retail, and up to 450,000 square feet of office or an educational facility on an approximately 10.6-gross acre site.

Dear Mr. Schoennauer,

Your application, referenced above, has undergone review for completeness and consistency with City policies and regulations. The purpose of this letter is to provide you with comments and revisions necessary for the project to meet City policies and ordinances so you can appropriately respond to the issues identified below. The comments below are based on the plans and information currently on file. Additional comments may be made at a later time when we receive revised plans and additional information. Please let me or the contact listed in the attached memos know if you have any questions regarding these comments.

Permit Streamlining Act

Pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 of Title 7), your application has been deemed **incomplete**. Please submit the following information, as further clarified in the letter.

1. Plan clarifications as provided throughout the letter.

Project Issues and Concerns

Based on our initial review of your project, the items listed below are the substantial issues that affect the proposed project, and are explained in more detail in this letter:

1. Clarify the scope of the project and the total amount of commercial square footage and residential units proposed. The plan set states 42,800 square feet of retail, 731 residential units, and 450,000 square feet for an educational facility. The application form states up to 50,000 square feet of retail, 800 residential units, and 450,000 square feet of office or an educational facility.

Project Review

1. Project Description

We understand the application's proposed project is a rezoning from the Commercial General & Commercial Pedestrian zoning districts to a Planned Development zoning district for up to 800

residential units, 50,000 square feet of retail, and up to 450,000 square feet of office or an educational facility.

Please confirm the description above includes all aspects of the proposed project and advise us immediately if any information is incorrect or omitted. Please update the plan set and application form to match project descriptions.

2. General Plan Consistency

The northern side of the subject site is located in the **Neighborhood Community/Commercial** General Plan Designation and southern side of the subject site is located in the **Regional Commercial** General Plan Designation. The subject site is within the boundary of the Paseo de Saratoga Urban Village. The Paseo de Saratoga Urban Village is in Horizon 3, an area where an Urban Village Plan has not yet been developed.

The Neighborhood/Community Commercial designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development.

The Regional Commercial designation supports regional centers with very wide ranges of commercial uses, such as large shopping malls, large or specialty commercial centers that draw customers from the greater regional area and office uses ranging in intensity up to a 12.0 Floor Area Ratio (FAR).

The following goals and policies should be incorporated in the design of the project upon submittal of a Planned Development Permit:

- Community Development Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Analysis: For the Planned Development Permit submittal, consider elements that contribute to the transition of the different land uses, such as shielding techniques, building setbacks, and privacy screening.

- Community Development Policy CD-1.4: Create streets and public spaces that provide stimulating settings and promote pedestrian activity by following applicable goals and policies in the Vibrant Arts and Culture section of this Plan.

Analysis: For the Planned Development Permit submittal, consider landscaping, furniture, and art along the project site to enhance the pedestrian experience.

- Community Development Policy CD-1.6: Promote vibrant, publicly accessible spaces that encourage gathering and other active uses that may be either spontaneous or programmed. Place a variety of uses adjacent to public spaces at sufficient densities to create critical mass of people who will activate the space throughout the day and night.

Analysis: For the Planned Development Permit submittal, consider the location and access to the park to provide a publicly accessible space. See the Parks memo for additional information.

- Community Development Policy CD-1.7: Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages.

Analysis: In the Planned Development Permit plan set, show details on the pedestrian amenities proposed as part of this project.

- Community Development Policy CD-1.8: Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.

Analysis: In the Planned Development Permit plan set, provide buildings and landscaping details that show how the project meets this policy.

- Community Development Policy CD-1.11: To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent façades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays

Analysis: In the Planned Development Permit plan set, ensure the project is designed to create an inviting and active publicly accessible space.

- Community Development Policy CD-1.17: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

Analysis: The parking garage entry for 1312 Paseo de Saratoga should be moved to be within the educational facility to separate the garage from the entrance to the park. See the Parks memo for additional information.

- Community Development Policy CD-2.8: Size and configure mixed-use development to accommodate viable commercial spaces with appropriate floor-to-floor heights, tenant space configurations, window glazing, and other infrastructure for restaurants and retail uses to ensure appropriate flexibility for accommodating a variety of commercial tenants over time. Retail commercial buildings should have primary entrances at the street at sidewalk grade, particularly in pedestrian-oriented areas.

Analysis: In the Planned Development Permit, ensure the ground floor is designed to meet this policy. Provide details on the floor-to-floor heights. Show how the ground floor could accommodate a variety of commercial tenants.

- Community Design Policy CD-4.6: Support cohesive and architecturally distinctive urban development along Grand Boulevards, and include such design elements as enhanced

landscaping; attractive lighting; wide, comfortable sidewalks; area identification banners; and harmonious building scale features.

Analysis: In the Planned Development Permit submittal, provide perspectives along each Grand Boulevard that provides a clear understanding of the enhanced pedestrian environment.

- Community Development Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Analysis: In the Planned Development Permit, provide building materials details and elevations that show how the design of the new structures are consistent or complimentary with the surrounding neighborhood.

3. Implementation Policy 5-10 (Signature Project Policy)

The General Plan supports Signature only if the project fully meets the Signature Project requirements as laid out in General Plan Implementation Policy IP-5.10. If the project does not fully meet the Signature Project Requirements, then the project would not be consistent with the General Plan and would not be supported.

Currently, as proposed, the project is **inconsistent** with some of the following goals and polices of the Envision San Jose 2040 General Plan:

1. Within the Urban Village areas, Signature projects are appropriate on sites with an Urban Village, residential, or commercial Land Use/Transportation Diagram designation.

Analysis: The project is located on a site with two commercial land use designations (Neighborhood/Community Commercial and Regional Commercial). Therefore, the project meets this requirement.

2. Incorporates job growth capacity above the average density of jobs/ acre planned for the developable portions of the entire Village Planning area and, for portions of a Signature project that include housing, those portions incorporate housing density at or above the average density of dwelling units per acre planned for the entire Village Planning area. The commercial/office component of the Signature project must be constructed before or concurrently with the residential component.

Analysis: The project must provide a minimum of 164,928 square feet of commercial. Please confirm if Buildings 1 and 2 will be used as an educational facility or office. Also, clarify the total square footages of the proposed buildings and uses.

The minimum fair share of residential units Based on the net site acreage provided, 1777 Saratoga Avenue must provide a minimum of 101 residential units and 1312 El Paseo de Saratoga must provide a minimum of 488 residential units. As proposed, 1777 Saratoga has 274 residential units and 1312 Paseo de Saratoga has 457 residential units. The 1312 Paseo de Saratoga side appears to be below the minimum 55 DU/AC density requirement. Please confirm the residential unit counts. Therefore, the project does not meet this requirement.

3. Is located at a visible, prominent location within the Village so that it can be an example for, but not impose obstacles to, subsequent other development within the Village area.

Analysis: The project area is located at a large corner lot, fronting two major thoroughfares (Saratoga and Quito Roads/Lawrence Expressway). Both roadways are Grand Boulevards as identified in the General Plan. As such, this site is considered to be in a visible, prominent location within the Village.

Additionally, a proposed Signature project will be reviewed for substantial conformance with the following objectives:

4. Includes public parklands and/or privately maintained, publicly-accessible plazas or open space areas.

Analysis: Consider the street frontage and access for the proposed park. The parking garage entrance should be relocated to within the educational facility to provide adequate street frontage for the park. Additional information to be provided in the PRNS's memo.

5. Achieves the pedestrian friendly design guideline objectives identified within this General Plan.

Analysis: In the Planned Development Permit plan set, provide details on how the buildings along the street frontages, ground floors, landscaping, and pedestrian paths are designed to provide a friendly and enhanced pedestrian environment.

6. Is planned and designed through a process that provided a substantive opportunity for input by interested community members.

Analysis: Staff recognizes that the applicant has held many community meetings for a preliminary project, but official City-hosted meetings will be required. Please see the community meeting section below for additional information.

7. Demonstrates high-quality architectural, landscape and site design features.

Analysis: This would be evaluated upon submittal of a Planned Development Permit.

8. Is consistent with the recommendations of the City's Urban Design Review process or equivalent recommending process if the project is subject to review by such a process.

Analysis: This would be evaluated upon submittal of a Planned Development Permit.

4. Zoning Consistency

The subject site is located in the **Commercial Pedestrian and Commercial General Zoning Districts**. The subject site would be rezoned to the CP(PD) Planned Development Zoning District. Below are basic San Jose Zoning Code requirements for the CP (Commercial Pedestrian) Zoning District.

Staff has attached a sample development standards word document for your review. Please draft the proposed development standards for the site. Please be sure to define the front, side, and rear property lines.

Development Standards:

Setbacks & Height:

Minimum front setback: no minimum, 10 feet maximum

Minimum side setback: none

Minimum rear setback: 25 feet

Maximum height: The maximum height permitted in the CP Zoning District, per [Table 20-100](#) in Section 20.40.200 is 50 feet or as otherwise dictated in an Urban Village.

Pursuant to [Section 20.85.020](#), urban village areas which have a urban village, neighborhood/community commercial, regional commercial or public quasi/public general plan land use/transportation diagram designation, the maximum allowable height shall not exceed 120 feet on the property.

Provide draft development standards for staff to review.

Parking:

Pursuant to [Table 20-210](#) of the San José Municipal Code, the required parking is as follows:

Residential Portion				
Living Unit Size	Number of Units Proposed	All Open Vehicle Parking Required	Bicycle Parking Required	Motorcycle Parking Required
<i>Studio</i>	54 units	1.25 spaces per unit	1 space per 4 living units	1 space per 4 units
<i>1 bedroom</i>	357 units	1.25 spaces per unit		
<i>2-bedroom</i>	206 units	1.7 spaces per unit		
<i>3-bedroom</i>	0 units	2.0 spaces per unit		
<i>4-bedroom</i>	91 units	2.15 spaces per unit		
Total	708 units	1059.6 spaces	177 spaces	177 spaces
Commercial Portion				
Use	Square footage proposed	Vehicle Parking Ratio	Bicycle Parking Ratio	Motorcycle Parking Ratio
Retail, sale of goods and merchandise	42,800 square feet (36,380 square feet of floor area)	1 per 200 square feet floor area	1 per 4,000 square feet of floor area	1 motorcycle spaces per 20 code required auto parking spaces
Total		70 spaces	9.1 spaces	4 spaces
Educational Facility Portion				
Use	Number of students, teachers, and classrooms	Vehicle Parking Ratio	Bicycle Parking Ratio	Motorcycle Parking Ratio
School – elementary (K –	Unknown	1 per teacher, plus 1 per employee	1 per 10 full-time employees plus 6 per	N/A

8)			classroom	
School – secondary (9 – 12)	Unknown	1 per teacher, plus 1 per employee, plus 1 per 5 students	1 per 10 full-time employees plus 10 per classroom	N/A
Total				

Clean Air Vehicles: Per Table 20-215, clean air vehicle parking is required for non-residential uses. The number of designated clean air vehicle spaces is based on the number of total parking spaces provided.

Loading Spaces: Pursuant to Section 20.90.410, an off-street loading space is required for buildings with 10,000 square feet or more of retail space. The loading space shall be not less than 10 feet in width, 30 feet in length, and 15 feet in height exclusive of driveways for ingress and egress and maneuvering areas.

Verify the number of students, teachers, faculty, and classrooms for K-8 and 9-12. Provide a detailed operation’s plan for the educational facility. Consider the required bicycle and motorcycle spaces for the Planned Development Permit submittal.

5. Plan Clarifications and Required Additional Information

- a. Update all plan sheets to include the Project File No. PDC19-049, preferably in the title block.
- b. Update the revisions in the title block.
- c. Project Data
 - i. Move the data for the portion of El Paseo de Saratoga (246,556 square feet) that is not included as part of this project to its own box.
 - ii. Ensure the density is calculated by using the net site acreage.
- d. Sheet 3.0: Conceptual Site Plan
 - i. Label the adjacent uses for 1717 Saratoga Avenue.
- e. Sheet 3.5: Conceptual Site Plan – El Paseo
 - i. The gross site acreage should reflect the size of the project site only, not the entire shopping center.
 - ii. Ensure the net site area is only for the portion of the site included as part of this project.

6. Environmental Review - California Environmental Quality Act (CEQA)

We received the letter from David J. Powers for the intent to prepare an Environmental Impact Report. Please clarify the scope of the project provided in the letter. The letter stated 750 residential units. Confirm if the project is for 750 or 800 units.

7. Comments from Other Departments/Divisions and Agencies

Attached is a memorandum from other departments. Please carefully review the memos, as they contain essential information needed to successfully and efficiently move your project

through the Planning entitlement process. As required, comments contained in the attached memos must be incorporated into the revised plan sets. Concerns about any of these issues should be brought to my attention so that I can coordinate with appropriate City staff on your behalf.

- a. Building – To be forwarded upon receipt
- b. Public Works – To be forwarded upon receipt
- c. Fire – Attached
- d. Housing – Attached
- e. Parks – To be forwarded upon receipt

8. Community Outreach

Based on the scale and scope of the project, at least two community meetings will be required prior to any public hearings for this project. The first meeting should be scheduled early in the project's review. The City will provide public notice of this meeting to property owners and tenants within 1,000 feet of the proposed site. The meeting should follow the procedures of the City Council Public Outreach Policy. The meetings must be held at least one month (30 days) prior to a public hearing, I would recommend scheduling the meeting soon.

- Please select a date, at least one month in advance of when you would like to host the meeting, to ensure sufficient time for noticing.
- It is recommended the meeting is held on either a Monday or Thursday evening, or if requesting Tuesday or Wednesday ensure that no public hearings (City Council/Planning Commission Commission) are scheduled on those evening dates.
- Meetings should start between 6 and 7 PM and last approximately one hour.
- Please coordinate with Council Member Jones and District 1 Staff to confirm the date will work for their Staff. Cassidy Kohl, Cassidy.kohl@sanjoseca.gov can be contacted.
- In addition to selecting the date, we ask the project applicant to select a location for the meeting. The meeting location should be close to the project site, with easy parking, and in a space large enough to accommodate attendees. Possible locations could include a local school, church, community center or library community room. The council member's office may have suggested meeting locations.

Once you have tentatively selected the date and times, please provide at least 2 or 3 dates to confirm staff's availability.

9. On-Site Sign Posting

Per the City's Public Outreach Policy, a sign describing the proposed project is required to be placed on each project site street frontage so it is legible from the street. Attached is an on-site sign for posting. Once the sign has been posted, please send a photograph of the sign and the completed Declaration of Posting form (see attached).

On-Site Noticing/Posting Requirements:

<http://www.sanjoseca.gov/DocumentCenter/Home/View/373>

Public Outreach: <http://www.sanjoseca.gov/DocumentCenter/Home/View/374>

10. Next Steps

Please be advised that this summary does not constitute a final review. Additional comments may be provided upon review of any additional information and plan revisions submitted in response to this letter. **Please submit five (5) 24" x 36" size revised plans and four (4) 11"x17" size plans and a response letter addressing all the comments in this letter and other department comments. Additionally, submit electronic version of the response letter and PDF of the plan set and response letter.**

The decision to approve, deny, or conditionally approve the Planned Development Rezoning and Planned Development Permit proposal will occur at a **City Council**. City Council hearings are held **every other Tuesday at 6:30 p.m.**, in the City Council Chambers. Once the project plans are acceptable and all comments have been addressed, the project will be scheduled for public hearing. There is a six-week lead time prior to the hearing for preparation, distribution, and responses to the public notice, and for preparation of the draft permit.

Should you have any questions, you may contact me at michelle.flores@sanjoseca.gov or (408) 535-7901. You may also contact the Supervising Planner overseeing this project, John Tu, at john.tu@sanjoseca.gov.

We look forward to continuing to work with you and your team on your project in San Jose.

Sincerely,



Michelle Flores
Project Manager

Attachments:

1. On-Site Sign