

March 10, 2023

Erik Schoennauer  
[es@stanfordalumni.org](mailto:es@stanfordalumni.org)

**SITE ADDRESS:** 1312 El Paseo de Saratoga

**RE. File No. PDA20-006-01** Planned Development Permit Amendment for the El Paseo de Saratoga Signature Project Building 3 to remove residential uses, reduce the building height to four stories, increase the commercial square footage to 143,455 square feet, and reconfigure the underground parking garage 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. Additional comments may be made later when we receive revised plans and additional information.

### **Project Issues and Concerns**

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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. Upon resubmittal, please provide an updated parking analysis. See the Zoning Consistency section below regarding vehicle, bicycle, and motorcycle parking requirements.
2. See comments below regarding conformance with the Citywide Design Standards and Guidelines.
3. See the Plan Clarifications section below for additional requested updates to the plan set and Operations Plan.
4. Based on significant public interest in the project, a Community Meeting must be held. Staff will work with the applicant and City Council District office to determine an appropriate date and time for the meeting.
5. An on-site sign must be posted on the project frontage. See the attached sign and instructions for posting below.

### **Permit Streamlining Act**

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Pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 of Title 7), your application has been determined to be **complete**. Please note, determining an application to be complete means the minimum required submittal documents have been provided. Additional information is required to prepare your project for hearing.

## Project Review

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### 1. Project Description

We understand the proposed project to consist of a Planned Development Permit Amendment to reduce the height of Building 3 to four stories, increase the commercial square footage to approximately 143,455 square feet, and reconfigure the underground parking garage on an approximately 10.6-gross acre site

The larger El Paseo De Saratoga Signature Project was approved on June 21, 2022, with the issuance of a Planned Development Permit (File No. PD20-006). Building 3 was previously approved as an 11-story mixed use building with approximately 66,838 square feet of commercial space and 206 residential units. This amendment would reduce the building to four stories in height, remove the residential component, and increase the commercial square footage to approximately 143,455 square feet.

The subterranean parking garage would be reduced from two levels below ground to one. The footprint of the previously approved subterranean parking garage would also be reduced from approximately 200,520 square feet to approximately 94,195 square feet. The entrance to the garage would be relocated to be accessible from the interior of the site via Saratoga Avenue.

There would be no change to the overall project commercial square footage or number of residential units. The applicant would apply for a subsequent Planned Development Permit Amendment for updates to Buildings 1 and 2 on-site.

Please confirm the description above includes all aspects of the proposed project and advise us immediately if any information is incorrect or omitted.

See staff comments in *red italics* below.

### 2. General Plan Consistency

The subject site is designated **Regional Commercial** on the Land Use/Transportation Diagram of the [Envision San José 2040 General Plan](#).

Density: FAR up to 12.0 (1 to 25 stories)

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).

*Analysis: The existing Planned Development Zoning (File No. PDC19-049) and Planned Development Permit (File No. PD20-006) were approved under the previous criteria for the Signature Project Policy IP-5.10 to allow the construction of a mixed-use project.*

### 3. Zoning Consistency

The subject site is located within a CG(PD) Planned Development Zoning District (File No. PDC19-049). The Planned Development Zoning and associated Planned Development Permit (File No. PD20-006) were approved on June 21, 2022. The Planned Development Permit Amendment is

subject to the following requirements of the General Development Plan of the Zoning District.

Allowed Uses

- a. Permitted, conditional, special, administrative, restricted and prohibited uses shall be those identified for the UV Urban Village Zoning District, as amended with the issuance of a Planned Development Permit or Planned Development Permit Amendment.

**Table 20-138 Allowed Uses - UV Urban Village Zoning District**

Use	Permit Required
Retail sales, goods, and merchandise (Grocery Store)	Permitted
Office, general business	Permitted

*Staff Comments: Building 3 would be altered from the previously approved design to be a commercial only building with a mix of ground floor retail (including grocery store) and office space. The change in design requires the issuance of a Planned Development Permit Amendment.*

Development Standards

**Building Height (Combined Area)**

Use	Required	Proposed
Mixed-Use Commercial/Residential buildings	Up to 145 feet to top of flat roof	64 feet

*Staff Comments: The project is consistent with the allowable height limits of the Zoning District.*

**Perimeter Setbacks – El Paseo Site**

Development Standard	Required	Proposed
North setback	0 feet minimum from property line	TBD
West setback	10 feet minimum from property line	TBD
South setback	25 feet minimum from property line	TBD
East setback	0 feet minimum from property line	26 feet

*Staff Comments: Upon resubmittal, identify the setback measurements for each building to each property line.*

Vehicle Parking

**Table 20-190 Total Project Required Vehicle Parking**

Project Total	Required	Provided
Residential	1,413 spaces	1,243 spaces
Commercial (Retail and Office)	658 spaces	701 spaces
<b>Total Parking Required</b>		<b>2,071 spaces</b>
<b>Total Parking Provided</b>		<b>1,944 spaces</b>
<b>Parking Reduction Requested</b>		<b>6.1%</b>

**Building 3 - Required Vehicle Parking**

Building 3	Ratio	Floor Area	Required
<b>Retail</b>	1 per 200 sf of floor area	34,085 sf of floor	171 spaces
<b>Office</b>	1 per 250 sf of floor area	75,455 sf of floor area	302 spaces
<b>Total Required</b>			<b>473 spaces</b>
<b>Total Provided</b>			<b>275 spaces</b>

*Staff Comments: Based on the existing parking requirements, and previously approved Planned Development Permit (File No. PD20-006), the entire project is required to provide 1,944 total spaces with an approximately 6.1% parking reduction. Building 3 alone would be required to provide 473 vehicle parking spaces, however only 275 spaces are provided.*

*The previously approved subterranean garage provided 1,002 vehicle parking spaces. Based on the plans provided, the subterranean parking garage would be reduced in size and only 232 vehicle parking spaces would be provided. An additional 43 spaces provided as surface parking for a total of 275 spaces. Please confirm how the project will make up for the loss of the approximately 770 spaces in the previously approved garage configuration.*

*Note, if the project plans to utilize a shared parking arrangement with the adjacent shopping center, please inform staff. Evidence of a shared parking arrangement must be provided prior to preparing a project for hearing.*

**Please note on December 6, 2022, City Council approved an update to the City's Parking Ordinance. This update eliminated minimum parking requirements Citywide. The applicant has the option to utilize the updated parking ordinance, which will become effective on April 10, 2023. See the [Draft Ordinance](#) and [Draft TDM Handbook](#). If the applicant wishes**

**to pursue this option, please inform staff upon resubmittal.**

Bicycle Parking

Use	Ratio	Square Footage	Required
Retail	1 per 3,000 sf of floor area	34,085 sf of floor area	12 spaces
Office	1 per 4,000 sf of floor area	75,455 sf of floor area	19 spaces
<b>Total Required</b>			<b>31 spaces</b>
<b>Total Provided</b>			<b>17 spaces</b>

*Staff Comments: Based on the details provided for Building 3, the project is required to provide 31 bicycle parking spaces. Only 17 spaces are provided. Therefore, 14 additional bicycle parking spaces are required.*

Motorcycle Parking

Use	Ratio	Required
Retail	1 per 20 code required spaces	9 spaces
Office	1 per 50 code required spaces	7 spaces
<b>Total Required</b>		<b>16 spaces</b>
<b>Total Provided</b>		<b>13 spaces</b>

*Staff Comments: Based on the details provided for Building 3, the project is required to provide 16 motorcycle parking spaces. Only 13 spaces are provided. Therefore, three additional motorcycle spaces are required.*

Architectural and Site Design Guidelines

1. Building Massing

- a. The composition of the facades should include recessions and projections
- b. No more than 40 percent of the length of the façade should be blank
- c. Building corners should create a focal point, which can be accomplished through

massing, architectural details, and/or providing a plaza.

#### City Council Added Conditions

The approved Planned Development Permit Resolution (File No. PD20-006) approved by City Council on June 21, 2022, included a condition of approval (#42) added by the City Council. The condition includes the following design requirements that would apply to Building 3:

e. Improve physical aesthetics, with the issuance of a Permit Adjustment, to include:

- i. A piece of architecture at a prominent corner (i.e. a sign, arch, or other unique feature).
- ii. Greenery or a water feature to the large empty space to the left when facing Whole Foods.

*Staff Comments: The applicant has the option to incorporate these City Council required design updates into this Planned Development Permit. Please inform staff if this is the intent of the applicant.*

#### **4. Design Guidelines Consistency**

The project is subject to the [Citywide Design Standards and Guidelines](#).

Standards are objective requirements that are quantifiable and verifiable. Development projects must comply with Standards identified within this document (unless other adopted plans or policies prevail). Standards that are specific to residential, commercial, or industrial land uses (as defined in the General Plan) are listed under "Additional Standards for General Plan Residential, Commercial, or Industrial Land Use Designations."

Guidelines describe best practices and serve as overarching design guidance. Proposed commercial and industrial projects subject to the Design Standards and Guidelines must be in substantial conformance with the guidelines contained in the document. Guidelines provide a framework of design principles that supplement the mandatory design rules. Guidelines that are specific to residential, commercial, or industrial land uses as defined in General Plan are listed under "Additional Guidelines for General Plan Residential, Commercial, or Industrial Land Use Designations."

Exceptions: Please note that the Design Guidelines include an exception process. A project applicant may request an exception to the design standards contained in the design guidelines. The request must be made in writing as part of the Planning application for the proposed project. The application for an exception must contain detailed information on the design standard that is requested to be waived; how the physical constraints and unique situations of the project site make it infeasible to comply with the design standard; how the proposed project meets the design standard at issue to the extent feasible; and how the request meets each exception requirements. The decision-maker would need to consider the request and information provided and make certain findings to either approve or deny the request.

The decision-maker (Planning Director, Planning Commission, or City Council, as applicable) shall

only grant an exception if all the following findings are made:

- There is physical constraint or unique situation that:
  - a. is not created by the project applicant or property owner; and
  - b. is not caused by financial or economic constraints considerations.
- Approving the waiver will not impair the integrity and character of the neighborhood in which the subject property is located or create a safety hazard.
- The proposed project meets the design standard at issue to the extent physically feasible.

If any of the above findings cannot be made, the decision-maker may still grant the exception if all of the following findings are made:

- The project advances the Major Strategies Chapter 1 of the General Plan;
- The project is consistent with the Values and Guiding Principles of Section 1.2.1 of the Design Guidelines;
- The project achieves the stated Rationale of the section of the Design Guidelines as set forth for each applicable Standard; and
- There are counterbalancing considerations that justify the inconsistency.

**The project is subject to the following provisions of the [Citywide Design Standards and Guidelines](#).**

- Section 2.3.7 – Landscaping and Stormwater Management
  - Standard 1 - Select trees which at maturity create a tree canopy cover that shades a minimum of 50 percent of each on-site surface parking area, common open space at the ground floor, and Privately-owned (and maintained) Public Open Space (see Fig. 2.37).
  - Standard 2 - Tree wells must be at least four feet larger than the tree trunk diameter at maturity.
  - Standard 3 - Designate 700 cubic feet of noncompacted soil for small trees, 1400 cubic feet of non-compacted soil for medium trees, and 2100 cubic feet of noncompacted soil for large trees to allow trees to reach their maturity. Structural soil systems, soil cells, or continuous trenches are example of ways to reach to the above soil volumes.
  - Standard 4 - When planting trees on green roofs or above underground parking, provide a minimum soil depth of 36 inches and soil volume for each tree as identified in S3.
  - Standard 5 - Provide the following minimum distances from the center of trees to the edges of buildings for all trees to reach maturity and to prevent unnecessary tree removal (see Fig. 2.37):

- Five feet for small trees,
- 2 feet for medium trees, and
- 20 feet for large trees.
- Standard 6 - Provide a maximum distance of 20 feet on center for small trees, 25 feet for medium trees, and 35 feet for large trees, or 75 percent of the mature canopy size distance for each tree type measured from the center. Locate new street trees and new on-site trees in relation to existing street trees and on-site trees to be retained to meet these maximum spacing dimensions.
- Standard 7 - Provide minimum vertical clearance for tree canopies at maturity as follows:
  - 14 feet in and around service and loading areas and driveways,
  - 12 feet for parking lots, and
  - Eight feet for tree canopies immediately adjacent to sidewalks and patios.
- Standard 8 - Utilize at least 50 percent of the total landscaped area on a development site for LID site design measures, source controls, and green stormwater infrastructure, including but not limited to bioretention, rain gardens, LID planters, and permeable pavers.

*Staff Comments: Upon resubmittal, demonstrate conformance with the above listed standards. Please refer to page 30 of the [Citywide Design Standards](#) for illustrative diagrams.*

- Section 3.2.1 – Pedestrian and Bicycle Entrances Design

- Standard 2 - Recess all building entrances that open towards a sidewalk by a minimum of three feet to protect pedestrians from bumping into doors opening outwards. If the doors open inwards, no recess is required, but provide a projecting or arching cover at least three feet deep for protection from weather and opportunity for addresses and additional signage.

*Staff Comments: Ensure all building entrances that open towards the paseo are recessed a minimum of three feet.*

- Section 3.3.1 – Façade Design and Articulation

- Standard 1 - Articulate all building façades facing a street or public open space for at least 80 percent of each façade length. Articulate all other building façades for at least 60 percent of each façade length. Façade articulation can be achieved by providing material and plane changes or by providing a rhythmic pattern of bays, columns, balconies, and other architectural elements to break up the building mass.

*Staff Comments: Based on the plans provided, the project appears to comply with this requirement. Upon resubmittal, provide an exhibit that outlines compliance with the façade articulation requirements.*



- **Section 2.3.7 – Site Lighting**

- Standard 1 - Orient all site lighting directly downwards to prevent light pollution and excess glare in the public realm.
- Standard 2 - Illuminate a zone of a maximum of five feet in front of the ground floor façade for all active frontages such as retail, offices, and community rooms.
- Standard 6 - All site lighting fixtures must be fully shielded (full cut-off) to prevent light from aiming skyward and light spillage and glare that can be seen from above.
- Standard 7 - Keep the maximum color temperature for outdoor lighting below 2700 Kelvin, except for outdoor decorative lighting from November 15 to January 15.

*Staff Comments: Upon resubmittal, please demonstrate compliance with the above site lighting standards.*

- **Section 3.3.8 Architectural Lighting**

- Standard 1 - Orient at least 90 percent of exterior lighting fixtures downward.
- Standard 2 - Provide pedestrian-scale lighting to illuminate the ground floor building façades and an adjacent four-foot wide zone with lighting fixtures that are placed (see Fig. 3.51 and 3.52):
  - Every 40 feet or less for all building façades to illuminate the sidewalk along primary and secondary streets.
  - Every 20 feet or less for all ground floor blank walls.

*Staff Comments: Upon resubmittal, provide specifications and details for any architectural lighting. Ensure any new lighting conforms with the above standards.*

## **5. Environmental Review - California Environmental Quality Act (CEQA)**

Please reach out to Environmental Project Manager, Maira Blanco at [Maira.Blanco@sanjoseca.gov](mailto:Maira.Blanco@sanjoseca.gov) for more information.

## **6. Plan Clarifications and Required Additional Information**

- All Sheets
  - Add File No. PDA20-006-01 to all sheets
  - Update Revision Date
- Title Sheet
  - Update Zoning Designation to “Planned Development Zoning District – File No. PDC19-049”
- Add Sheets

- General Development Plan (Sheet A0.6) of PD Zoning Plan Set (File No. PDC19-049)
- Development Standards (Sheet A0.7) of PD Zoning Plan Set (File No. PDC19-049)
- Sheet A3.1
  - Update Key Notes
    - #12 is shown twice. The northernmost location states it is the building entry but appears to be a trash compactor?
  - Provide additional short term bicycle parking outside of the commercial retail space at the western end of the building.
- Sheet A9.0
  - Add Key Note and show location of bicycle parking. Ensure the location matches with what is shown on the site plan.
  - Add Key Note for trash area.
- Sheet A9.5
  - Provide dimensions of drive aisles
  - Provide dimensions of typical vehicle parking space (see [Section 20.90.100](#)) and motorcycle parking space (See [Section 20.90.370](#))
- Sheet L10.01-L10.05
  - Demonstrate conformance with Section 2.3.8 for Landscaping Requirements of Citywide Design Standards and Guidelines
- Sheet L11.0
  - Demonstrate conformance with Section 2.3.7 for Site Lighting of Citywide Design Standards and Guidelines

## 7. Comments from Other Departments/Divisions and Agencies

Attached is a memorandum from other departments/divisions and outside agencies as indicated below. 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 forward upon receipt.
- b. Fire – See attached.
- c. Public Works – To be forwarded upon receipt.
- d. ESD Integrated Waste Management – See attached.
- e. Housing Department – See attached.

f. PRNS – See attached.

## 8. Community Outreach

Based on significant community interest in the previously approved project, a Community Meeting should be held to inform members of the public of the proposed changes to the project. Staff will coordinate with the City Council District Office and applicant to determine an appropriate date and time for the meeting. Please note, Mondays and Thursdays are preferred days for Community Meetings.

## 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 a PDF of the on-site poster. Once the sign is posted, I would appreciate it if you could please take pictures of the on-site sign and fill out the Declaration of Posting (page 3 of the first link) and send both of those to me. Delay in posting the sign and providing the declaration form, would delay any future review.

- On-Site Noticing/Posting Requirements: <https://www.sanjoseca.gov/home/showpublisheddocument?id=15573>
- Public Outreach: <https://www.sanjoseca.gov/home/showpublisheddocument?id=12813>

## 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. In order to facilitate the development review process, please include a detailed response letter with your resubmittal that addresses all items contained in this letter and attached memos. When ready, please submit all updated plans and documents to ProjectDox using the [Planning File Naming Conventions](#). See additional information below regarding the naming conventions. Please anticipate at least three weeks for departmental staff to review your responses and revisions.

Description	Naming Example
Is it just a revision to an existing sheet?	First submittal sheet named 002-TS, Revised Sheet also name it 002-TS (do not put versions, updated etc)
Adding a sheet associated with existing sheet type (e.g. additional civil exhibits)	First submittal sheet named 007-C, additional sheet related to that sheet should be 007A-C

- Do not rename the sheet or document, even if you don’t make changes, just submit under the previous sheet name.
- If you have sheets or documents with repeat number 002-A, 002-TS, 002-C, you are doing it wrong, each should be a unique sequence number or a sequence number with a suffix

if multiple pages added to the plan set e.g. 002A-A, 002B-A

Additional fees may be applicable for community meetings, additional public noticing, and for other processes/reviews as a result of revisions to the project description or plans, based on the adopted fee schedule. We will inform you should additional fees be required. The project will not be scheduled for hearing until all fees have been paid in full.

The decision to approve, deny, or conditionally approve or defer this proposal will occur at a **Director's Hearing**. Director's Hearings are held Wednesday at 9:00 am via Zoom.

Should you have any questions, you may contact me at [alec.atienza@sanjoseca.gov](mailto:alec.atienza@sanjoseca.gov) or (408) 535-7688. You may also contact the Supervising Planner overseeing this project, Laura Meiners, at [laura.meiners@sanjoseca.gov](mailto:laura.meiners@sanjoseca.gov).

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

Sincerely,

A handwritten signature in blue ink that reads "Manuel Atienza".

Alec Atienza  
Project Manager  
City of San José  
(408) 535-7688

**Attachments:**

On-site Sign  
ESD-IWM Memo  
Housing Department Memo  
PRNS Memo  
Fire Memo