



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: February 26, 2021

COUNCIL DISTRICT: 1

SUBJECT: C19-020, T19-038 & CP19-031. CONFORMING REZONING FROM THE CG AND CN ZONING DISTRICTS TO THE CP ZONING DISTRICT, A VESTING TENTATIVE MAP TO RESUBDIVIDE FIVE PARCELS INTO TWO PARCELS, AND A CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF ALL EXISTING COMMERCIAL BUILDINGS ON SITE, TOTALING APPROXIMATELY 47,631 SQUARE FEET, THE REMOVAL OF 65 TREES (41 ORDINANCE SIZE, 24 NON-ORDINANCE-SIZE) AND THE CONSTRUCTION OF AN APPROXIMATELY 791,000-SQUARE FOOT COMMERCIAL MIXED-USE OFFICE BUILDING AND AN APPROXIMATELY 122,700-SQUARE FOOT HEALTH CLUB WITH LATE-NIGHT USE AND AN APPROXIMATELY 39 PERCENT PARKING REDUCTION ON AN APPROXIMATELY 4.84-GROSS ACRE SITE

RECOMMENDATION

The Planning Commission voted 7-0 to recommend that the City Council take all of the following actions:

1. Adopt a Resolution certifying the 3896 Stevens Creek Commercial Project Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
2. Approve an Ordinance rezoning an approximately 4.84-gross acre site, located at the southeast corner of Stevens Creek Boulevard and Saratoga Avenue, from the CG Commercial General and CN Commercial Neighborhood Zoning Districts to the CP Commercial Pedestrian Zoning District.
3. Adopt a Resolution approving, subject to conditions, a Vesting Tentative Map to re-subdivide five parcels into two parcels on an approximately 4.84-gross acre site.
4. Adopt a Resolution approving, subject to conditions, a Conditional Use Permit and Site Development Permit to allow the demolition of all existing commercial buildings on site,

totaling approximately 47,631 square feet, the removal of 65 trees (41 ordinance-size, 24 non-ordinance-size) and the construction of an approximately 791,000-square foot commercial mixed-use office building and an approximately 122,700-square foot health club with late-night use (4am to 12am) and an approximately 39 percent parking reduction on an approximately 4.84-gross acre site.

OUTCOME

If the City Council approves all the actions listed above as recommended by the Planning Commission, the applicant will be able to demolish all existing buildings on-site, totaling 47,631 square feet, remove 65 trees (97 to be replaced) and construct an approximately 791,000-square foot commercial mixed-use office building and an approximately 122,700-square foot health club with late-night use.

BACKGROUND

On February 10, 2021, the Planning Commission held a Public Hearing to consider the resolution certifying the Draft Environmental Impact Report, Conforming Rezoning, Vesting Tentative Map, Conditional Use Permit, and Site Development Permit. The Planning Commission recommended that the City Council adopt the resolution certifying the 3896 Stevens Creek Commercial Project Environmental Impact Report and related Mitigation Monitoring and Reporting Plan and approve the project.

Staff Presentation

Staff provided a brief presentation on the proposed project, including an overview of the project's conformance with the General Plan, Stevens Creek Urban Village Plan, San José Municipal Zoning Code, City Council Policy 6-27: Evaluation of 24-hour Uses, City Council Policy 6-30: Public Outreach, and conformance with the California Environmental Quality Act.

Public Hearing

The applicant, Stephen Schmidt, shared a presentation that covered the existing site conditions, the subject site in the context of the Stevens Creek Urban Village Plan, and how community concerns regarding height and massing were addressed.

Two members of the public spoke on the proposed project. The first individual asked if an equity lens was applied to the project. The other individual voiced concerns regarding the height of the building, traffic impacts on Northlake Drive, and the replacement of trees that would be removed. Ben Leech, representing the Preservation Action Council of San Jose, asked the applicant where the mural on the existing bank building would be relocated and offered his organization's assistance with treatment and preservation of the mural.

The project applicant clarified that the project would conform with the City's height requirement of 150 feet. He also shared that the project would include the replacement of 97 trees on-site and that an additional fee for the off-site replacement of trees would be paid. The applicant also noted that the mural would be preserved on-site and that placement at the ingress/egress of the parking garage facing the plaza was being considered but that the final location has not been determined.

Commissioner Discussion

Commissioner Oliverio voiced his support for the project, stated that the height would be appropriate for the site, and made a motion to approve the project. Commissioner Casey seconded the motion.

Commissioner Lardinois asked staff to clarify if the public comments alluded to in the staff report regarding the Environmental Impact Report were included as attachments. Staff responded that the responses to comments on the Draft EIR are in the First Amendment to the Draft EIR which is included as an attachment to the Final EIR and available on the City's website and through the link to the FEIR provided in the staff report.

Vice Chair Bonilla asked the applicant to clarify if the mural would be preserved on-site and if the height limit of 150 feet was accurate. The applicant reiterated that the mural would be preserved on-site. Staff clarified that the maximum allowed height is 150 feet at the subject site.

Chair Caballero asked staff to respond to the public comment regarding equity. Staff responded that the Office of Racial Equity was recently formed and that the Office is looking to work with all departments on developing equity frameworks into their functions, but no specific changes have yet been implemented in the review of development projects. Chair Caballero also asked staff to provide more information on the transportation study and Transportation Demand Management (TDM) Plan that was prepared for the project. Staff explained that the project would include the construction of various transportation-related improvements to reduce Vehicle Miles Traveled (VMT) including the removal of "pork chop" islands at the intersection of Stevens Creek Boulevard and Saratoga Avenue, and Kiely Boulevard and Saratoga Avenue. Staff also provided the list of TDM measures that would be implemented to achieve a 39 percent parking reduction including preferential parking for carpools, passenger loading for rideshare vehicles, commute trip reduction marketing and education, rideshare resources, ride-matching assistance, and building designs to support telecommute/flexible work schedules.

The motion to recommend Council approval of the project passed unanimously (7-0).

ANALYSIS

Analysis of the proposed CEQA clearance, Conforming Rezoning, Vesting Tentative Map, Conditional Use Permit, and Site Development Permit including conformance with the General

Plan, Stevens Creek Urban Village Plan, Zoning Ordinance, and City Council Policies are included in the attached staff report.

CONCLUSION

The project was heard at the February 10, 2021 Planning Commission Meeting. The motion to recommend Council approval of the project passed unanimously (7-0). The project is consistent with the Envision San José 2040 General Plan, Stevens Creek Urban Village Plan, Zoning Code, applicable City Council Policies for 24-hour uses and Public Outreach, and the requirements of CEQA.

EVALUATION AND FOLLOW UP

Should the City Council adopt the resolution certifying the Final Environmental Impact Report, approve the Conforming Rezoning, Vesting Tentative Map, Conditional Use Permit, and Site Development Permit, the project site would be approved to allow the demolition of all existing buildings on-site, totaling 47,631-square feet, removal of 65 trees, and construction of an approximately 791,000-square foot commercial mixed-use office building and an approximately 122,700-square foot health club with late-night use. Therefore, the applicant could proceed with an application for building permits.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum aligns with one or more Climate Smart San José mobility goals. The project would reduce Vehicle Miles Traveled (VMT); facilitate mobility choices other than single-occupancy, gas-powered vehicles; and facilitate job creation within City limits by providing a mixed-use commercial development with offices, retail, and recreation in a central location within an identified growth area. The project would also include a 39% parking reduction with the implementation of a TDM plan to reduce vehicle trips.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy, whereby, the project is considered a large development proposal. Following City Council Policy 6:30, the applicant posted the on-site sign to inform the neighborhood of the proposed project. 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 and posted on the City website. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

A formally noticed Community Meeting with the Environmental Scoping was held on Monday, January 6, 2020, to introduce the proposed project to the community. The questions and comments from community members included concerns related to building height, traffic, parking, noise, and differences in zoning between the San José and Santa Clara sides of Stevens Creek Boulevard.

COORDINATION

Preparation of this memorandum has been coordinated with the City Attorney's Office.

CEQA

The City of San José, as the lead agency for the project, prepared a Draft Environmental Impact Report (Draft EIR), which was circulated for public review and comment from August 11, 2020 through September 25, 2020. The Draft EIR included analysis for the demolition of four commercial buildings, totaling 47,631 square feet, the removal of 65 trees, and the construction of an approximately 308,000 square feet of office space, 15,000 square feet of retail space, 468,000 of parking garage for 1,300 spaces, and 155,300 square feet of health club or gym space on an approximately 4.84-gross acre site.

Since the circulation of the Draft EIR, the project has been reduced by approximately 32,600 square feet and the health club building from 155,300 square feet to 122,700 square feet. Furthermore, the project proposes to incorporate the existing mural, a potential Structure of Merit, on-site. This change does not result in new environmental impacts and the Draft EIR represents a conservative analysis of the originally proposed project. Mitigation measures identified in the Draft EIR were not revised and only one standard permit condition was revised to reflect inclusion of the mural as it is no longer proposed to be removed.

A First Amendment to the Draft EIR was prepared to provide responses to public comments submitted during the public circulation period and revisions to the text of the Draft EIR. The First Amendment together with the Draft EIR constitute the Final Environmental Impact Report (Final EIR) for the project.

The Draft EIR found that the project would not result in any significant unavoidable impacts. Therefore, a Statement of Overriding Considerations is not required. The Draft EIR identified potential environmental impacts to air quality, biological resources, hazardous materials, and noise as it relates to temporary construction only. With implementation of the mitigation measures specified in the Mitigation Monitoring and Reporting Program (MMRP) prepared for the project, these impacts are reduced to less than significant levels.

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The Draft EIR and First Amendment to the Draft EIR (Final EIR) are available for review on the project page on the City's Active EIRs website at: www.sanjoseca.gov/activeeirs

/s/
ROSALYNN HUGHEY, Secretary
Planning Commission

For questions, please contact Planning Official, Robert Manford, at (408) 535-7900.

Attachment: Planning Commission Staff Report



Memorandum

TO: PLANNING COMMISSION
SUBJECT: File Nos. C19-020, CP19-031 &
T19-038

FROM: Rosalynn Hughey
DATE: February 10, 2021

COUNCIL DISTRICT: 1

Type of Permit	Conforming Rezoning (File No. C19-020), Conditional Use Permit (File No. CP19-031), Vesting Tentative Map (File No. T19-038)
Proposed Land Use	Office, General Business and Health Club
New Square Footage	913,000 square feet
Additional Policy Review Items	City Council Policy 6-27: 24-hour uses
Demolition	4 existing commercial buildings (47,631 square feet)
Tree Removals	65 trees (41 ordinance-size, 24 non-ordinance-size)
Project Planner	Alec Atienza
CEQA Clearance	3896 Stevens Creek Commercial Project Environmental Impact Report
CEQA Planner	Thai-Chau Le

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council take all of the following actions:

1. Adopt a Resolution certifying the 3896 Stevens Creek Commercial Project Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
2. Approve an Ordinance rezoning an approximately 4.84-gross acre site, located at the southeast corner of Stevens Creek Boulevard and Saratoga Avenue, from the CG Commercial General and CN Commercial Neighborhood Zoning Districts to the CP Commercial Pedestrian Zoning District.
3. Adopt a Resolution approving, subject to conditions, a Vesting Tentative Map to resubdivide five parcels into two parcels on an approximately 4.84-gross acre site.
4. Adopt a Resolution approving, subject to conditions, a Conditional Use Permit and Site Development Permit to allow the demolition of all existing commercial buildings on site, totaling approximately 47,631 square feet, the removal of 65 trees (41 ordinance-size, 24 non-ordinance-size) and the construction of an approximately 791,000 square foot commercial mixed-use office building and an

approximately 122,700 square foot health club with late-night use (4am to 12am) and an approximately 39 percent parking reduction on an approximately 4.84-gross acre site.

PROPERTY INFORMATION

Location	South side of Stevens Creek Boulevard between Saratoga Avenue and Northlake Drive (3896 Stevens Creek Boulevard)
Assessor Parcel No.	303-25-012, 303-25-013, 303-25-016, 303-25-022, 303-25-023
General Plan	Urban Village
Growth Area	Stevens Creek Urban Village
Zoning	CN Commercial Neighborhood & CG Commercial General
Historic Resource	No
Annexation Date	September 21, 1956 (Boynton No_5)
Council District	1
Acreage	4.84 gross acres
Proposed Density	4.40 FAR

PROJECT SETTING AND BACKGROUND

As shown on the attached Aerial Map (Figure 1), the subject site is located on the southside of Stevens Creek Boulevard between Saratoga Avenue and Northlake Drive. The site is bordered by Stevens Creek Boulevard, the City of Santa Clara, and a restaurant (McDonald's) to the north, a commercial building (Pep Boys Auto) and nursing center (Courtyard Care Center) to the east, a Community Center (Islamic Community of Center of Bozniaks) and a vacant restaurant to the south and used car dealerships to the west.

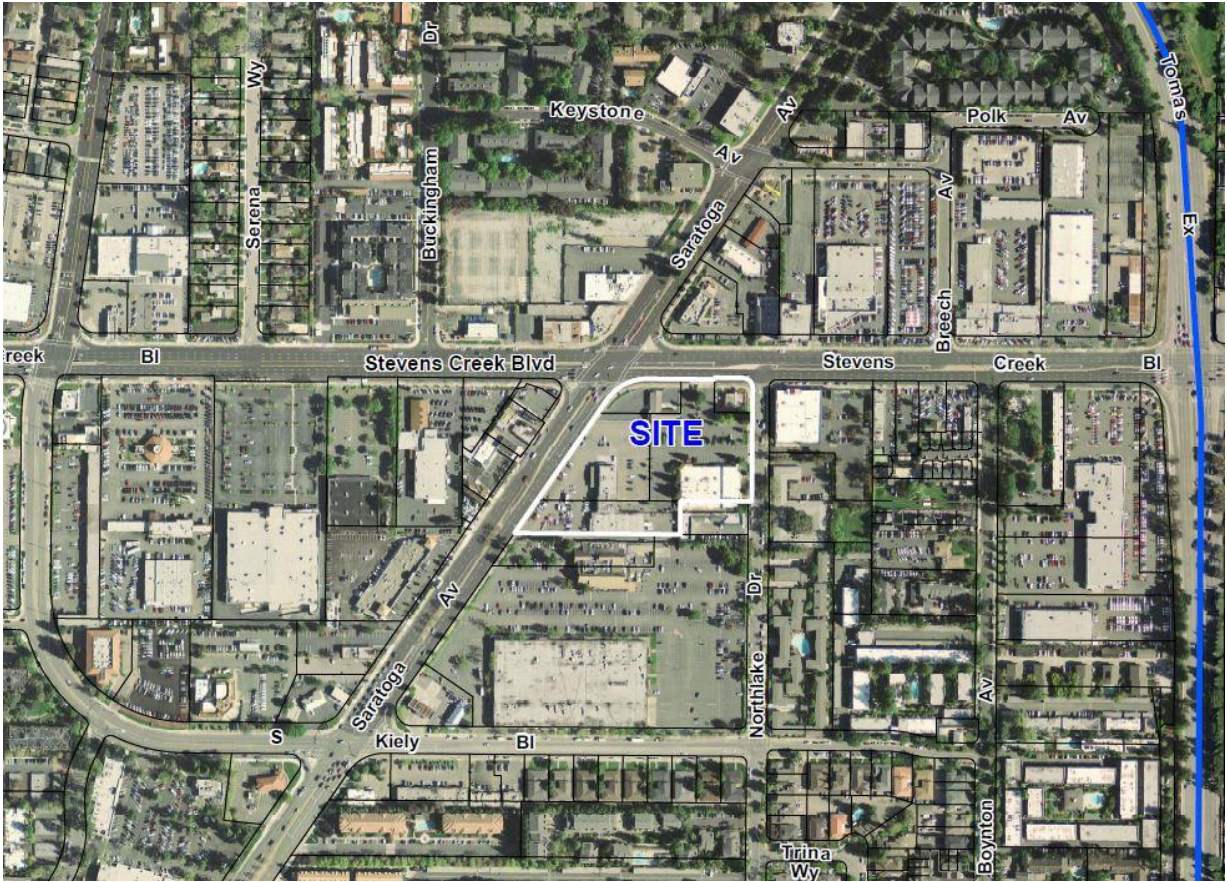


Figure 1 Aerial Map

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	City of Santa Clara	City of Santa Clara	Restaurant (McDonald's)
South	Urban Village	CP Commercial Pedestrian	Restaurant (Vacant) – formerly Garden City Casino
East	Urban Village and Public/Quasi-Public	CN Commercial Neighborhood, CP Commercial Pedestrian	Commercial Building(Pep Boys Auto), Nursing Center (Courtyard Care Center)
West	Urban Village	CG Commercial General	Used car dealerships

On October 10, 2019, the applicants, Cypress Equities, LLC and Life Time Fitness, Inc., on behalf of property owner JDING Stevens Creek Properties, LLC, submitted the following applications to be reviewed concurrently:

- Conforming Rezoning to rezone the property from the CG Commercial General and CN Commercial Neighborhood Zoning Districts to the CP Commercial Pedestrian Zoning District on an approximately 4.84-gross acre site.
- Vesting Tentative Map to resubdivide five parcels into two parcels on an approximately 4.84-gross acre site.
- Conditional Use Permit and Site Development Permit to allow the demolition of four commercial buildings, totaling 47,631 square feet, the removal of 65 trees, and the construction of an approximately 791,000-square foot commercial mixed-use office building consisting of 308,000 square feet of office space, 15,000 square feet of retail and restaurant space, and a 468,000 square foot attached garage, and an approximately 122,700-square foot health club with late-night use (4am to 12am) and an approximately 39 percent parking reduction on an approximately 4.84-gross acre site.

The 12-story, 147-foot-high commercial mixed-use office building would be located at the eastern portion of the site, at the southwest corner of Stevens Creek Boulevard and Northlake Drive. The office building would include 308,000 square feet of office space, a five-story, approximately 468,000 square foot attached garage, 5,000 square feet of ground floor restaurant space, and 10,000 square feet of ground floor retail space.

The four-story, 84-foot-high health club (Life Time Fitness) would be located at the southwestern portion of the site along Saratoga Avenue. The health club would include ground floor and rooftop outdoor use and late-night use (4am to 12am). The health club would include a reception/lobby and check-in area, a café and kitchen area, spa, massage, and salon center, women's, men's, and family locker rooms, and a lap pool on the first floor. The first floor would also include the outdoor area, designated as the "Alpha" area. The outdoor "Alpha" area would be used throughout the day for a variety of outdoor activities, including group fitness classes, and active club events. The Alpha area would be semi-enclosed by an approximately 18-to 20-foot-high architectural screen wall consisting of a combination of columns and full-length transparent windows. A Yoga area, Barre fitness area, group fitness rooms, a fully supervised children's play area, cycle room, education center, and sales/lounge area would be located on the second floor. A gymnasium, weight room, cardio rooms and recovery area, and physical therapy/lounge area would be located on the third floor. The rooftop would include a lap pool, outdoor lounge and seating area, as well as a full bistro with associated bar and seating. While Life Time is a membership facility, the café, lounge, salon, and chiropractic/physical therapy services will be available to non-members. Based on the Operations Plan provided, the health club would operate from 4am to 12am, 7 days per week. The Life Café would operate Monday through Sunday no later than 11 pm. The poolside bistro would operate Monday through Sunday from 11am to 9pm. The Café and bistro must apply for and obtain a Type 47 ABC License, which authorizes the sale of beer, wine, and distilled spirits for consumption on the premises with an eating establishment. The health club would employ approximately 250 to 300 part-time and full-time employees.

The project site is accessible from a right in/right out 26-foot-wide driveway on Saratoga Avenue. The driveway runs east to west at the southern end of the Life Time Fitness building before turning north and

entering the parking garage attached to the office building from the south. Access to the parking garage is also provided at the eastern end of the site from Northlake Drive. The site is accessible to pedestrians from Saratoga Avenue, Stevens Creek Boulevard, and Northlake Drive. The five-story attached parking garage provides 1,200 vehicle parking spaces, an approximately 39% parking reduction from the required 1,962 code required vehicle spaces. To achieve the parking reduction the project would implement a Transportation Demand Management (TDM) Plan as outlined in the discussion of the Municipal Code requirements below. 78 motorcycle spaces, 130 short term, and 64 long term bicycle parking spaces would be provided throughout the site near both entrances and inside of the buildings.

The project includes an approximately 18,800 square foot plaza, which would be a privately owned, publicly accessible open space located at the southeast corner of Stevens Creek Boulevard and Saratoga Avenue. The plaza would be accessible from the entrances of both the office building and health club. The plaza would include paved areas with seating and tables for dining and work space, landscaping, planters, trees, a lawn area, and lighting. A 20-foot-wide paseo would also be constructed between the two buildings, connecting the plaza area to the parking garage as well as any future development to the south.

ANALYSIS

The proposed Conditional Use Permit is analyzed with respect to conformance with:

1. Envision San José 2040 General Plan
2. Stevens Creek Urban Village Plan
3. San José Municipal Code
4. City Council Policies
5. Commercial Design Guidelines
6. California Environmental Quality Act (CEQA)

Envision San José 2040 General Plan Conformance

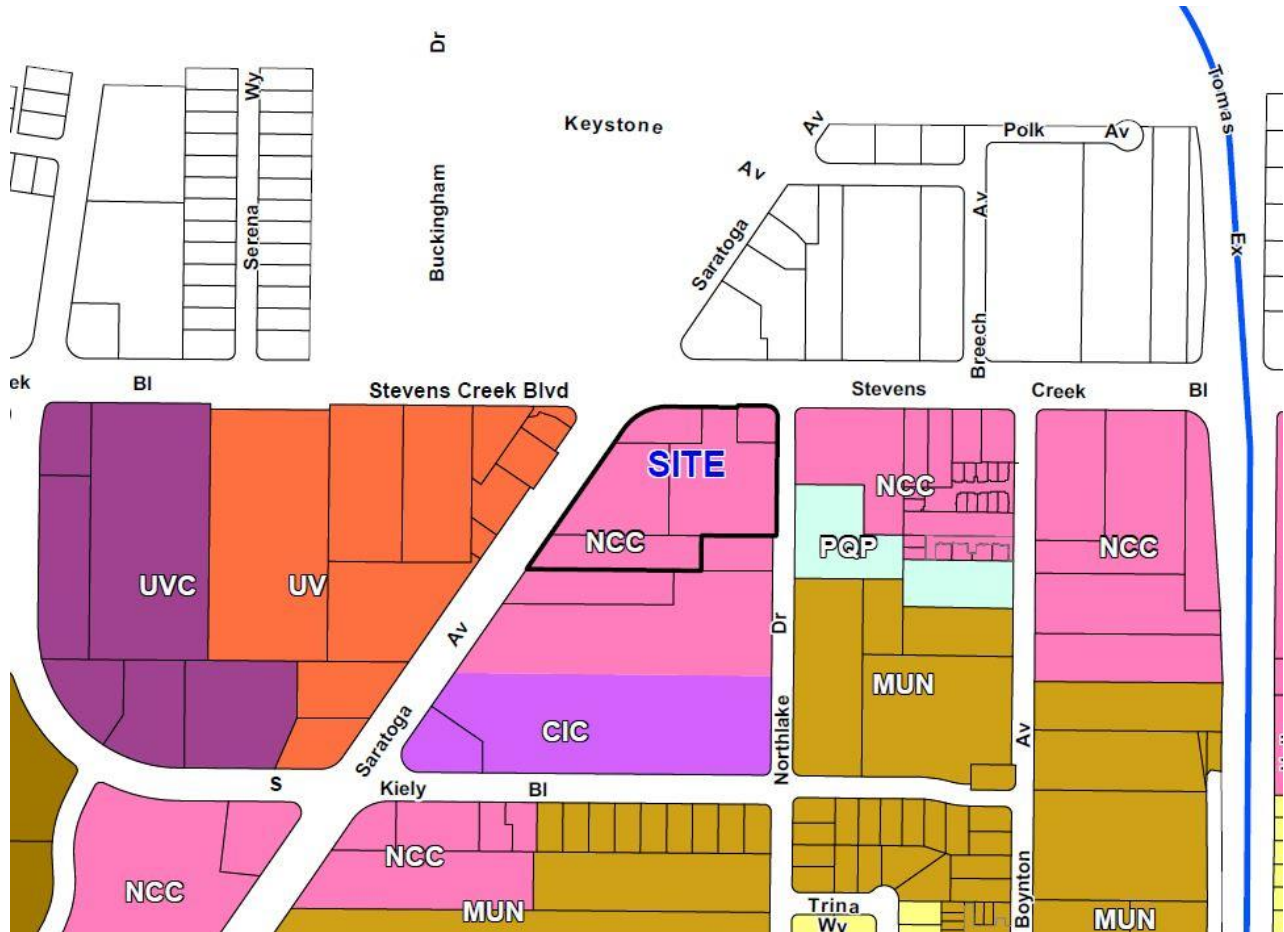


Figure 2 General Plan Land Use Map

Land Use Designation

As shown in the attached General Plan Map (Figure 2), the project site has an [Envision San José 2040 General Plan](#) Land Use/Transportation Diagram designation of Urban Village. The Urban Village designation is applied within the Urban Village areas that are planned in the current Horizon (see Chapter 7 – Implementation for a description of Planning Horizons and Urban Village Planning) to accommodate higher density housing growth along with a significant amount of job growth. This designation is also applied in some cases to specific sites within Urban Village Area Boundaries that have received entitlements for Urban Village type development. This designation supports a wide variety of commercial, residential, institutional or other land uses with an emphasis on establishing an attractive urban form in keeping with the Urban Village concept. Development within the Urban Village designation should conform to land use and design standards established with an adopted Urban Village Plan, which specifies how each Urban Village will accommodate the planned housing and job growth capacity within the identified Urban Village Growth Area. The project is consistent with the Urban Village Land Use Designation as it would provide a commercial service to families that live and work in the surrounding area. The project is consistent with the following General Plan Policies:

General Plan Goal and Policies

1. **Major Strategy #3 – Focus Growth:** The Focused Growth Major Strategy plans for new residential and commercial growth capacity in specifically identified “Growth Areas” (Urban Villages, Specific Plan

areas, Employment Areas, Downtown) while the majority of the City is not planned for additional growth or intensification. The strategy focuses new growth into areas of San José that will enable the achievement of economic growth, fiscal sustainability, and environmental stewardship goals, while supporting the development of new, attractive urban neighborhoods. While the Focused Growth strategy directs and promotes growth within identified Growth Areas, it also strictly limits new residential development through neighborhood infill outside of these Growth Areas to preserve and enhance the quality of established neighborhoods, to reduce environmental and fiscal impacts, and to strengthen the City's Urban Growth Boundary.

2. Major Strategy #5: - Urban Village: The Urban Village Major Strategy promotes the development of Urban Villages to provide active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth attractive to an innovative workforce and consistent with the Plan's environmental goals. The General Plan establishes the Urban Villages concept to create a policy framework to direct most new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities.
3. High Quality Facilities and Programs Policy PR-1.9: As Urban Village areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high quality, publicly accessible outdoor spaces provided as part of new development projects; privately or, in limited instances, publicly owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities
4. Land Use and Employment Policy IE-1.3: As part of the intensification of commercial, Village, Industrial Park and Employment Center job Growth Areas, create complete, mixed-employment areas that include business support uses, public and private amenities, child care, restaurants, and retail goods and services that serve employees of these businesses and nearby businesses.
5. Community Design Policy CD-3.5: Encourage shared and alternative parking arrangements and allow parking reductions when warranted by parking demand.

Analysis: The redevelopment of the site is consistent with the General Plan Land Use Designation of Urban Village as the project would provide a high intensity mix of commercial uses. The project would provide jobs, retail options, and recreational opportunities in a central location, within a growth area, through the development of approximately 308,000 square feet of office space, a 122,000-square foot health club and 15,000 square feet of ground floor retail and restaurant space. Consistent with the General Plan policies for the development of Urban Villages, the project would incorporate a publicly accessible plaza at the southeast corner of Stevens Creek Boulevard and Saratoga Avenue. The project would also provide a 20-foot-wide paseo between the two buildings, allowing for mid-block pedestrian connection to any future development of the site to the south. The project also includes an approximately 39% parking reduction and shared parking arrangement through the implementation of a Transportation Demand Management (TDM) Program. The TDM program would include a package of measures to reduce vehicle trips and encourage transit ridership. TDM measures include providing preferential parking for carpools, passenger loading for rideshare vehicles, commute trip reduction marketing and education, rideshare resources, ride-matching assistance, and building designs to support telecommute/flexible work schedules (See Exhibit I). The subject site is served by five existing Valley Transportation Authority (VTA) bus lines (Routes 23, 57, 58, 330, and 323). The project would also include ample bicycle parking and street/sidewalk improvements that would facilitate bicycle and

pedestrian access to the site.

Stevens Creek Urban Village Plan

Land Use Designation

The subject site has a land use designation of Urban Village and is located within the City of San Jose [Stevens Creek Urban Village](#) Land Use Plan. The Urban Village land use designation supports a wide range of commercial uses, including retail sales and services, professional and general offices, and institutional uses. This designation also allows residential uses in a mixed-use format. Residential and commercial mixed-use projects can be vertical mixed-use with residential above retail for example, or, where a larger site allows, they can be mixed horizontally, with commercial and residential uses built adjacent to each other, in one integrated development. All new development under this designation with frontage along Stevens Creek Boulevard must include ground floor commercial uses along Stevens Creek Boulevard. The project is consistent with the following goals and policies of the approved Stevens Creek Urban Village Plan:

Urban Village Goals and Policies

1. Land Use Policy LU-2.2: New development along Stevens Creek Boulevard, Kiely Boulevard, Saratoga Avenue, and Albany Drive should include ground floor commercial and/or active spaces such as lobbies fronting the street and wrapping the corner when located on a corner lot.
2. Land Use Policy LU-5.1: Encourage the aggregation of parcels within the Stevens Creek Urban Village to facilitate new development, especially mixed-use at higher density or intensity, and to provide for the inclusion of public accessible plazas and open spaces into new development.
3. Parks and Plazas Policy P-1.2: As new development occurs, space on each site will be dedicated to some form of publicly accessible open space. These spaces should be located so as to easily and logically connect with other open spaces in the surrounding area to work towards creating a connected web of open space throughout the Urban Village.
4. Placemaking/Public Art Policy P-3.1: Public art should increase the sense of place and identity of the Stevens Creek Urban Village.
5. Land Use Policy LU-5.4: Ensure that new development provides convenient, walkable pedestrian connections through the site and to existing and planned open spaces.

Analysis: The subject site is located within the Stevens Creek Urban Village Plan, which was approved by City Council on August 8, 2017 (Resolution No. 78307). The project is consistent with the Urban Village land use designation as it provides a high intensity mix of commercial uses, including office, retail, restaurant, and recreational space. The project frontages include ground floor commercial space and active space on both Stevens Creek Boulevard and Saratoga Avenue. Approximately 15,000 square feet of retail and restaurant space would be located on the ground floor of the office building along Stevens Creek Boulevard. The Life Time Café, a publicly accessible café would be located at the north end of the health club facing the plaza. Additionally, the “Alpha” area of the health club would provide ground floor active space along Saratoga Avenue. As shown on Sheet A2-01 of the plan set (Exhibit E), the project would also preserve and relocate an existing mural, a potential historical structure of merit. The mural would be relocated from one of the commercial buildings to be demolished to the outside wall of the parking structure, facing the plaza. As previously discussed, the project includes a publicly

accessible plaza located at the southeast intersection of Stevens Creek Boulevard and Saratoga Avenue. The plaza would include landscaping, groundcover, trees, lighting, seating, and tables. A 20-foot-wide paseo would provide pedestrian access from the plaza to the parking garage as well as any future development of the site to the south.

Stevens Creek Urban Village Design

The project conforms with the following key standards and guidelines of the Stevens Creek Urban Village Plan, Chapter 4 Urban Design. This Chapter provides an overall urban design framework for development within the Stevens Creek Urban Village. As outlined in the Plan, the subject site is located in the “Heart of Stevens Creek.” The Heart of Stevens Creek is envisioned to become the major activity center and community hub in this Urban Village. Height will be focused in commercial structures at the intersection of Saratoga Avenue and Stevens Creek Boulevard.

1. Site Planning Guideline 1: Orient all buildings on a public street towards the street.
2. Urban Design Policy UD-1.2: Encourage the placement of ground-floor commercial space in new development especially along the street frontages of Stevens Creek Boulevard, Kiely Boulevard, and Saratoga Avenue.
3. Ground Level Design Guideline 2: Design the ground floor to have large areas of glass and avoid excessive mullions.
4. Ground Level Design Standard 2: To accommodate a variety of uses, the depth of ground floor commercial space shall be a minimum of 50 feet and preferably 60 feet.
5. Setback and Stepback Standard 4: Provide a front setback to achieve a minimum 20-foot wide pedestrian environment along the ground floor of a non-residential development fronting onto Stevens Creek Boulevard, Saratoga Avenue, and Kiely Boulevard.

Analysis: Both the office building and health club would be located and oriented towards Stevens Creek Boulevard, Saratoga Avenue, and the newly constructed plaza. Both buildings would provide clearly marked entrances and active frontages with transparent glass. The office portion of the project would provide approximately 15,000 square feet of ground floor retail and restaurant space along Stevens Creek Boulevard. The retail space would have a minimum depth of 70 feet. The health club would include a café, which would be open to the public, and would provide outdoor seating in the plaza area. The health club would also include an active ground floor enclosed outdoor space along Saratoga Avenue (known as the Alpha area). The project would improve pedestrian circulation and access with the construction of 20-foot-wide sidewalks along Stevens Creek Boulevard and Saratoga Avenue as well as 10-foot-wide sidewalks along Northlake Drive.

6. Urban Design Policy UD-3.1: Consider strategies such as providing mid-block connections and breaking up long blocks, consistent with the multi-modal connectivity goals and policies of this plan.
7. Urban Design Policy UD-2.2: Explore creative strategies and opportunities to integrate community spaces including parks, plazas, open spaces, indoor/outdoor event spaces, and community centers into new development.
8. Open Space Placement and Location Guideline 1: Locate new parks and open spaces so that they are visible and/or accessible from public rights-of-way as well as interior pathways.

Analysis: As previously discussed, the project includes a publicly accessible plaza located at the southeast corner of Stevens Creek Boulevard and Saratoga Avenue. The plaza would be highly visible from the public right-of-way and would provide direct access to the entrances of both the office building and health club. The plaza would include landscaping, groundcover, trees, lighting, seating, and tables. A 20-foot-wide paseo would provide pedestrian access from the plaza to the parking garage as well as any future development of the site to the south.

9. Urban Design Policy UD-5.2: Located vehicle parking so that it is not attached to a single development or use, but can be shared.
10. Urban Design Policy UD-5.3: Limit the amount of vehicle parking to incentivize sharing and minimize the amount of land dedicated exclusively to parking.
11. Parking Standard 1: All parking areas shall be screened from streets and adjoining properties. Open area between the property line and the public-right-of-way shall be landscaped.
12. Parking Guideline 3: Encourage vehicle access for parking areas along side streets for new developments wherever possible.
13. Site Planning Standard 5: Include building features and site amenities that encourage mode shift to bicycling including secure bicycle parking, showers, and lockers.

Analysis: All vehicle parking would be provided in a 1,200-space parking garage located on the first five floors of the office building. The garage would be located at the rear of the site, adjacent to existing commercial and public/quasi-public uses to the south. The garage would serve the office building, health club, restaurant, and retail spaces. The garage would be screened with a formatted metal panel and architectural metal finish. The garage would be further screened with perimeter landscaping. The garage would be accessible from driveways along Saratoga Avenue and Northlake Drive. The project would include short term bicycle parking at building entrances and long-term bicycle parking and showers indoors.

Municipal Code Conformance

Land Use

As shown in the attached Zoning Map (Figure 4), this site is located in the CG Commercial General and CN Commercial Neighborhood Zoning Districts. The project includes a Conforming Rezoning to rezone the site to the CP Commercial Pedestrian Zoning District. Pursuant to [Table 20-270](#) of the Municipal Zoning Code, The Commercial Pedestrian Zoning District is a conforming zoning district with the General Plan Land Use Designation of Urban Village.

Pursuant to [Section 20.40.100](#) and [Table 20-90](#) of the Zoning Ordinance, an office and health club are permitted uses in the Commercial Zoning District. However, the health club portion of the project also includes late-night use with hours of operation from 4am to 12am. Therefore, a Conditional Use Permit is required. Additionally, a Site Development Permit is required to allow the construction of the mixed-use office building and health club. Finally, a Vesting Tentative Map is required to combine five lots into two lots.

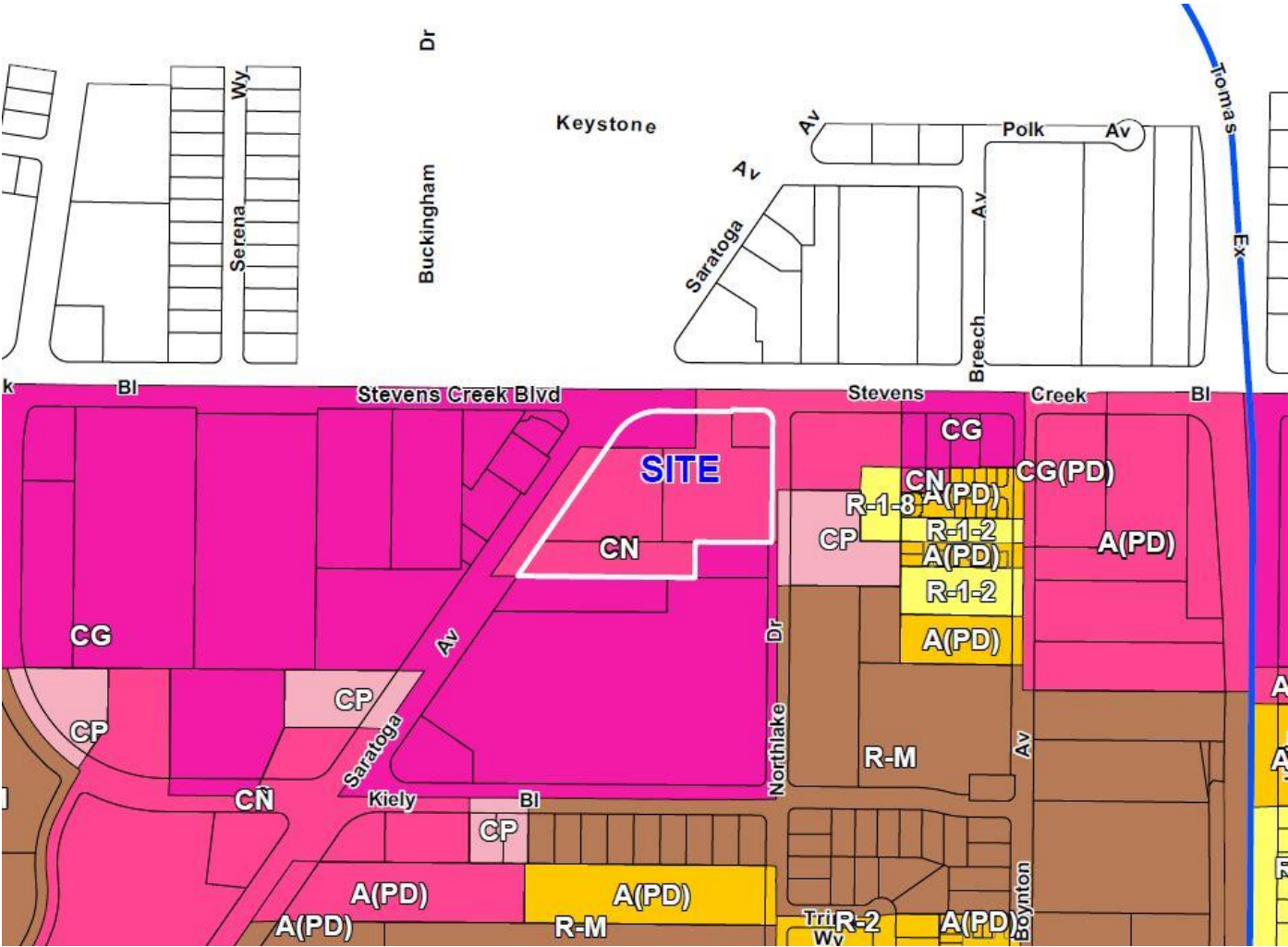


Figure 3 Zoning Map

Development Standards

Setbacks and Height

Development Standard	Required	Life Time Fitness	Office Building
Front setback	No minimum	None	None
Side, interior setback	None	26 feet	None
Side, corner	None	N/A	None
Rear, interior	None	None	None
Maximum height	150 feet	84 feet	147 feet

The project conforms with all setback and height requirements of the Zoning Code and Stevens Creek Urban Village Plan. The Stevens Creek Urban Village Plan allows for a maximum height of 150 feet. The maximum height of the office building, which is the tallest structure on the site, would be 147 feet. The maximum height of the health club would be 84 feet.

Parking

Use	Required Vehicle Parking
<u>Office</u>	
Floor Area	261,800 square feet
Ratio – 1 space/250 square feet	1,047 vehicle parking spaces
<u>Health Club</u>	
Floor Area	63,120 square feet
Ratio – 1 space/80 square feet	789 vehicle parking spaces
<u>Retail</u>	
Floor Area	10,000 square feet
Ratio – 1 space/200 square feet	43 vehicle parking spaces
<u>Restaurant</u>	
Floor Area	5,000 square feet
Ratio – 1 space/40 square feet	83 vehicle parking spaces
Total Required	1,962 Spaces
Total Provided	1,200 spaces (39% parking reduction)

The project requires 1,962 vehicle parking spaces. Pursuant to [Section 20.90.220](#) of the Zoning Code, a parking reduction of up to 50% of the code required parking spaces may be permitted for sites within a Growth Area with the implementation of a Transportation Demand Management (TDM) Plan. 1,200 parking spaces would be provided with the implementation of a TDM Plan (See Exhibit I) to allow for an approximately 39% parking reduction. A TDM Plan, dated July 16, 2020 was prepared by Hexagon Transportation Consultants, Inc, which reviewed the possibility of an approximately 43% parking reduction. In addition to providing the required bicycle parking spaces, showers, and lockers, the project would also implement additional TDM measures in accordance with [Section 20.90.220](#) of the Municipal Zoning Code. The project would be required to provide preferential parking for carpools, passenger loading for rideshare vehicles, commute trip reduction marketing and education, rideshare resources, ride-matching assistance, and building designs to support telecommute/flexible work schedules.

In addition to the approximately 39% parking reduction, the project requires a total of 42 motorcycle parking spaces, 60 long term bicycle parking spaces and 125 short term bicycle parking spaces. The project would provide 78 motorcycle parking spaces, 64 long term bicycle parking spaces (with 4 showers), and

130 short term bicycle parking spaces. The project also requires 96 clean air vehicle spaces and 96 are provided. A total of 72 vehicle parking spaces would be EV capable.

Noise

Pursuant to Section [20.40.600](#) of the Municipal Code, Pursuant to Section 20.40.600 20 of the Municipal Code, the maximum noise level for commercial uses adjacent to a commercial property line is 60 decibels. A Noise Study, titled “3896 Stevens Creek Boulevard Noise and Vibration Assessment”, was prepared by Illingworth & Rodkin Inc. on April 3, 2020. The San José Municipal Zoning code requires that no commercial use may exceed 60 decibels adjacent to a property used or zoned for commercial or other non-residential purposes. The noise study evaluated noise related to the operations and construction of the project, from various noise sensitive receptors surrounding the project site. Specifically, the noise study evaluated outdoor use areas at the proposed site, including the common use plaza, balconies on the office building, outdoor exercise and play area, and the rooftop bistro and lounge of the fitness building. The noise study found that operational noise relating to the outdoor balconies, rooftop lounge and pool area, and plaza area would not exceed the existing ambient noise levels of 69-72 decibels for traffic along Stevens Creek Boulevard and Saratoga Avenue. The outdoor balconies on the office building would be located on the northern façade and southwestern corner building, facing Stevens Creek Boulevard and the plaza. Therefore, any noise generating activities from the balcony areas would be shielded by the building from the more sensitive uses (community center and nursing center to southeast and east). Furthermore, the noise study found that noise generating activities in the plaza area would be shielded by the both the Life Time Fitness building and office building. Additional operational noise including additional traffic on Northlake Drive, mechanical equipment (office building and health club), and truck loading/unloading would be below the 60 decibel threshold of the Municipal Zoning Code for a Commercial Use adjacent to a property used or zoned for commercial or non-residential purposes. Furthermore, all late-night activity (hours of operation from 4am to 12am) related to the Life Time Fitness building would occur indoors. Standard construction materials, in combination with adequate forced-air mechanical ventilation systems would reduce the interior noise level to below 50 decibels. All future mechanical equipment would be required to conform with the noise requirements of the Municipal Zoning Code.

All construction noise would be temporary and is expected to last 20 months. The Environmental Impact Report includes mitigation measures to address noise impacts related to construction. Mitigation measures require the applicant to submit a noise logistics plan as outlined in the 3896 Stevens Creek Boulevard Commercial Project Environmental Impact Report. As the site is located within 500 feet of a residence, the construction hours would be limited to 7:00 AM to 7:00 PM Monday through Friday.

Tree Removals

The project includes the removal of 41 ordinance-size and 24 non-ordinance-size trees. The trees proposed to be removed are located either within the proposed building footprint, within the newly dedicated sidewalks, within the plaza or paseo area, or within necessary driveways. The trees proposed for removal could not be preserved because the project must satisfy the urban design requirements of the Urban Village land use designation and the Stevens Creek Urban Village Plan. The trees to be removed include Magnolia (18), Liquidambar (17), Coast Redwood (14), Evergreen Pear (1), Tree of Heaven (1), Queen Palm (4), Lemon Tree (1), Coast Live Oak (1), Black Walnut (1), Ash (2), Birch (2) and Japanese Maple (3). The removal of all 65 trees on-site requires the replacement of 112 trees (24-inch box trees) on site. Based on the plans provided, 97 24-inch box trees would be planted on-site. The trees to be planted include a mix of

Chinese Elm, London Plane, Blue Oak, California Pepper Tree, and Maidenhair Trees. As not all required replacement trees would be planted on site, an in-lieu fee of \$11,325 is due prior to the issuance of grading permits.

City Council Policy 6-27: Evaluation of 24-Hour Uses

For the purposes of the following policies, 24-hour uses are defined as any commercial business that operates between the hours of 12:00 midnight and 6:00 am. The proposed health club would operate from 4am to 12am Monday through Friday. Therefore, the project was evaluated for consistency with the following relevant criteria of [City Council Policy 6-27: Evaluation of 24-hour Uses](#):

1. **Area Use Compatibility.** Twenty-four-hour uses should not be approved unless the facility can operate without detriment to nearby residential uses or the general welfare of the surrounding area. Users which are largely take-out and convenience in nature tend to have the most problematic neighborhood impacts, specifically: higher traffic volumes, quick turnover with vehicles left running and radios on, litter problems, consuming food and beverages in cars while on site. Given the potential for problems arising from such uses which may or may not have been anticipated at the time of approval, all such permits should include a condition for a Compliance Review based on written complaints, and all such complaints should be referred to the Planning Commission.

Analysis: The proposed late-night use is a health club. The health club would operate from 4am to 12am Monday through Friday. Based on the Operations Plan provided, all late-night activity and use would occur indoors and all patrons utilizing the facility, except for the café and physical therapy areas, are required to be members. The café would operate from 6am to 10pm Monday through Thursday, 6am to 11pm on Friday, 8am to 11pm on Saturday, and 9am to 10pm on Sunday. The rooftop bistro would operate from 11am to 9pm Monday through Sunday. The Operations Plan provided includes mitigation measures for trash, litter, graffiti, maintenance, and loitering.

2. **Use Separation.** Physical separation of incompatible uses is the best means to avoid potential problems. Generally, 24-hour uses should not be located within 300 feet (measured from the building entrance and "Designated Parking Area" and/or "Outdoor Use Area" to the residential property line) from any property residentially zoned, planned, or used. Exceptions to the 300-foot separation may be made if the project site is located in the Downtown Core Area or in transition areas where the proximate residential uses are not zoned or planned for residential uses in the long term. The 300-foot separation requirement may be increased or decreased on a case-by-case review of the specific circumstances of the site and proposed use based on the intensity of use, location of other buildings and physical features, neighborhood input or other relevant criteria.

Analysis: The health club would not be located within 300 feet of a residential property line. The nearest residential property is located approximately 480 feet to the east. As previously discussed, all parking would be located in a garage that would serve both the health club and adjacent office building.

3. **Outdoor Activities.** Outdoor activities may be limited for 24-hour operations except in the Downtown Core Area. Due to the unique combination of uses in the Downtown Core Area, 24-hour outdoor activities will be evaluated on a case-by-case basis. Services and sales should be conducted entirely within interior spaces between the hours of 12:00 midnight and 6:00 a.m., except for specific development types identified under Policy 2. More restrictive hours and days of operation may be imposed in order to implement policy requirements. Other late night outdoor activities on the site such

as truck deliveries, maintenance and garbage collection should be reviewed and may be conditioned to minimize noise impacts.

Analysis: Based on the Operations Plan provided, no outdoor activities would occur between the hours of 12:00 midnight and 6:00 a.m. All late-night uses would be restricted to indoor activities only. The café would operate not later than 11pm the poolside rooftop bistro would operate not later than 9pm. All truck deliveries, maintenance and garbage collection would occur during the daytime.

4. Police Issues. Crime statistics and police safety issues which are directly related to uses operating between 12:00 midnight and 6:00 a.m. will be analyzed and considered in determining the appropriateness of 24-hour uses. The Chief of Police should provide a written memorandum with this analysis, including a recommendation with or without conditions, for each Conditional Use Permit application for a 24-hour use. Conditions may be imposed to monitor 24-hour uses and minimize nuisance activities. These conditions may include such requirements as interior or exterior security guards, video cameras, additional lighting, limited occupancy, and modifications of controls or procedures to increase effective law enforcement. The likelihood of impacts caused by the disorderly conduct of late-night patrons on the surrounding neighborhood should be considered in the review process, especially as it relates to proximity of residential uses.

Analysis: Based on the Police Department Memo (see Exhibit J), dated December 28, 2020, the Police Department is neutral to the health club with hours of operation from 4am to 12am. The subject site is located in Police Beat N2. The reported crime statistics as defined by B&P Section 23958.4(c) are not over the 20% crime index. The Operations Plan includes measures to reduce trash, litter, graffiti, maintenance, and loitering. Security personnel would be provided in the common plaza area and parking garage. The facility will also be fully staffed with approximately 250 to 300 full and part time employees. All staff would be trained to check membership cards upon entrance to the facility. All café and bistro staff would be trained to check IDs when serving alcohol to members. Security cameras would also be strategically placed throughout the interior and exterior of the facility.

5. Restroom Facilities. Restroom facilities required by other codes or policies shall remain open and be available during late night business hours. Customer access to restrooms is not required for drive-through facilities when there is no customer access permitted to interior areas. Restrooms that have exterior access will be analyzed from a safety and surveillance aspect and will remain open on a case-by-case basis.

Analysis: Restrooms would be available to all members during hours of operation. Restrooms would be available to all members of the public when utilizing the café and publicly accessible retail areas during hours of operation.

6. Noise. Use of sound attenuation walls and landscaping may be required at property lines in order to minimize noise emanating from the site. Special attention should be paid to the possibility of noise at late night hours such as car stereos, cars starting and conversations which may not be quantifiable, but can reasonably be expected to occur. No amplified sound is permitted between 10:00 p.m. and 7:00 a.m., except low-volume drive-through speakers specifically approved in conjunction with 24-hour drive-through use.

Analysis: As previously stated, the rooftop bistro would operate until no later than 9pm. The café would operate not later than 11pm. Furthermore, the café would be located on the publicly accessible plaza at

the furthest point from any residential uses to the southeast of the site. All late-night activity would occur indoors between the hours of 4am to 12am.

7. Lighting. Light fixtures shall be designed and installed to minimize impacts on adjacent properties, while providing adequate lighting levels to assure security and discourage loitering in parking areas. Typically, light levels of 1.5 or greater footcandles average illumination at ground surface are encouraged. Twenty-four-hour uses may be required to install additional parking lot lighting in the "Designated Parking Area" and such lighting may be other than low pressure sodium. Higher lighting levels may be required for 24-hour uses in the Downtown Core Area on a case-by-case basis.

Analysis: Based on the Operations Plan provided, the project is located in a well-lit area and will contain the code minimum parking and exterior lighting. All lighting issues would be addressed promptly by Life Time's Facility Operations team and/or the landlord.

8. Cleaning and Maintenance. Cleaning and maintenance for outdoor areas utilizing mechanical blowers, vacuums or other noise generating equipment shall not be used between the hours of 10:00 p.m. and 7:00 a.m. Special conditions to control on-and off-site litter may be required on a case-by-case basis.

Analysis: As previously discussed, the Operations Plan includes mitigation measures for maintaining the physical condition of the property, including all common areas and outdoor uses. The Operations Plan includes measures for graffiti prevention and removal, trash and litter, overall site maintenance, loitering and panhandling, and conformance with all local noise performance standards as required by the Municipal Code. The Life Time Facility Operations Team would be responsible for any on-site maintenance and repairs.

9. Site Improvements. As a function of the review process for 24-hour uses, the physical condition of the site should be considered. Aesthetic improvements and maintenance conditions may be required to prevent blight.

Analysis: As previously discussed, the Operations Plan includes mitigation measures for maintaining the physical condition of the property, including all common areas and outdoor uses. The Operations Plan includes measures for graffiti prevention and removal, trash and litter, overall site maintenance, and loitering and panhandling. The Life Time Facility Operations Team would be responsible for any on-site maintenance and repairs.

10. Mitigation Management Plan. A mitigation management plan should be required for all mitigated 24-hour uses to ensure compliance with conditions of approval. The plan should be realistic, practical and enforceable. The plan should include detailed provisions for response to neighborhood complaints; control of noise, litter, graffiti, etc., and provide a protocol for interface with police to resolve potential problems with gangs, drugs, loitering, and other criminal activities.

Analysis: As previously discussed, the Operations Plan includes mitigation measures for maintaining the physical conditions of the property, including all common areas and outdoor uses. The Operations Plan includes mitigation measures for graffiti prevention and removal, trash and litter, overall site maintenance, and loitering and panhandling. The Life Time Facility Operations Team would be responsible for any on-site maintenance and repairs. All café and bistro staff that serve alcohol would be trained to check IDs. The Operations Plan also includes for on-site security.

Commercial Design Guidelines

In addition to the Stevens Creek Urban Design Policies, the project is also consistent with the City's [Commercial Design Guidelines](#). The scale and massing of both buildings are compatible within the development as well as within the surrounding neighborhood, which is planned as an area of significant residential and employment growth. Both buildings have zero front and side setbacks at the street frontages, consistent with both the Commercial Design Guidelines and Stevens Creek Urban Village Plan.

The 12-story office building and four-story health club contain the three traditional portions of a building, the base, middle, and top. Active retail, restaurant, and lobby space is provided on the ground floor with well-defined entrances and transparent glass. The middle portion of the office building includes three levels of the parking garage. Parking would be screened from view along Stevens Creek Boulevard, with the majority of the parking structure located at the rear of the site away from the street. The middle portion of the health club is well defined and includes façade articulation and recessed windows with minimal mullions. The top of the health club is defined by the active rooftop pool, lounge, and bistro area which is partially screened by the rooftop parapet.

Both the office building and health club provide clearly defined entrances along the publicly accessible plaza located at the southeast corner of Stevens Creek Boulevard and Saratoga Avenue. Both the plaza, interior of the site, and perimeter of the site are landscaped with a mix of trees, shrubs, and groundcover. The plaza area includes outdoor dining space, seating areas, and a lawn area. Both buildings also include adequate provisions for trash, storage and loading/service areas at the side and rear of the site. All rooftop equipment mechanical equipment would be screened from view on both buildings.

Permit Findings

In order for this application to be approved, the City Council must be able to make all required findings for a Subdivision (Vesting Tentative Map), Site Development Permit, Conditional Use Permit, Reduction in Required Vehicle Parking Spaces, Tree Removal Permit, Demolition Permit.

Tentative Map Findings

In accordance with Section 66474 of the Government Code of the State of California, the City Council, in consideration of the proposed subdivision shown on the Vesting Tentative Map with the imposed conditions, shall deny approval of a Vesting Tentative Map, if it makes any of the following findings.

1. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.
2. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Analysis: Based on the review of the proposed merger of five parcels into two parcels, the Director of Planning of the City of San José has recommended approval of the Vesting Tentative Map. The project is consistent with the General Plan goals, policies, and land use designation. The project complies with the General Plan goals and policies related to Major Strategies, design, and Growth Areas. The General Plan land use designation of Urban Village allows for higher intensity commercial projects. The project site is physically suitable for the proposed buildings and the proposed FAR is encouraged and envisioned within the Stevens Creek Urban Village growth area. Furthermore, the project site does not contain historic resources or sensitive habitats or wildlife. The existing mural on-site, a potential structure of merit, would be preserved and relocated to the entrance to the parking garage, facing the plaza. The subdivision, if approved, requires the construction and improvement of public facilities to serve the subdivision, including public sidewalks on Stevens Creek Boulevard, Saratoga Avenue, and Northlake Drive.

Subdivision Ordinance Findings

In accordance with San José Municipal Code (SJMC) [Section 19.12.130](#), the City Council may approve the Tentative Map if the City Council cannot make any of the findings for denial in Government Code section 66474 and the Council has reviewed and considered the information relating to compliance of the project with the California Environmental Quality Act and determines the environmental review to be adequate. Additionally, the Director may approve the project if the Director does not make any of the findings for denial in San José Municipal Code Section 19.12.220. Section 19.12.130 incorporates the findings for denial in Section 66474 of the Government Code specified in Findings Section 1 herein.

Analysis: As described above, based on review of the proposed subdivision, the Director of Planning of the City of San José has recommended approval of the Vesting Tentative Map. The proposed map and the development's design are consistent with the San José Envision 2040 General Plan and the Stevens Creek Urban Village Plan, as discussed above. The site is physically suitable for the proposed development in that the proposed FAR is in conformance with the Urban Village Plan. The site is not located within a designated Federal Emergency Management Agency (FEMA) 100-year flood plan. The project site, as well as the surrounding area, are presently developed with structures and do not provide a natural habitat for either fish or wildlife. The proposed subdivision and subsequent improvements are not likely to cause serious public health problems. The project will be required to improve the sidewalks along Stevens Creek Boulevard, Saratoga Avenue, and Northlake Drive.

Site Development Permit Findings

To make the Site Development Permit findings pursuant to San José Municipal Code [Section 20.100.630](#), and recommend approval to the City Council, the Planning Commission must determine that:

1. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan, applicable specific plans and area development policies; and

Analysis: As discussed above, the project is consistent with the General Plan goals and policies for focused growth, Urban Villages, land use, and employment. The project would also be consistent with the goals and policies of the Stevens Creek Urban Village Plan for land use, employment, urban design, and private. The project would provide a high intensity mix of commercial uses. The project would provide jobs, retail

options, and recreational opportunities in a central location with the construction of approximately 308,000 square feet of office space, a 122,000 square foot health club and 15,000 square feet of ground floor retail and restaurant space. The project would also incorporate a publicly accessible plaza at the southeast corner of Stevens Creek Boulevard and Saratoga Avenue. The project would also provide a 20-foot-wide paseo between the two buildings, allowing for mid-block pedestrian connection to any future development of the site to the south.

2. The Site Development Permit, as approved, conforms with the Zoning Code and all other Provisions of the San José Municipal Code applicable to the project; and

Analysis: As discussed in the Zoning Conformance section above, the project is consistent with all applicable height and setback requirements of the Zoning Code and the approved Stevens Creek Urban Village Plan. The project would also provide the required number of vehicle parking spaces with an approximately 39% parking reduction through the implementation of a Transportation Demand Management (TDM) program. The project provides all required clean air vehicle, bicycle, motorcycle parking requirements. Operational noise including indoor and outdoor areas, mechanical equipment, and truck loading/unloading would conform with the Zoning Code requirements for noise in a Commercial Zoning District. Additionally, the project includes the removal of 41 ordinance-size and 24 non-ordinance-size trees. The removal of all 65 trees requires the replacement of 112 trees (24-inch box trees) on site. Based on the plans provided, 97 24-inch box trees would be planted on-site. As not all required replacement trees would be planted on site, an in-lieu fee of \$11,325 is due prior to the issuance of grading permits.

3. The Site Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

Analysis: The project was duly noticed per Council Policy 6-30: Public Outreach Policy for Pending Land Use and Development Proposals and on-site noticing/posting requirements. A joint Environmental Scoping and Community Meeting was held on January 6th, 2020. The meeting was attended by approximately 8 members of the public.

4. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

Analysis: While both buildings would have differing height, massing, and materials, they would still function as a single connected development. Both the office building and health club would have active frontages along Stevens Creek Boulevard and Saratoga Avenue respectively. The entrances of the buildings would also be oriented towards the publicly accessible plaza, which acts as a centerpiece for the development. The parking garage would be located towards the rear of the site, away from the primary activity areas of the development. The project also includes a 20-foot-wide paseo, which would provide on-site connectivity between the office building, health club, plaza, and parking garage, as well as a connection to any future development to the south.

5. The orientation, location, and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: The project would be the first large scale mixed use commercial development to be constructed in the approved Stevens Creek Urban Village. Both buildings would be located along

Stevens Creek Boulevard and Saratoga Avenue respectively, with the highest portions of both buildings located away from lower density development to the south and west. The project would provide a mix of employment, retail, restaurant, and recreational opportunities and would revitalize an existing underutilized commercial area at a major intersection within the heart of the Stevens Creek Urban Village area.

6. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

Analysis: The project development occurs in an urbanized area on a parcel that is currently fully developed with existing commercial buildings and surface parking lots. An Environmental Impact Report (EIR) was completed for the project and mitigation measures were identified for implementation during construction and operation to reduce potentially significant impacts; therefore, there would be no significant impacts from noise, vibration, dust, drainage, erosion, stormwater runoff and odor with the implementation of this project. Furthermore, the project, the project would include a TDM plan to reduce automobile trips, consistent with parking reduction requirements. Construction activities will result in temporary noise and air quality impacts. These temporary impacts will be temporary, and will be minimized through standard construction mitigation measures, as listed in the project conditions of approval. Therefore, the project would therefore not have an unacceptable impact on adjacent properties. See further discussion below related to CEQA.

7. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: The office building includes screening for all rooftop mechanical equipment as well as screening for the parking garage and outdoor utility area. The garage screening includes a mix of formed metal panels and composite metal panels that adequately screen the garage from view of the street, while maintaining consistency in color and materials with the office building. The southern portion of the site, adjacent to the garage and utility area is also screened with trees and shrubs. All trash facilities are located indoors. On trash pick-up days, dumpsters would be rolled out to designated loading areas for pick-up on-site. The roof of the health club is designed as an active lounge, pool, and bistro/bar area. The mechanical equipment located on the rooftop of the health club would be screened from view of adjacent properties by the parapet.

8. Traffic access, pedestrian access and parking are adequate.

Analysis: Vehicular access to the site would be from Saratoga Avenue, with right-in/right-out turns only and Northlake Drive Regional vehicular access would be provided from San Tomas Expressway, approximately 1,200 feet to the east, and Interstate 280, located approximately 1,500 feet to the southwest. Pedestrian access would be provided from Saratoga Avenue, Stevens Creek Boulevard, Northlake Drive, and a newly constructed pedestrian paseo that would connect the plaza area to any future development to the south. A VTA Route 23 bus stop is located directly in front of the office building. A VTA Route 57 bus stop is also located approximately 1,000 feet to the south along Saratoga Avenue. The project is located in an urbanized area and is served by all required utilities and services. The project provides the required number of vehicle parking spaces in a conveniently located parking garage

with a 39% parking reduction through the implementation of a TDM program. The project provides all required bicycle, motorcycle, clean air, and EV parking as required by the Zoning Code.

Conditional Use Permit Findings

Pursuant to San José Municipal Code [Section 20.100.720](#), staff recommends the Planning Commission, make the following findings:

1. The Conditional Use Permit, as approved, is consistent with and will further the policies of the General Plan, applicable specific plans and area development policies; and

Analysis: See Site Development Permit Finding 1.

2. The Conditional Use Permit, as approved, conforms with the Zoning Code and all other Provisions of the San José Municipal Code applicable to the project; and

Analysis: See Site Development Permit Finding 2.

3. The Conditional Use Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

Analysis: As previously discussed in the City Council Policy section above, the project has been analyzed for conformance with the City Council Policy 6-27 Evaluation of 24-hour Uses. Based on the Police Department memo provided, dated December 28, 2021, the Police Department is neutral to late night use for a health club use at the subject site. The project site is located at the intersection of two major streets in a well-lit commercial area. Based on the Operations Plan provided, all late-night activities would occur indoors. The Operations Plan also provides mitigation measures for trash and litter clean up, graffiti prevention and removal, on-site maintenance, security, and employee training.

4. The proposed use at the location requested will not:

- a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
- b. Impair the utility or value of property of other persons located in the vicinity of the site; or
- c. Be detrimental to public health, safety or general welfare; and

Analysis: The project would provide jobs, retail and restaurant space, and recreational opportunities to a part of that is planned for significant growth. The site is located in the Stevens Creek Urban Village at the intersection of two major commercial corridors and would add to the range of commercial uses consistent with the Urban Village land use designation, Stevens Creek Urban Village Plan, and Commercial Pedestrian Zoning District. As described above, the project is in conformance with the applicable General Plan noise policies and regulations.

5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

Analysis: The total area of the subject site is approximately 274,339 square feet. The plaza and paseo areas would include a mix of hardscape, landscape, trees, shrubs, groundcover, and seating areas. The perimeter of the site would also be landscaped with a mix of trees, shrubs, and groundcover. The health club would include an indoor trash area and loading area located at the rear of the building which

would be accessible from the driveway along Saratoga Avenue. A separate interior trash enclosure and loading area would be provided for the office building along Northlake Drive. On-site pedestrian loading and unloading would occur in a designated area located at the southern portion of the site between the health club and parking garage. All vehicular and motorcycle parking would occur in the associated on-site parking garage. Short-term and long-term bicycle parking would be provided in convenient locations throughout the site. All portions of the building are within 150-feet of a fire department access road and meet the City's Fire Department Requirements.

6. The proposed site is adequately served:

- a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
- b. By other public or private service facilities as are required.

Analysis: Vehicular access to the site would be from Saratoga Avenue, with right-in/right-out turns only and Northlake Drive. Regional vehicular access would be provided from San Tomas Expressway to the east and Interstate 280 to the southwest. Pedestrian access would be provided from Saratoga Avenue, Stevens Creek Boulevard, Northlake Drive, and a newly constructed pedestrian paseo that would connect the plaza area to any future development to the south. A VTA Route 23 bus stop is located directly in front of the proposed office building. A VTA Route 57 bus stop is also located approximately 1,000 feet to the south along Saratoga Avenue. The project is located in an urbanized area and is served by all required utilities and services.

7. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

Analysis: See Site Development Permit Finding 6.

Parking Reduction Findings

To make the findings for a Reduction in the Required Off-Street Parking Spaces pursuant to San José Municipal Code [Section 20.90.220](#), and recommend approval to the City Council, the Planning Commission must determine that:

1. The structure or use is located within two thousand (2,000) feet of a proposed or an existing rail station or bus rapid transit station, or an area designated as a Neighborhood Business District, or as an Urban Village, or as an area subject to an area development policy in the City's General Plan or the use is listed in Section 20.90.220G; and
2. The structure or use provides bicycle parking spaces in conformance with the requirements of Table 20-90.
3. For any reduction in the required off-street parking spaces that is more than twenty percent, the project shall be required to implement a Transportation Demand Management (TDM) program that contains but is not limited to one of the following measures:

- a. Implement a carpool/vanpool or car-share program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car-share vehicles, etc., and assign carpool, vanpool and car-share parking at the most desirable on-site locations at the ratio set forth in the development permit or development exception considering type of use; or
 - b. Develop a transit use incentive program for employees and tenants, such as on-site distribution of passes or subsidized transit passes for local transit system (participation in the regionwide Clipper Card or VTA SmartPass system will satisfy this requirement).
4. In addition to the requirements of Section 20.90.220 A, for any reduction in the required off-street parking spaces that is more than twenty percent, the project shall be required to implement a TDM program that contains but is not limited to at least two of the following measures in Section 20.90.200 A.1.d.

Analysis: The project proposes an approximately 39% parking reduction. As previously discussed, the subject site is located in the Stevens Creek Urban Village. As discussed in the Zoning section above, the project requires 60 long term bicycle parking spaces and 125 short term bicycle parking spaces. The project provides 64 long term bicycle parking spaces (with 4 showers), and 130 short term bicycle parking space. A TDM Plan, dated July 16, 2020 was prepared by Hexagon Transportation Consultants, Inc, which studied allowing an approximately 43% parking reduction. In addition to providing the required bicycle parking spaces and showers and lockers, the project would also implement additional TDM measures in accordance with Section 20.90.220 of the Municipal Zoning Code. The project would be required to provide preferential parking for carpools, passenger loading for rideshare vehicles, commute trip reduction marketing and education, rideshare resources, ride-matching assistance, and building designs to support telecommute/flexible work schedules.

Tree Removal Permit Findings

In order to make the Tree Removal findings pursuant to [Section 13.32.100](#) of the San José Municipal Code and recommend approval to the City Council, Planning Commission must determine that:

1. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.
2. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or

Analysis: The project includes the removal of 41 ordinance-size and 24 non-ordinance-size trees. The trees to be removed are located either within the building footprint, within the newly dedicated sidewalks, within the plaza or paseo area, or within necessary driveways. The trees to be removed could not be preserved because the project must satisfy the urban design requirements of the Urban Village land use designation and the Stevens Creek Urban Village Plan. The trees to be removed include Magnolia (18), Liquidambar (17), Coast Redwood (14), Evergreen Pear (1), Tree of Heaven (1), Queen Palm (4), Lemon Tree (1), Coast Live Oak (1), Black Walnut (1), Ash (2), Birch (2) and Japanese Maple (3). The removal of all 65 trees requires the replacement of 112 trees (24-inch box trees) on site. Based on the plans provided, 97 24-inch box trees would be planted on-site. As not all required replacement trees would be planted on site, an in-lieu fee of \$11,325 is due prior to the issuance of grading permits.

Demolition Permit Findings

[Chapter 20.80](#) of the Municipal Code establishes evaluation criteria for the issuance of a permit to allow for demolition. These criteria are made for the project based on the above stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in the Resolution.

1. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
2. The failure to approve the permit would jeopardize public health, safety or welfare;
3. The approval of the permit should facilitate a project that is compatible with the surrounding neighborhood;
4. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
5. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
6. Rehabilitation or reuse of the existing building would not be feasible; and
7. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

Analysis: The project includes the demolition of four commercial buildings totaling 47,631 square feet. The approval of the demolition permit would not result in the creation or continued existence of a nuisance, blight or dangerous condition. The failure to approve the permit would not jeopardize public health, safety or welfare. The demolition permit would facilitate a project that is compatible with the surrounding neighborhood. As previously discussed, the project is consistent with all applicable General Plan and Stevens Creek Boulevard Urban Village Plan goals and policies, zoning code requirements, applicable city council policies, and design guidelines. The demolition of the existing commercial buildings would facilitate the construction of a mixed-use office building with retail and restaurant space and a Life Time Fitness health club that would offer recreational opportunities. Given the scope of the project, the rehabilitation or reuse of any of the existing buildings on-site would not be feasible. The project would not allow the demolition of any buildings or sites of historical significance. The project proposes to incorporate an existing mural, the only potential Structure of Merit, on-site, near the entrance to the parking garage. The demolition of any existing buildings on-site would not be approved until the issuance of a grading permit as conditioned in the Conditional Use Permit for the subject site.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of San José, as the lead agency for the project, prepared a Draft Environmental Impact Report (Draft EIR), which was circulated for public review and comment from August 11, 2020 through September 25, 2020. The Draft EIR included analysis for the demolition of four commercial buildings, totaling 47,631 square feet, the removal of 65 trees, and the construction of an approximately 308,000 square feet of office space, 15,000 square feet of retail space, 468,000 of parking garage for 1,300 spaces, and 155,300 square feet of health club or gym space on an approximately 4.84-gross acre site.

Since the circulation of the Draft EIR, the project has reduced by approximately 32,600 square feet the health club building from 155,300 square feet to 122,700 square feet. Furthermore, the project proposes to incorporate the existing mural, a potential Structure of Merit, on-site. This change does not result in new environmental impacts and the Draft EIR represents a conservative analysis of the originally proposed project. Mitigation measures identified in the Draft EIR were not revised and only one standard permit condition was revised to reflect the mural as it is no longer proposed to be removed.

A First Amendment to the Draft EIR was prepared to provide responses to public comments submitted during the public circulation period and revisions to the text of the Draft EIR. The First Amendment together with the Draft EIR constitute the Final Environmental Impact Report (Final EIR) for the project.

The following discussion outlines the environmental impacts discussed in the Draft EIR.

Identified Significant Unavoidable Impacts

The Draft EIR found that the project would not result in any significant unavoidable impacts. Therefore, a Statement of Overriding Considerations is not required. The Draft EIR identified potential environmental impacts to air quality, biological resources, hazardous materials, and noise as it relates to temporary construction only. With implementation of the mitigation measures specified in the Mitigation Monitoring and Reporting Program (MMRP) prepared for the project, these impacts are reduced to less than significant levels.

Environmental Impacts and Mitigation Measures

As part of the certification of the Final EIR, the City Council would need to approve a related Mitigation Monitoring and Reporting Program (MMRP) for the project. A copy of the signed MMRP is attached to the proposed CEQA resolution (Exhibit A). The following mitigation measures apply to the proposed project as further explained in the Draft EIR and MMRP:

- **Air Quality** – The applicant must prepare a construction operations plan which demonstrates off-road equipment used on-site to construct the project would meet a fleet-wide average 88-percent reduction in diesel particulate matter (DPM) exhaust or greater. This includes that all diesel powered off road equipment operating on site for more than two days will meet U.S. Environmental Protection Agency (EPA) Tier 4 standards or equivalent. Implementation of these measures would reduce the temporary community health impact to a less than significant level.
- **Biological Resources** – If construction activities start during the migratory bird breeding season (February through August, inclusive), pre-construction surveys for nesting raptors or other migratory birds are required to reduce the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment impacts to less than significant levels.
- **Hazardous Materials** – Prior to any grading permits, the applicant shall complete a Site Management Plan (SMP) and submit it for review and approval with the City of San Jose Planning Division and the Department of Environment Services.
- **Noise and Vibration** – Prior to the issuance of any grading permits, the project shall submit a Construction Noise Logistic Plan and a construction Vibration Monitoring, Treatment, and Reporting Plan. The plans shall include documentation of equipment for construction phases, monitoring sites, existing condition documentation for nearby community center that may be affected (including photo surveys), and contingency plan. These mitigation measures are intended to document existing condition

prior to ground-disturbance activities, during, and repair (if necessary) after work has been completed.

- **Transportation** – Prior to issuance of building permits and occupancy permits, the project shall submit the plan for off-site physical improvement such as removal of the pork chop island at the northwest corner of Saratoga Avenue and Stevens Creek Boulevard, removal of pork chop island at the southwest and northeast corners of Saratoga Avenue and Kiely Boulevard, and implement VTA bus stop improvement on westbound Stevens Creek Boulevard west of Saratoga Avenue and move the bus stop eastward closer to the intersection.

CEQA Alternative Considered, But Rejected

Based on the public concerns and as a good faith effort, the Draft EIR considered, but rejected as it was determined to be infeasible or inability to avoid environmental impacts. These alternatives are described below:

- **Location Alternative** – This alternative look to consider a location that is approximately 4.8 acres or more, located within the same Urban Village, similar General Plan designation that would allow office and commercial at similar intensity, served by available transit amenities, and is immediately available. Several sites of similar size and land use designation were found, but none of these locations would reduce construction impacts and furthermore, is not controlled by the applicant which would not be immediately available. For these reasons, while considered, this alternative was not analyzed further and rejected.
- **Reduced Intensity Alternative** – This alternative look to consider a smaller amount of office and fitness use. This alternative is qualitatively discussed, because a smaller project with the same uses would to reduce the operational impacts to resource areas such as Greenhouse Gas (GHG) as the service population (i.e. employee) would also decrease and would not reduce the vehicle-mile-travelled (VMT). Thus, the emissions per service population for GHG and VMT impact with this alternation would remain roughly the same. However, construction related impact would be reduced with a smaller footprint, but the mitigation measures would likely to remain the same as the location is still within close proximity to existing sensitive receptors. As a result, while considered, this alternative was not analyzed further and rejected.
- **Residential Alternative** – This alternative look to consider a different use on site. To be consistent with the density of the General Plan and the Urban Village designations, this alternative estimated approximate 840 residential units with associated parking. This alternative could reduce GHG impact, but unknown if it would reduce VMT impacts. However, given the size of a building that would be required to accommodate the residential units, all construction impacts such as biological resources, cultural, noise and vibration would remain the same. This alternative would also not meet any of the applicant's objectives to create an economically viable commercial project. Further, the site's Urban Village land use designation and CN and CG zoning designations does not allow a completely residential project. Rather the designation allows residential uses only in a mixed-use format (i.e. residential and commercial mixed-use projects can be vertical mixed-use with residential above retail or mixed horizontally in one integrated development). As a result, while considered, this alternative was not analyzed further and rejected.

CEQA Alternatives

As required under CEQA, the Draft EIR evaluated the No Project Alternative, a No Project – Existing Zoning Alternative, and Office Only Alternative. As many of the environmental impacts of the proposed projects are construction related, the alternatives were focused on exploring alternatives that would reduce these impacts. These alternatives are summarized as follows:

- No Project Alternative – The No Project Alternative assumes no redevelopment of the project site and would result in the retention of the existing buildings and parking lot. There would be no construction with the No Project Alternative and therefore, would not result in any environmental impacts or mitigation measures. The No Project alternative does not meet any of the objectives of the proposed project.
- No Project – Existing Zoning Alternative – This alternative assumes the redevelopment of the site to be consistent with the existing Neighborhood Commercial (CN), which allows a mix of commercial and office uses, and a smaller portion of the project site on the corner of Stevens Creek Boulevard and Saratoga Avenue is zoned Commercial General (CG). This alternative would contain the proposed public plaza, a reduced office building, and a reduced parking garage. This alternative would reduce the proposed office building from 12-stories to five, reduce the proposed parking garage from seven-stories to five, and reduce the overall height of the proposed health club building from 63 feet to 50 feet. This alternative would meet most of the project objectives of redeveloping an underutilized site with a public plaza, enhance pedestrian spaces, and street facing office and commercial uses. The alternative, however, would not meet the project's objective to develop office and commercial uses at the applicant's desired densities and those identified in the Stevens Creek Urban Village Plan. This Alternative could lessen the project's construction air quality, and noise impacts as it would be a smaller footprint. However, it would not lessen the project's operational GHG and VMT impacts. This alternative would result in similar or same impacts to all other environmental resources. Furthermore, The No Project – Existing Zoning Alternative would meet the majority of the project's objectives except for the objective of developing the site at densities envisioned in the Stevens Creek Urban Village Plan.
- Office Only Alternative – This alternative assumes that both buildings would house only office uses which would include a total of 436,000 square feet of office space. This alternative would assume a service population of 2,491 employees (using the office rate of one employee per 175 square feet). This alternative would further reduce the operational GHG emissions impact, but all other impacts (less than significant with mitigation measures) would remain the same. This alternative would meet most of the project objectives of redeveloping an underutilized site with a public plaza, enhance pedestrian spaces, and street facing office uses. However, this alternative would not meet the project's objectives of creating a mixed-use area with retail stores and other commercial services as envisioned in the Stevens Creek Urban Village Plan if the site contains only office space.

Circulation and Public Comments

The Draft EIR was circulated for 45-day period from August 11, 2020 to September 25, 2020. The City received four (4) written comment letters during the public comment period. Comments were submitted by four agencies and organizations, as shown below:

- City of Santa Clara
- County of Santa Clara, Roads and Airports Department (SCC RAA)
- Santa Clara Valley Transportation Authority (VTA)
- Preservation Action Council of San Jose (PACSJ)

Most of the issues raised are related to transportation such as cut through traffic, fair share contribution, additional request for more intersections, and TDM monitoring as it pertains to parking reduction. Furthermore, one commenter (PACSJ) raised a concern regarding the on-site mural that was proposed for demolition as part of the project. As mentioned above, since the circulation of the Draft EIR, the project has revised plans to reduce the square footage of the health club and to retain the mural on site, to be situated in the open plaza.

Additionally, the City responded to all comments received on the Draft EIR and incorporated them into the First Amendment to the Draft EIR. The First Amendment, taken together with the Draft EIR, constitutes the Final EIR. The Draft EIR and First Amendment to the Draft EIR are available for review on the project page on the City's Active EIRs website at: www.sanjoseca.gov/activeeirs

EIR Recirculation Unnecessary

The comments received do not identify substantive inadequacies in the Draft EIR or new previously unidentified significant impacts that require recirculation. The recirculation of an EIR is required when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. "Information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an Draft EIR is not "significant" unless the Draft EIR is changed in a way that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (CEQA Guidelines Section 15088.5).

In accordance with CEQA Guidelines Section 15088, the First Amendment to the Draft EIR for the project includes written responses to all comments received during the public review period for the Draft EIR. As required by Section 15132 of the CEQA Guidelines, the responses in the First Amendment to the Draft EIR address significant environmental points and comments on the content and adequacy of the EIR. The responses and comments provide clarification and refinement of information presented in the Draft EIR and, in some cases, correct or update information in the Draft EIR. No significant new information has been added to the EIR since publication of the Draft EIR; therefore, the Draft EIR does not need to be recirculated.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed project. 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 and posted on the City website. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

A formally noticed Community Meeting with the Environmental Scoping was held on Monday, January 6th to introduce the proposed project to the community. Approximately eight members of the public attended the meeting. The questions and comments from community members included concerns related to building height, traffic, parking, noise, and differences in zoning between the San Jose and Santa Clara sides of Stevens Creek Boulevard.

Project Manager: Alec Atienza

Approved by: /s/ , Deputy Director for Rosalynn Hughey, Planning Director

ATTACHMENTS:	
Exhibit A:	Draft EIR Resolution
Exhibit B:	Draft Rezoning Ordinance
Exhibit C:	Draft Vesting Tentative Map Resolution
Exhibit D:	Draft Conditional Use Permit Resolution
Exhibit E:	Conditional Use Permit Plan Set
Exhibit F:	Life Time Fitness Operations Plan
Exhibit G:	Traffic Report
Exhibit H:	Noise Study
Exhibit I:	TDM Plan
Exhibit J:	Police Department Memo
Exhibit K:	Plat Map and Legal Description
Exhibit L:	Signed MMRP
Exhibit M:	Vesting Tentative Map
Exhibit N:	Public Comments

Owner:	Applicant:
JDING Stevens Creek Properties, LLC 1030 El Camino Real, #511 Sunnyvale, CA 94087	Cypress Equities/Life Time 8348 Douglas Avenue Dallas, TX 75225

C19-020, CP19-031 & T19-038 List of Attachments

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