CITY COUNCIL APPROVED DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS
FILE NO. PDC16-002
(NORTH CAPITOL SIGNATURE PROJECT)

In any cases where the graphic plans and text may differ, this text takes precedence.

ALLOWED USES

- Residential uses shall conform to those uses identified in the R-M - Multi-Family Residence Zoning District as set forth in the current Title 20 of the San José Municipal Code, and as may be amended in the future.
- Commercial uses shall conform to those uses identified in the CP – Commercial Pedestrian Zoning District as set forth in the current Title 20 of the San José Municipal Code, and as may be amended in the future, except that Mini-Storage and Outdoor Vending Facility (Mobile Food Vendors) uses and tenant spaces that exceed 15,000 square feet are permitted.
- All permitted, conditional and special uses shall require the approval of a Planned Development Permit or amendment.

DEVELOPMENT PHASING

PHASE 1
- No certificate of occupancy (temporary or final) shall be issued for any residential units in the project unless and until building permit(s) has been issued for the "Gear" mixed-use building on the corner of Capitol Avenue and Gimelli Way and construction of the "Gear" building (vertical construction) and construction of the "Art Plaza" paseo "Link" and the park, all as identified on the approved plan set for this project have commenced.
- Once building permit(s) has been issued and construction of the "Gear" building has commenced as described above, certificate of occupancy (temporary or final) may be issued for up to the sixty-sixth (66th) residential unit in the project.

PHASE 2
- No certificate of occupancy (temporary or final) shall be issued for residential units sixty-seven (67) to one hundred and twenty-six (126) unless and until the "Gear" building and construction of the "Art Plaza", paseo "Link", and the park as described above are completed and a final building permit has been issued for the "Gear" building and Notice of Completion recorded for the public amenities.

PHASE 3
- No certificate of occupancy (temporary or final) for the remainder of the residential units in the project may be issued until the commencement of construction (vertical) of all commercial buildings fronting North Capitol Avenue.

DEVELOPMENT STANDARDS

DENSITY:
- Minimum Residential Density: 35 dwelling units per net acre of residential use area (net area shall be interpreted as the areas including residences, landscaping associated with the residences such as the pool area and paseos between buildings, and any surface parking which serves only the residences. It shall not include streets, alleys, easements, commercial spaces, or public park or plaza spaces).
- Minimum Commercial square footage: 108,000 (gross square feet).

MAXIMUM BUILDING HEIGHT:
- 80 feet to the top of the roof
- Elevator shafts, roof equipment, and other non-habitable building elements may extend 10 feet past the maximum building height to a height of 90 feet.

PERIMETER SETBACKS:
- Northeast setback (North Capitol Avenue): 10-foot maximum from back of sidewalk.
- Southwest setback (Along Interstate 680): 5-foot minimum from property line.
- Northwest setback (Gimelli Way): 5-foot maximum from back of sidewalk.
- Southeast setback (Along adjacent parcel boundary): 10-foot minimum from property line.

VEHICLE AND BICYCLE PARKING REQUIREMENTS:
- Per the San José Municipal Code, Title 20, as may be amended.
- Additional residential/guest parking may be shared on the commercial site area of the Planned Development Zoning District.

OPEN SPACE REQUIREMENTS:
- Minimum of 60 square feet of private open space per residential unit (For at least 75% of the units)
- Minimum of 100 square feet of common open space per residential unit

OUTDOOR VENDING FACILITIES
- Outdoor Vending Facilities (mobile food vendors) are allowed on the non-residential use portion of the site.
- Vendors must meet the following requirements:
  - **Height**: The maximum height of any portion of a vending facility, including any folding or collapsible appendage, shall not exceed ten (10) feet.
  - **Width**: The maximum width of a vending facility or cart, including any folding or collapsible appendage, shall not exceed twenty-four (24) feet.
  - **Length**: The maximum length of a vending facility or cart, including any folding or collapsible appendage, shall not exceed twenty-four (24) feet.
  - **Distance from intersection**: No vending facility shall be placed on or operate within the boundaries of a hypothetical triangular area described by the point of intersection of the curb-line extensions of perpendicular or nearly perpendicular streets, and a line joining two points thirty (30) feet from that point of intersection, measured along those curb-lines.
  - **Distance from Driveways**: Vending facilities shall be setback (20) feet from a driveway curb cut.

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  - **Paved Locations**: No vending facility shall be placed or operate on a parcel or lot unless the surface is paved with asphalt, macadam or concrete.
  - **Mobility of Operations**: No vending facility shall be placed within or operate from a structure or stand which is attached to or bears directly upon or is supported by the surface of the site. Vending facilities shall operate exclusively from vehicles or carts or other conveyances which are fully *mobile* and have operational wheels in place at all times. Vending facilities shall not connect to temporary or permanent on-site water, gas, electricity, telephone or cable sources.
  - **Sanitary Facilities**: Persons operating vending facilities shall have unrestrained right of access to toilet and handwashing facilities located on site within reasonable distance of the vending facility's approved location.

ARCHITECTURAL & SITE DESIGN
- **Ground Floor Interface** for commercial spaces in which any portion of the building that fronts on North Capitol Avenue:
  - The ground-floor level of commercial/active spaces shall be at the same grade as the adjacent back of sidewalk or walkway, with reasonable variation allowable for gradient requirements and continuity of such floor level.
  - At least 65% transparency shall be provided on commercial spaces.
    - Windows/glazing shall be clear un-tinted glass.
  - Ground floor commercial spaces shall provide a minimum of:
    - Interior depth of 50 feet (inside face of exterior wall to inside face of exterior wall)
    - Minimum plate height of 17 feet.

- **Building Massing**
  - The composition of the facades shall include variety by providing recessions and projections.
  - No more than 40% of the length of the facade should be blank.
  - Articulate building corners to create a focal point and/or plaza:
    - Corner elements should include prominent building features, entry plaza spaces or recessed entries.
    - Vary the height at the corner from the prevailing height of the building.
  - Ensure that commercial/retail space has an activated façade (e.g. storefront windows, street front/sidewalk uses, interesting detailing of facades, attractive signage and lighting) that engages the passerby and activates the public realm.

- **Building Entrances** for active uses such as lobbies, leasing centers, and commercial spaces:
  - Shall be placed at the ground-floor level; and
  - Shall include appropriate transparency and architectural identity, including awnings or similar features.
  - Recessed or projection features shall be used to indicate the location of primary entries and articulate the façade.

- **Streets and Sidewalks**
  - Design any private street or driveway into the project off a public street, so as to provide the look and feel of a public street, such as park strip, sidewalk, parking etc.
  - Ensure that the sidewalk zone is wide enough to accommodate the free flow of pedestrians as well as important streetscape elements (e.g. street trees, lights, benches)

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- **Solar Power**
  - All residential units shall be constructed with solar power generating equipment.

CITY COUNCIL ADDED REQUIREMENTS

- Project applicant shall contribute $50,000 towards transportation enhancements, which are currently planned but unfunded, and will serve the proposed development, including but not limited to, the northbound Capitol/McKee Light Rail station platform and the current northbound bus stop along Capitol Avenue, to be paid to the City on or before the issuance of any building permits.

ENVIRONMENTAL MITIGATION

- The project shall conform to the Mitigation Monitoring and Reporting Program approved by the City Council for this project.

REVISED
GENERAL DEVELOPMENT PLAN
1/27/17
DATE LAST REVISED
A (PD) PLANNED DEVELOPMENT
ORDINANCE NO. 29858
CC APPROVAL DATE 1/24/17
EFFECTIVE DATE 2/24/17
SIGNED

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Development Standards

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