Commercial Controls in the N40 Specific Plan

9.13.13

Specific Plan Commercial Controls:

- Maximum square footages
- Policies
- Open Space requirement
- Lot coverage requirement
- Setbacks
- Perimeter Overlay Zone
- Height limits
- Parking
- Design Guidelines

Commercial is addressed in the SP in these locations:

- Section 2.1 Council Vision
- Section 2.2:
    - Policy LU4: Maximum Commercial Development;
    - Policy LU 6: Retail
    - Policy LU 7: Restaurants
    - Policy LU 8: Hotel/Conference Facilities
- Section 2.3 – District descriptions
- Table 2-1 Permitted Land Uses
- Section 2.5.1 Maximum Development Capacity - refer to attached page 2-9 (revised page 2-10)
- Section 2.6.7 Retail Tenant Space Size refer to attached pages 2-23 and 2-24 (revised pages 2-24 and 2-25)
- Chapter 3 Design Guidelines

2.5 AREA-WIDE DEVELOPMENT REGULATIONS

An important objective of this Specific Plan is to set the parameters for development within the Specific Plan Area. The goal is to offer a compatible mix of land uses in a pedestrian-friendly environment. The following development standards tailor the existing Town standards to shape the desired built form and ensure compatibility with the surrounding neighborhoods and Los Gatos' small town character. This section initially addresses development regulations that apply throughout the Specific Plan Area, followed by development regulations that are specifically designed for non-residential and residential land uses.

2.5.1 Maximum Development Capacity

A maximum development capacity has been provided to limit the overall build-out of the Specific Plan Area and provide an appropriate balance of land uses that meet the goals and objectives of the Specific Plan.

Table 2-2 defines maximums of ~~125,000~~ 250,000 square feet (sf) of new office~~, 125,000 sf of~~ /hotel, 400,000 sf of new commercial (includes: restaurants, retail, specialty market, health club, personal services and entertainment), and 364 new residential units. More restrictive than the Town's General Plan, the Specific Plan has a maximum capacity of 580,000 sf of non-residential square footage (including the approximately 66,000 sf of existing commercial square footage), of which no more than 400,000 sf can be commercial. ~~Refer to Table 2-8 for detail on residential square footage.~~

Table 2-2 Maximum Development Capacity

Land Use	Units	Square Feet
Residential	364	Refer to Table 2-8
Office/Hotel		~~125,000~~ 250,000
~~Hotel~~		~~125,000~~
Commercial (Excluding office) • Restaurants • Retail • Specialty market • Health club • Personal service (beauty supply, nail salon, etc.) • Entertainment		400,000

Note: Non-residential area includes approximately 66,000 square feet of existing buildings. Maximum non-residential building square footage shall not exceed 580,000 square feet, inclusive of the existing building square footage. Commercial (including retail, restaurants, personal services, health club, and entertainment) cannot exceed 400,000 square feet or the maximum traffic capacity evaluated in the EIR, whichever is less.

Development Capacity Submittal Requirement:

Every application for Architecture and Site Review shall include a table that identifies the following:

- Proposed project building floor area ~~subdivided~~ categorized by land use.
- New total developed building floor area ~~subdivided~~ categorized by land use.
- Balance of allowed land use square footage shown in Table 2-2.

e. Towers, spires, elevator and mechanical penthouses, cupolas, roof pitches of 8:12 or greater (either habitable or non-habitable), up to 30% the length of the parapet on any given facade, wireless telecommunication antennas, similar structures and necessary mechanical appurtenances and associated screening which are not used for human activity or storage may be higher than the maximum height permitted.

All height exceptions described above shall be subject to Architecture and Site Review and approval and must be found consistent with the following findings:

i. The building massing and dimensional ratios of building components create a harmonious visual balance and contribute to the architectural rhythm.

ii. The height increase is necessary to achieve excellence in architectural design and cannot be accommodated through alternative means such as lowering the building into the ground or reducing overall floor to ceiling heights.

iii. Views of the hillside ridgeline shall be protected from visual impacts by locating buildings to provide view corridors. These view corridors should be strategically located within the neighborhood within common areas such as a park, plaza or primary street corridor.

f. Maximum building height shall be determined by the plumb vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade. For portions of a structure located directly above a cellar, the height measurement for that portion of the structure shall be measured as the plumb vertical distance from the existing natural grade to the uppermost point of the structure directly over that point in the existing natural grade. No point of the roof or other structural element within the exterior perimeter of the structure shall extend beyond the plane established by the maximum height plane except as allowed by the height exception.

2.6.7 ~~Maximum Percent of Individual~~ Retail Tenant Space ~~Mix~~ Size

~~The Specific Plan Area shall be developed with the following additional limitations on the percentage of square feet that can be developed within the various ranges of retail tenant sizes as defined in Table 2-7.~~

~~Table 2-7 controls commercial space tenant sizes by placing limits on the percentage of square feet that can be developed within various ranges. The percent applies to the maximum total building square footage at buildout. Table 2-7 limits smaller tenant spaces that may compete with other existing uses in the Downtown, while allowing for~~ The Specific Plan allows for a mix of retail sizes, including smaller neighborhood serving stores that will support the new residential, as well as, larger space for commercial uses, such as sit-down restaurants, specialty market, entertainment, and formula retail. ~~etc.,~~ The commercial is to serve the ~~that could serve~~ unmet needs for the new and surrounding businesses and residential neighborhoods, and be subject to the following conditions:

[rewrote section to reflect deletion of table]

a. Floor Area Calculations: Every application for Architecture and Site Review shall include a table that identifies the ~~following:~~ sizes of each retail space proposed.

b. The maximum individual commercial retail tenant size is 50,000 square feet.

c. ~~Percent of total Specific Plan Area square footage allocated to the same tenant square footage range existing at the time of the application submittal.~~

d. ~~Percent of total Specific Plan Area square footage allocated to the same tenant square footage range proposed in application submittal.~~

e. ~~New total percentage of the designated range following application submittal.~~

2.6.8 Activities To Be Conducted Indoors

All business, services and processes shall be conducted entirely within completely enclosed buildings, except as provided in Article 5 of the Zoning Ordinance and except for outdoor activities specifically authorized by a Conditional Use Permit.

2.6.9 Fencing

Fencing is not permitted in required front setbacks or required setbacks abutting a street in any non-residential use, except walls or fences not over three feet high may be erected to screen on-site parking spaces from the street or to separate outdoor dining areas from sidewalk.

2.6.10 Outdoor Storage

When a Conditional Use Permit is granted for outdoor storage, the area for storage must be suitably screened from adjoining property by a wall, dense evergreen hedge of trees or other screening planting, or by a solid fence not less than six feet high. Materials shall not be stored in such a manner as to project above the wall, planting or fence.

2.6.11 Recycling Collection Facilities and Vending Machines.

Small recycling collection facilities and vending machines may be permitted outdoors subject to the approval of the Director of Community Development and shall be subject to the following conditions:

a. The facilities cannot be located in any manner so as to decrease the number of required on-site parking spaces.

b. Vending machines and reverse vending machines are to be located indoors whenever possible and not more than two of these machines are permitted outdoors unless grouped together within a common enclosure.

c. A trash receptacle is to be located within five feet of any recycling facility.

d. The machines and facilities must be maintained on a scheduled basis so as to ensure their general upkeep and cleanliness.

e. If a facility is proposed for a vacant lot, the lot must provide proper traffic circulation consisting of an all weather surface, including one on-site employee parking space and an adequate drop-off area.

f. The facility must provide for pedestrian circulation.