



CITY OF SAN JOSE, CALIFORNIA
 Department of Planning, Building and Code Enforcement
 200 East Santa Clara Street, Third Floor
 San Jose, California 95113

Hearing Date/Agenda Number
 P.C. 3-28-06 Item # . 30
 C.C. 4-17-06 11.5

File Number
 PDC05-099

Application Type
 Planned Development Rezoning

Council District: 4

Planning Area
 North San Jose

Assessor's Parcel Number(s)
 097-06-055

STAFF REPORT

PROJECT DESCRIPTION Completed by: Rodrigo Orduña, AICP

Location: North side of Montague Expressway, 550 feet westerly of North First Street

Gross Acreage: 11.19 ac Net Acreage: 8.74 ac Net Density: approximately 67 DU/AC

Existing Zoning: IP-Industrial Park Existing Use: Vacant

Proposed Zoning: A (PD) Planned Development Proposed Use: Up to 575 Single-family attached residential units, up to 2,700 sq. ft. of commercial, and at least a one-acre land dedication for potential park site.

GENERAL PLAN Completed by: RO

Land Use/Transportation Diagram Designation
 Industrial Park w/ Transit Employment Residential Overlay Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING Completed by: RO

North: Industrial Park/Office IP – Industrial Park

East: Guadalupe River Trail and Residential City of Santa Clara

South: Industrial Park/Office IP – Industrial Park

West: Industrial Park/Office IP – Industrial Park

ENVIRONMENTAL STATUS Completed by: RO

Environmental Impact Report found complete (North San Jose Policy Update EIR certified June 21, 2005 per City Council Resolution No 72768 – State Clearinghouse #2004102067) Exempt
 Negative Declaration circulated on Environmental Review Incomplete
 Negative Declaration adopted on

FILE HISTORY Completed by: RO

Annexation Title: Orchard No. 85 Date: 2/1/1979

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval Date 3-21-07 Approved by: Andrew Cabstree
 Approval with Conditions [] Action
 Denial Recommendation
 Uphold Director's Decision

APPLICANT/OWNER/DEVELOPER

Legacy Partners Residential, LLC
4000 E. Third Avenue, 6th Floor
Foster City, CA 94404

Hyundai Merchant Marine, Inc.
7807 E. Peakview Ave.
Englewood, CO 80111

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: RO

Department of Public Works

See attached memorandum dated 3/13/07

Other Departments and Agencies

See attached memoranda from the Municipal Water System (10/25/05), Fire Department (10/26/05), Environmental Services Department (2 memos: 10/27/05 and 2/9/07), Santa Clara Valley Water District (10/31/05), Police Department (11/8/05), and Department of Parks, Recreation, and Neighborhood Services (3/19/07).

GENERAL CORRESPONDENCE

One written request for more information on the project was received from a resident of Rivermark via e-mail, dated 10/12/06. No opinion in favor or against the project was expressed.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Legacy Partners Residential, LLC, is requesting to rezone the subject site from IP-Industrial Park Zoning District to A (PD) Planned Development Zoning District to allow up to 575 single-family attached residences (approximately 67 dwelling units per net acre) and up to 2,700 square feet of retail commercial uses. An approximately one-acre portion of the property is proposed for dedication to the City of San Jose for public park purposes. A park will either be developed at this site or the City will exchange the property in the future for a site determined more suitable for a centrally-located, accessible park. Corresponding Planned Development Permits for the project (File Nos. PD06-048, 051, 052, and-068) and Vesting Tentative Map (File No. PT06-086) are currently on file and under review, and will proceed subsequent to an approval of the subject rezoning by the City Council.

This is the second of several residential projects that will be brought forward to a public hearing in the coming months as part of the first phase of development under the North San Jose Development Policy. There are currently 13 high-density housing applications on file in North San Jose involving approximately 8,000 units, and more proposals are under preliminary discussion. Approved by the City Council in June 2005, the Policy allows up to 32,000 residential units (in four, 8,000-unit phases) to support build-out of an additional 20-million square feet of new industrial development (26.7 million total) in North San Jose. The subject project is proposed within one of the seven industrially-designated areas (285-acres total) in North San Jose that were designated as Transit Employment Residential, a General Plan overlay designation that allows for residential development at a minimum density of 55 dwelling units per acre. Locating new residential areas at specific locations in close proximity to employment areas, and in combination with specific transportation improvements, supports the intensification of industrial development within the North First Street corridor, the driving force behind the update of the Policy.

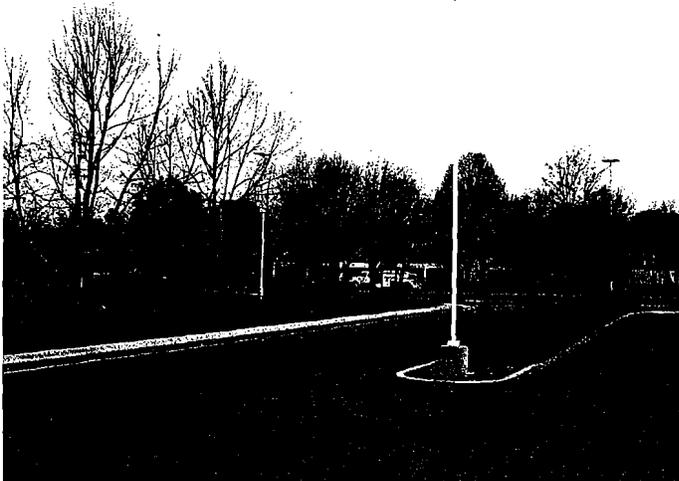
In addition to identifying the areas in which new residential development may occur in North San Jose, the Policy establishes criteria for reviewing proposed residential rezonings. These criteria are intended to address compatibility with existing industrial uses and to specify the design features and amenities that new residential projects must exhibit to ensure safe and cohesive residential neighborhoods. A proposed rezoning that does not meet these criteria will be inconsistent with the adopted *Policy*. Staff will evaluate each project and provide recommendations accordingly. Because the *Policy* also limits the number of residential units that may be entitled at a particular time through a phasing plan, staff will only recommend projects that significantly fulfill the goals of the *Policy* for approval in the first phase. On-site parklands, transit-oriented design, and neighborhood-serving commercial uses are identified as critical components of any new residential development. The extent to which this particular project aligns with the vision of the North San Jose Development Policy is discussed in the Analysis section of this report.



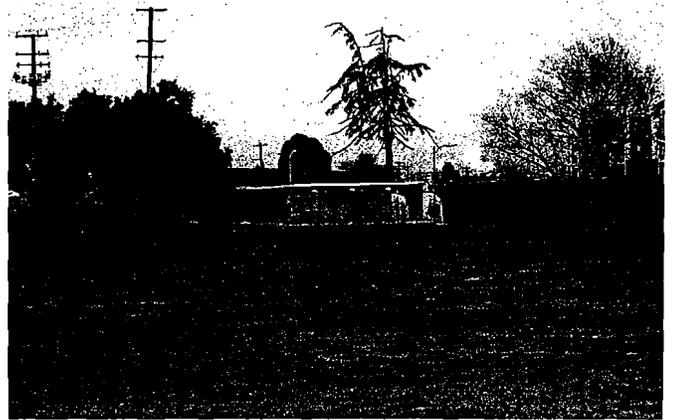
Looking east at the adjacent industrial park use



Looking west at the levee and residential use beyond



Looking south at Montague and industrial park use

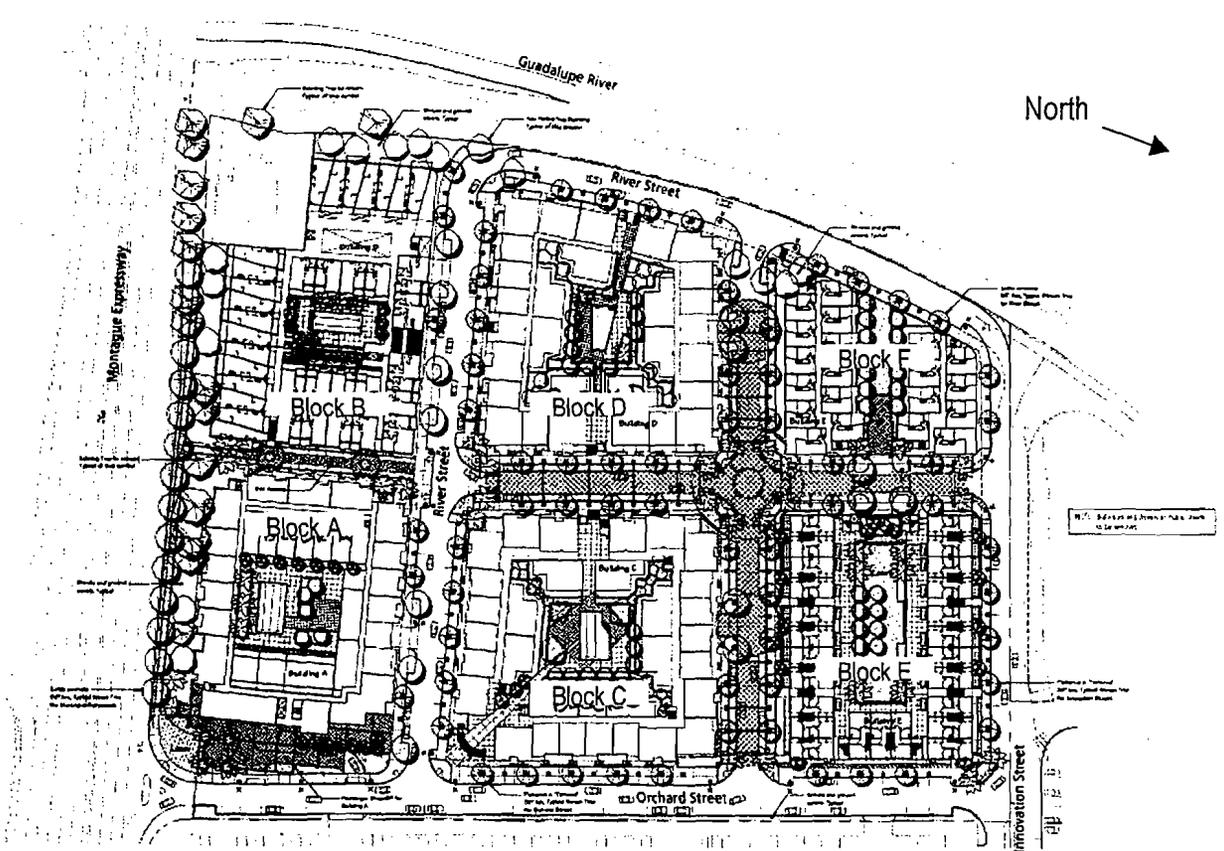


Looking southwest at the stormwater pump station

Site and Surrounding Uses

The site is currently vacant and is bounded by the Guadalupe River to the west, Valley Transportation Authority (VTA) office headquarters to the north, by low-intensity (0.35 FAR) industrial park uses such as research and development firms to the east and north of the VTA site, and by Montague Expressway and industrial park uses beyond to the south. Multi-family residential uses exist further west on the opposite side of the Guadalupe River in the Rivermark development, located in the City of Santa Clara. There is an existing stormwater flood station located at the southwest corner of the site. A levee system on either side of the Guadalupe River includes a trail network that follows the river.

The site is located within one of seven new Transit Employment Residential overlays identified in the *North San Jose Area Development Policy* and the General Plan.



Conceptual Landscape Site Plan (Block F is planned for a potential park site)

Project Description

The proposed rezoning would allow up to 575 single-family attached residential units over podium parking in six building blocks with heights of 55 to 80 feet, on the 8.74 net acre parcel, for an approximate density 67 dwelling units per acre. The proposal would include up to 2,700 square feet of commercial space located near the main entrance of the project from Montague Expressway. The conceptual site plan includes internal public streets (shown in white) and private streets (shown as hatched) that would provide access to six new residential blocks. Primary access to the site would be from Montague Expressway, and then along "Orchard Street", a proposed new public street located along the east edge of the site (shown at the bottom

edge of the above Conceptual Landscape Site Plan. The project has been designed to allow for the extension of Innovation Drive further west from North First Street to create the northern edge of the project (see attached location map). A General Plan amendment (GP05-04-008) is currently on file to extend the boundary of the Transit Employment Residential overlay to include the site of the VTA office headquarters located to the north of the subject property.

The proposed Planned Development Zoning District establishes the land use and development standards for the subject property. Currently proposed architectural styles and detailing, as well as landscaping details, private outdoor amenities, and interfaces with public infrastructure (such as sidewalks, curb and gutter, street trees, light fixtures, are only conceptual and will be refined during the review of the Planned Development Permit. The configuration of the common open space may ultimately vary slightly from the configuration shown in the land use plan, which is only intended to be a diagram of the proposed development, and not reflect detailed building configuration.

Although not depicted on the conceptual landscape plan above, the applicant is proposing to dedicate Block F (approximately 1 acre) to the City for a public park. The project also includes dedication of approximately 2.45 acres for new public streets. Because the project is located within the Rincon de Los Esteros Redevelopment area, 20% of the units will be designated as "affordable" per City Policy.

ENVIRONMENTAL REVIEW

The project site is located within the boundaries of the *North San Jose Area Development Policy*. The Final Environmental Impact Report (EIR) for the North San Jose Area Development Policies Update was certified and the project approved by the City Council in June 2005. Santa Clara County and the Cities of Milpitas and Santa Clara subsequently legally challenged the EIR. In December 2006, the Santa Clara County Superior Court approved a settlement over all legal challenges and deemed the EIR adequate.

An Initial Study was prepared in accordance with an addendum to the Final EIR. The Initial Study evaluated impacts related to air quality, noise, cultural resources, geology, hydrology and hazardous materials. Based on the analysis in the Initial Study, it has been concluded that the North San Jose Area Development Policies Update Final EIR adequately addresses the environmental effects of the proposed project, and project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or Negative Declaration.

GENERAL PLAN CONFORMANCE

The project site is designated Industrial Park, with the Transit Employment Residential overlay and Floating Park designation on the *San Jose 2020 General Plan Land Use/Transportation Diagram*. The Transit Employment Residential overlay allows residential development at a minimum average density of 55 units per acre as an alternate use to the underlying Industrial Park designation. The designation also allows commercial uses on the first two floors of a

mixed-use residential development. The proposed project is consistent with this General Plan designation.

The Floating Park designation is applied to an area in which a park is needed to serve a neighborhood but no specific site has been identified, or where the details of surrounding development have not been finalized. The proposed project complies with the intent of the Floating Park designation as it includes the dedication of one acre of land to the City to potentially be used for public park purposes. Although the proposed project identifies an acre portion of the site to be dedicated to the City for potential use as a park, it has yet to be determined whether a park will be developed at this specific site. The City could develop a park at this location or exchange the property at a later date for a site determined more suitable for a park to serve this project as well as future residential development anticipated on adjoining parcels (see map on Page 8 showing other sites being considered for park location within the overlay). The City has entered into a contract with an urban design consultant that includes further planning for neighborhood parks within the larger North San Jose Policy area.

ANALYSIS

The primary issues for this project are consistency with the *North San Jose Area Development Policy (NSJ ADP)* and the Residential Design Guidelines.

North San Jose Area Development Policy

The *North San Jose Area Development Policy* provides for the development of up to 32,000 new residential dwelling units within North San Jose, including the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of either 55 DU/AC (up to 200 acres) or 90 DU/AC (up to 85 acres). The Policy states that proposed conversions should be evaluated through the zoning process for conformance with City policy and according to the following specific criteria:

Limits on Conversion

- 1. A maximum of 285 acres of land may be converted to residential use within the areas designated as Transit/Employment Residential District on the City's General Plan Land Use / Transportation Diagram.*
- 2. New residential density must have a minimum net density of 90 DU/AC on at least 85 of those acres. The remainder must have a minimum net density of 55 DU/AC.*

The City Council has approved one rezoning for high density residential use totaling 0.8 acres in area (File No. PDC06-022, approved by the City Council on 3/13/07). The approved project, located at 4th St. and Gish Road, exceeded the minimum density of 90 DU/AC. The City has not yet approved any projects with densities within the range of between 55 DU/AC and 90 DU/AC.

Compatibility with Industrial Uses

3. *The site must not contain an existing important vital or 'driving' industrial use.*
4. *The site must not be adjacent to an industrial use that would be significantly adversely impacted by the residential conversion.*
5. *The site must not be in proximity to an industrial or hazardous use that would create hazardous conditions for the proposed residential development (e.g., an adequate buffer must be provided for new residential uses from existing industrial uses) in order to protect all occupants of the sites and enhance preservation of land use compatibility among sites within the Policy area. A risk assessment may be required to address compatibility issues for any proposed industrial to residential conversions.*

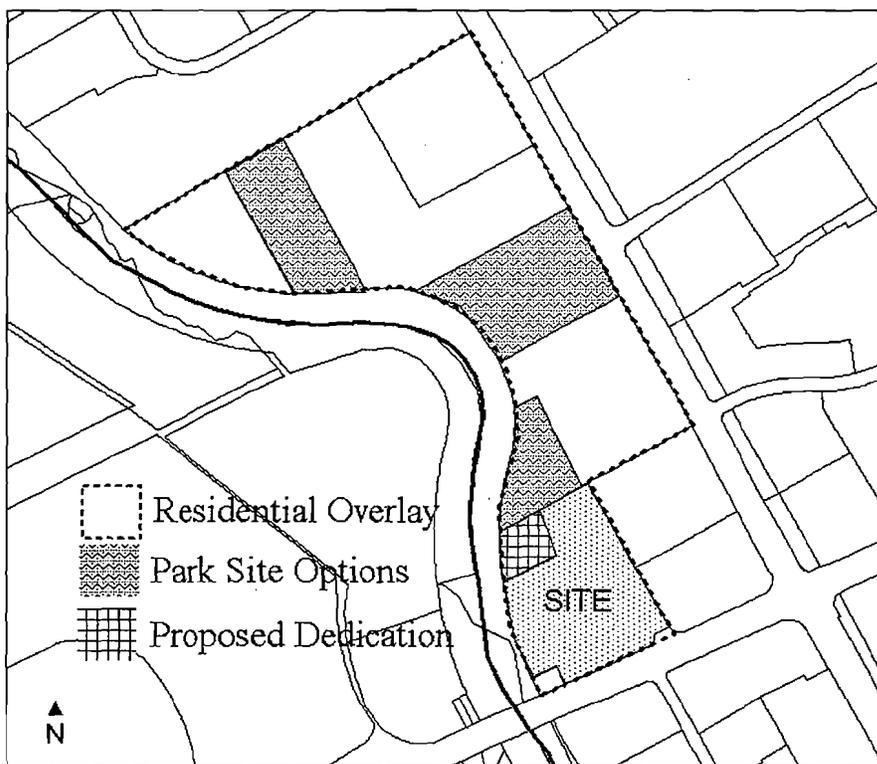
The subject site is currently undeveloped. The site is located adjacent to two low intensity office uses: the Hynix building to the east and the VTA office headquarters to the north. The owners of both properties have indicated that they support the proposed residential project and do not anticipate any negative impacts. A risk assessment completed as part of the Initial Study for the project concluded that surrounding businesses within 5 miles of the site do not appear to represent a credible threat to the project, assuming worst-case release of hazardous materials.

Services and Amenities, Including Parks

6. *New parks, schools, community facilities and other supporting uses should be built within the Transit/Employment Residential District overlay area to the extent feasible, but location of public facilities on land outside of the overlay area may be allowable to comply with other laws, policies and regulations. Suitable locations for these uses should be identified and included within a project when appropriate.*
7. *The site should be within 1,000 feet of an existing neighborhood or community park (at least 3 acres in size) or the proposed development through participation in the provisions of the City's Parkland Dedication Ordinance or voluntary donation would establish or contribute toward the establishment of a new park (at least 3 acres in size) within 1,000 feet of the project site. Staff will determine the most suitable site for a new park within the contiguous overlay area with the intent of identifying a centrally located and accessible park site. In some cases the most suitable site to provide a centrally located park site or to support a joint school-park use within a particular overlay area may be more than 1,000 feet from some properties within that overlay area. All residential projects are subject to the Parkland Dedication Ordinance and land dedication requirements will be consistent with the Ordinance in addition to the proximity requirement established here.*

8. Master planning to identify sites for parks, schools and other public facilities as necessary must be completed within each of the seven new residential areas prior to any proposed conversion within that area.

An approximately one-acre portion of the property is proposed for dedication to the City of San Jose for public park purposes. This area will also be designated for residential purposes, as either a park will be developed at this site or the City will exchange the property in the future for a site determined more suitable for a centrally-located, accessible park. If the one-acre park is developed at Block F, the park site that could potentially be expanded with development of the adjacent property, which is also located within the residential overlay.



As shown on the map at left, other sites are being considered for the placement of a public park to serve the larger Transit Employment Residential overlay area. Options under consideration include a single central park or the development of two park sites. The latter approach would locate half or more of the parklands at the northwestern corner of the overlay, adjacent to an existing publicly owned open space area used as a water detention facility.

Additionally, Planning Department staff is requesting that the project proponent provide pedestrian access to the existing Guadalupe River trail from somewhere along the edge of the subject property. Early submittals of site plans from the project applicant, as well as current submittals for the Planned Development permit, show an access point to the existing trail from the eastern edge of Block F. Staff is looking to pursue access to the creek as a part of future development of the subject site.

Site Design

9. *The proposed project must be designed to support transit use and pedestrian activity.*

The large site is proposed to be subdivided into six smaller blocks that will facilitate pedestrian movement throughout the site in a grid system and reduce the overall mass of the project. Units will front onto public streets and internal private streets with public street characteristics that encourage pedestrian activity. On-street parking will be permitted on most streets.

Residential Design Guidelines

The Residential Design Guidelines do not specifically address development at the density and character envisioned by the *North San Jose Area Development Policy* and the General Plan for the Transit Employment Residential areas in North San Jose. Two new chapters have been drafted that address transit-oriented development and mid- and high-rise residential development, and are currently undergoing public review. Staff has reviewed the proposed project for conformance with the draft chapter on transit-oriented development.

The project is consistent with the draft guidelines for Transit-Oriented development in the following respects:

- Mixed-Use including ground floor retail
- Pedestrian accessible using smaller block sizes.
- Minimum Density of 55 DU/AC
- Range of Accessible open spaces
- On-street and below grade parking.

Additionally, design guidelines specifically for the North San Jose Policy area are currently being prepared and will be completed in the Fall of this year. However, staff is not proposing that the City delay consideration of these proposals until the completion of the North San Jose Design Guidelines. The design consultant who is preparing the Design Guidelines has also assisted staff in the review of this and other pending projects in North San Jose. As previously discussed, the *North San Jose Area Development Policy*, in combination with existing policies and guidelines, provides sufficient direction to staff in evaluating proposals. The North San Jose Design Guidelines will be used to review subsequent Planned Development Permits when they are filed to implement approved Planned Development Zonings. Staff is moving forward with those projects that are deemed to substantially fulfill the vision of the *North San Jose Area Development Policy*.

Proposed Development Standards

The following proposed development standards for the new Planned Development Zoning District would achieve the intent of the draft chapter on transit-oriented development, and incorporates the direction received from the design consultant who is working on design guidelines specifically for the North San Jose Policy area.

The potential building heights would be up to six stories (80 feet from ground to top of building) for Block A and five stories (55 feet from ground to top of building) for Blocks B through F. The proposed Planned Development Zoning would provide minimum building setback from the property line at Montague Expressway of 20 feet, from the future new public street property line of 0 feet, and from future private street property line of 25 feet (based on property lines located at the center of the private street).

The proposed zoning includes a Common / Useable Open Space (open space useable in common by the project residents) requirement of 100 square feet per unit, plus a Private Open Space (open space useable only by the residents of each proposed unit) requirement of 60 square feet per unit. Parking spaces for the proposed rezoning would be required, consistent with the requirements San Jose Zoning Ordinance, including the provision for a 10% reduction in the number of parking spaces for development located within 2,000 feet of a proposed or existing rail station.

Block F, including the proposed public streets fronting Block F on the west and north sides, would be dedicated to the City, and be at least one acre in area. A fully developed pedestrian access path would be required to be dedicated to the City as part of a development standard for the proposed Planned Development Zoning District, to access the existing Guadalupe River trail from a point along the edge of the subject property.

Performance standards for stormwater runoff and treatment, water pollution control, tree replacement, archaeology, and public off-site improvements that are currently required for similar developments would be required of this proposed Planned Development Zoning District.

PUBLIC OUTREACH

A community meeting was held to discuss this application on August 1, 2006. Notices for the public hearing were distributed to the owners and tenants of all properties located within 1,000 feet of the project site. City staff also conducted a community meeting on August 1, 2006 to address the North San Jose Development Policy. A notice of the rezoning was also published in the newspaper, in accordance with the City Council's Public Outreach Policy. An on-site sign was placed on the site to provide information on the pending proposal. Staff has also been available to discuss the project with members of the public.

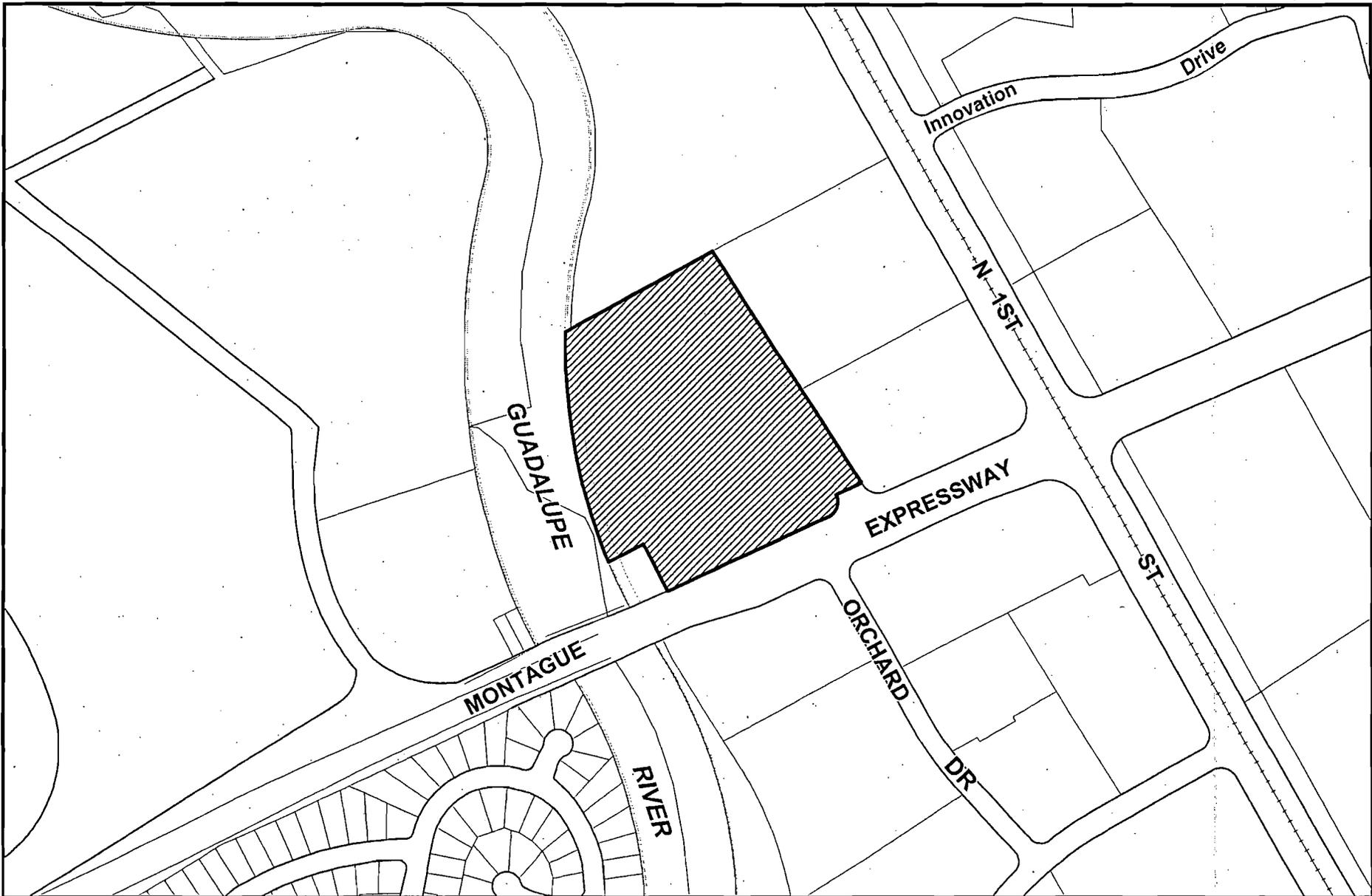
RECOMMENDATION

Planning staff recommends that the City Council adopt an ordinance approving the proposed Planned Development Rezoning for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation Transit/Employment Residential District Overlay (55+DU/A).
2. The project is consistent with the *North San Jose Area Development Policy*
3. The project is consistent with the compatibility, parking, and open space guidelines in the Residential Design Guidelines.

4. The project is compatible with existing and planned uses in the surrounding neighborhood.

Attachments: Location Map
 Addendum to the North San Jose Development Policies Update EIR (Resolution
 # 72768)
 Development Standards
 Letters from other departments and agencies
 Plan set



File Number: PDC05-099

Scale: 1"= 400'

Council District: 4

 **Subject Site**

Quard Number: 35, 50

LOCATION MAP



**ADDENDUM TO AN EIR
 USE OF A FINAL EIR PREPARED FOR A PREVIOUS PROJECT**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to an Environmental Impact Report (EIR) because minor changes made to the project that are described below do not raise important new issues about the significant impacts on the environment.

PROJECT DESCRIPTION AND LOCATION

PDC05-099. Planned Development Rezoning to allow development of up to 575 single-family attached residential units, 2,700 sq. ft. of commercial, and at least a 1 acre land dedication for potential park site for a project located at the northeast intersection of Montague Expressway and the Guadalupe River on a 11.19-gross-acre site from the Industrial Park (IP) Zoning District to the Planned Development A(PD) Zoning District..
 Council District 4. County Assessor's Parcel Number 097-06-055

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Development Policies Update EIR," and findings were adopted by City Council Resolution No. 72768 on June 21, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Hazardous Materials | <input checked="" type="checkbox"/> Land Use |
| <input checked="" type="checkbox"/> Urban Services | <input checked="" type="checkbox"/> Biotics | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Airport Considerations | <input checked="" type="checkbox"/> Microclimate |
| <input checked="" type="checkbox"/> Energy | <input checked="" type="checkbox"/> Relocation Issues | <input checked="" type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Facilities and Services |
| <input checked="" type="checkbox"/> Water Quality | <input type="checkbox"/> _____ | |

ANALYSIS:

See Attached Initial Study for the Hyundai Site, File No. PDC05-099, March 2007

Rodrigo Orduña, AICP
 Project Manager

Joseph Horwedel, Director
 Planning, Building and Code Enforcement

3/21/07
 Date

Akoni Sanchez
 Deputy

PDC05-099
DRAFT DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS

Permitted Uses

- Up to 575 attached residential units
- Up to 2,700 square feet of commercial floor area as permitted in the Pedestrian Commercial (CP) Zoning District
- Commercial deliveries shall be restricted to the hours of 7 am to 7 pm, Monday through Friday

Building Height

- Block A: up to six stories and up to 80 feet
- Blocks B, C, D, E, and F: up to five stories and up to 55 feet

Perimeter Setbacks

- From the property line at Montague Expressway: 20 feet minimum
- From the future new public street property line: 0 feet minimum
- From future private street property line: 25 feet (based on property lines located at the center of the private street)
- From the City of San Jose stormwater pump station property with Santa Clara County Tax Assessors' Parcel Number 097-06-056: 0 feet

Private Open Space

- 60 square feet per unit

Common Open Space

- 100 square feet per unit minimum

Parking

- For residential uses: to be consistent with the minimum requirements San Jose Zoning Ordinance
- For commercial uses: 0 parking spaces required
- Guest parking: 10% of the total parking spaces required for residential uses

Land Dedication

- At least one acre of land area at Block F, including the proposed public streets fronting Block F on the west and north sides, shall be dedicated to the City.
- A fully developed pedestrian access path shall be required to be dedicated to the City as part of a development standard for the proposed Planned Development Zoning District, to access the existing Guadalupe River trail from a point along the edge of the subject property.

Signage

- All signage for commercial uses shall comply with the standards for signage within the Pedestrian Commercial (CP) Zoning District.
- All signage for residential uses shall comply with the standards for signage within the Multiple Residence (RM) Zoning District.

Residential Uses in Redevelopment Area

- City shall consider and provide pursuant to California Government Code Section 65915 and local requirements those density bonuses and incentives required under such State and local laws, as applicable.
- Applicant shall comply with the City of San Jose Policy on Implementation of the Inclusionary Housing Requirement of Health and Safety Code Section 33413 (b) (2), as amended in connection with any and all portions of the Project involving the construction or substantial rehabilitation of residential units that will be located in a redevelopment project area to the satisfaction of the Director of Planning, Building and Code Enforcement.

Homeowners' Association

- *Affordability requirement*
- A homeowners' association shall be established for all owners of the units. The association will be responsible for maintenance of all common areas including but not limited to parking, vehicular circulation, and all common areas.

Parkland Dedication Ordinance and Park Impact Ordinance

- Development of the site shall conform to the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO).

Public Improvements

- All public off-site improvements shall be implemented to the satisfaction of the Director of Public Works. Prior to the issuance of Building Permit(s), the applicant shall be required to obtain a Public Works Clearance. Said Clearance shall require execution of a construction agreement that guarantees the completion of the public improvements.

ENVIRONMENTAL MITIGATION

Air Quality

The developer shall implement the following construction practices during all phases of excavation and construction for the proposed project.

- Water all active construction areas at least twice daily or as often as need to control dust emissions.
- Cover all trucks hauling soil, sand, gravel and other loose materials (including demolition debris) and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.

- Sweep public streets daily or as often as needed to keep streets free of visible soil material.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Replant vegetation in disturbed areas as quickly as possible.
- If demolition debris is processed on-site (i.e., ground or crushed), additional dust control measures will be utilized to avoid all visible dust plumes leaving the site.

The project shall implement post-construction measures identified by BAAQMD to reduce emissions, which may include, but are not limited to, the following:

- Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.
- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.
- Allow only natural gas fireplaces, pellet stoves, or EPA-Certified wood-burning fireplaces or stoves in residences. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source.
- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.
- Utilize reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.

Biological Resources

The project proposes to implement the following mitigation measure to reduce impacts to cliff swallows to a less than significant impact:

- If construction occurs during the nesting season (March 1 – July 31), a pre-construction survey for nesting swallows (under the overpass) shall be conducted by a qualified ornithologist. If swallows are determined to be absent during the nesting season surveys, construction can proceed without further mitigation. If, however, swallows are determined to be present near the overpass, construction shall be delayed until it has been determined by a qualified ornithologist that all young swallows have fledged.
- If construction occurs outside the nesting season, no mitigation is required.

The project proposes to implement the following mitigation measures to reduce impacts to nesting raptors including white-tailed kites, northern harriers, Cooper's hawks, burrowing owls, and loggerhead shrikes to a less than significant level:

- A qualified ornithologist shall conduct pre-construction surveys for nesting raptors (including both tree and ground nesting raptors) on site within 30 days of the onset of ground disturbance, if ground disturbance is to occur during the breeding season (February 1 to August 31). These surveys shall be based on the accepted protocols (e.g., as for the burrowing owl) for the target species. If a nesting raptor is detected, an appropriate construction buffer shall be established. Actual size of buffers would depend

on the species, topography, and type of activity that would occur in the vicinity of the nest.

- A qualified ornithologist shall conduct pre-construction surveys for burrowing owls during the non-breeding season. Pre-construction surveys during the non-breeding season are not necessary for tree nesting raptors, as they are expected to abandon their roosts during staging. If pre-staging surveys (conducted either during the breeding or non-breeding season) determine that burrowing owls occupy the site just prior to staging, then a passive relocation effort (blocking burrows with one-way doors) in consultation with the State Department of Fish and Game would be necessary to ensure that the owl is not harmed or injured during construction.

The proposed project shall replace trees removed at the following ratios:

Diameter of Tree to be Removed	Native	Non-Native	Minimum Size of Each Replacement Tree
19 inches or greater	5:1	4:1	24-inch box
12 – 18 inches	3:1	2:1	24-inch box
Less than 12 inches	1:1	1:1	15-gallon container

Notes: X:X = Tree replacement to tree loss ratio
 Trees greater than 18-inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

- All native trees shall be replaced with the same native species or other desirable species (e.g., walnuts do not necessarily need to be replaced with walnuts, but may be replaced with oaks or buckeyes), and all non-native species shall be replaced with a native species appropriate to the site. In this case, native trees replacements placed at the edge of the riparian habitat could consist of species adapted to riparian habitats. Planting stock shall be collected locally (within a five-mile radius of the project site) to the extent possible in order to maintain genetic integrity of the species' to be replaced, and replacement planting should be completed between November and January.
- In the event that the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage:
 - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
 - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
 - A donation of \$300 per mitigation tree to San José Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for

off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

- The project proponent shall retain a consulting arborist prior to any ground disturbance activities. The consulting arborist shall develop a tree protection plan outlining specific procedures to ensure that retained trees are protected during the construction phase.
- For retained trees in the immediate vicinity of construction or demolition areas, problems of soil compaction within the root zone resulting from heavy construction equipment shall be prevented. In order to minimize construction and demolition impacts to remaining trees, barrier fencing shall be installed around the dripline of all retained trees or at the edge of construction areas. Any construction or demolition activities taking place within the dripline of retained trees shall be done by hand or with light equipment that does not cause soil compaction. All fencing shall remain in place throughout the construction phase of the project. The type of fencing to be utilized shall be at the direction of the consulting arborist.
- Any limb or root pruning to be conducted on retained trees shall be approved and supervised by the consulting arborist and shall follow best management practices developed by the International Society of Arboriculture.
- Supplemental irrigation to retained trees shall be applied as determined by the consulting arborist.
- If any of the retained trees should be damaged during the construction phase, they shall be evaluated at the earliest possible time by the consulting arborist so that appropriate measures can be taken.

Cultural Resources

- A qualified archaeologist shall monitor major excavation processes. Monitoring shall occur during the entire workday, and shall continue on a daily basis until a depth of excavation has been reached at which resources could not occur. This depth is estimated to be nine feet below grade, but may be modified in specific cases, and shall be determined by the monitoring archaeologist based on observed soil conditions.
- A qualified archaeologist shall spot check the progress of excavation over the course of the project. During spot checks, all spoil materials, open excavations, recently grubbed areas, and other soil disturbances shall be inspected. The frequency and duration of spot checks shall be based on the relative sensitivity of the exposed soils and active work areas. The monitoring archaeologist shall determine the relative sensitivity of the area.
- If prehistoric human interments (human burials) are encountered within the native soils of the parcel, all work shall be halted in the immediate vicinity of the find. The County Coroner, project superintendent, and the company liaison shall be contacted immediately. The procedures to be followed at this point are prescribed by law.
 - Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American.
 - If the Coroner determines that the remains are not subject to his/her authority, the Native American Heritage Commission shall be notified to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the

- remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location no subject to further subsurface disturbance.
- If significant cultural deposits other than human burials are encountered, the project shall be modified to allow the artifacts or features to be left in place or the archaeological consultant shall undertake the recovery of the deposit or feature. Significant cultural deposits are defined as archaeological features or artifacts that associate with the prehistoric period, the historic era Mission and Pueblo periods and the American era up to about 1900.
 - Whenever the monitoring archaeologist suspects that potentially significant cultural remains or human burials have been encountered, the piece of equipment that encounters the suspected deposit shall be stopped, and the excavation shall be inspected by the monitoring archaeologist. If the suspected remains prove to be nonsignificant or non-cultural in origin, work shall recommence immediately. If the suspected remains prove to be part of a significant deposit, all work shall be halted in that location until removal has been accomplished. If human remains (burials) are found, the County Coroner shall be contacted so that they (or a designated representative) can evaluate the discovered remains and implement proper contacts with pertinent Native American representatives.
 - Equipment stoppages shall only involve those pieces of equipment that have actually encountered significant or potentially significant deposits, and shall not be construed to mean a stoppage of all equipment on the site unless the cultural deposit covers the entire site.
 - In the event that any artifacts are discovered in the upper sandy soil, or at any time when an archaeologist is not present, the following procedures shall be followed:
 - All contractors and subcontractors shall inform all employees or others on the job site that no artifacts are to be removed from the area except through authorized procedures. In this usage, "artifacts" mean any item over 50 years of age.
 - Any artifacts that are found on or near the project site are to be turned over to, or brought to the attention of the inspector.
 - Whenever any buried artifact or artifacts or archaeological features are encountered during excavation, grading, trenching, or any other earth disturbing operation, all work shall be halted in a 50 foot radius of the find and an archaeologist shall be consulted immediately.
 - No earth disturbing operations are to be reinitiated until the archaeologist has determined that no significant or potentially significant cultural resources would be impacted by continuing operations. Significant cultural deposits shall be removed following archaeological procedures, or preserved in place by modifying the project accordingly. The Archaeological Monitoring Procedures shall be used for all subsequent operations when work is reinitiated.

Geology and Soils

- Design and construct buildings in accordance with a design-level geotechnical investigation prepared for the project site, which identifies the specific design features that would be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. The investigation shall include a detailed liquefaction analysis and address the need for

- permanent dewatering or structure tie down to resist hydraulic uplift (as well as potentially wet and unstable subgrade and the need for dewatering during construction).
- The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a Grading Permit or Public Works Clearance for the project.
- The project shall be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards on the site.

Hazards and Hazardous Materials

- Prior to issuance of building permits, a soil management plan (SMP) shall be developed to establish management practices for contractors' worker health and safety precautions during earthwork activities at the project site during development and post-development. The SMP shall address appropriate protocols for handling and/or disposing the soil that shall be employed during construction. Long-term post-construction risk management measures where appropriate shall be described in the SMP including protocols for maintenance work protection. The SMP shall be submitted to the San Francisco Regional Water Quality Control Board for review and approval.
- Prior to initial site grading, soils in the shed area shall be excavated to approximately three feet bgs, and shall be disposed at an appropriately permitted disposal site.
- Construction of subgrade garages and streets shall also require soil excavation. All soil excavated shall be characterized for levels of contamination. Depending on the test results, goals set by the SFRWQCB, and soil volumes excavated, excavated soil shall be either used on-site or disposed at an appropriately permitted disposal site. Soil containing residual pesticide concentrations may be used under suitable cover material where such use is consistent with the approved SMP and applicable regulations.

Hydrology and Water Quality

Before Construction:

- Water Pollution Control Plant Notice: Pursuant to Part 2.75 of Chapter 15.12 of the San Jose Municipal Code, no vested right to a Building Permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara Water Pollution Control Plant represented by approved land use in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.
- Obtain an Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, prior to issuance of building permits and occupancy permits.
- Elevate building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities above the base flood elevation or otherwise protected from flood damage.

During construction:

- Comply with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading for project with land disturbance of one acre or more, applicants shall file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works. The following measures typically are included in a SWPPP:
 - Preclude non-stormwater discharges to the stormwater system.
 - Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
 - Cover soil, equipment, and supplies that could contribute to non-visible pollution prior to rainfall events or monitor runoff.
 - Perform monitoring of discharges to the stormwater system.
- Comply with the City's Grading Ordinance.

Post Construction:

- Compliance with the NPDES Municipal Permit by incorporating BMPs to control non-point pollution, which include the following:
 - Planned Development Permit plans for this project shall include design details of all post-construction stormwater treatment controls proposed for the project to the satisfaction of the Director of Planning.
 - Install vegetative swales or other methods to reduce stormwater runoff pollutants as deemed appropriate by the Director of Planning at the Planned Development Stage.
 - Direct roof drains to discharge and drain away from building foundation to an unpaved area wherever possible.
 - Install continuous deflective separation (CDS) units to treat stormwater flows. The cleaning and monitoring of the CDS units shall be performed by project contractors during construction and by the HOA there after.

Noise

- Limit all construction-related activities to the hours of 7 AM to 7 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices.
- Equip all internal combustion engines used on the project site with adequate mufflers and ensure all internal combustion engines are in good mechanical condition.
- Prepare a detailed construction plan identifying the schedule for major noise-generating construction activities within 500 feet of residential units. The construction plan shall

identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.

- Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.
- Complete project-specific acoustical analyses to ensure that the design of the proposed residential buildings and units shall reduce interior noise levels to 45 dBA L_{dn} or lower. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all units with a direct line-of-sight to Montague Expressway.
 - Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for residential units on Blocks A and B facing Montague Expressway and units on Blocks C and D with direct line-of-sight to Montague Expressway. These treatments could include, but are not limited to, standard stucco-sided wall construction, windows and doors with STC ratings of 38 to 40 (provided that windows and doors are maintained closed). The specific determination of what treatments are necessary shall be determined on a unit-by-unit basis.
 - Results of the project-specific acoustical analyses shall be submitted to the City along with the building plans prior to issuance of building permits.

Memorandum

TO: Rodrigo Orduna
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 03/13/07

PLANNING NO.: PDC05-099
DESCRIPTION: Planned Development Rezoning from IP Industrial Park District to A(PD) Planned Development Zoning District to allow up to 575 single-family attached residential units on a 11.19 gross acre site
LOCATION: north side of Montague Expressway, approximately 550 feet westerly of N 1st Street
P.W. NUMBER: 3-16854

Public Works received revised plans for the subject project on 03/08/07 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:** The project is located within the North San Jose Area Development Policy area and must participate in the payment of the Traffic Impact fee. The current fee is \$6,994.00 per unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance. (The Traffic Impact Fee will increase to \$7,463.00 on July 1, 2007).
3. **Grading/Geology:**
 - a) A grading permit is required prior to the issuance of a Public Works Clearance.

- b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - d) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.
4. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.
- a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed. At PD stage, submit the final Stormwater Control Plan and numeric sizing calculations.
 - b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
 - c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
5. **Stormwater Peak Flow Control Measures:** Projects that are required to install treatment control measures are encouraged to comply with the requirements of the City's Post-Construction Hydromodification Management Policy (City Council Policy 8-14) to control the project's hydromodification impacts that can cause increased erosion and other impacts to beneficial uses of local rivers, streams and creeks.
- a) It is recommended that the project install treatment control measures that have flow-control benefits such as bioretention facilities, infiltration trenches, filter strips, and vegetated swales.

6. **Flood: Zone AH, Elevation 14.00' 1929 National Geodetic Vertical Datum (NGVD),
Portion in Zone X**

- a) This project is proposing to construct below-grade parking garages for most of the structures. The project site is in a 100-year floodplain where the Federal Emergency Management Agency's (FEMA's) minimum requirements prohibit the construction of below-grade enclosures beneath residential buildings. The project is proposing to elevate the site on fill.
- b) Majority of the project site has been designated as Flood Zone AH, Elevation 14.00', effective October 25, 2006, by a Letter of Map Revision (LOMR) issued by the Federal Emergency Management Agency (FEMA). The Santa Clara Valley Water District (District) administered the LOMR submittal in conjunction with the Downtown and Lower Guadalupe River Flood Protection Projects. The net result is that the project site will continue to remain within the 100-year floodplain (area having a one-percent or greater chance of being flooded in any given year).
- c) The project site is also within the 1987 North San Jose Floodplain Management Study (NSJFMS) area. The NSJFMS has been updated to reflect the completed Downtown and Lower Guadalupe River Flood Protection Projects and to show the resulting blockage requirements for applicable projects in North San Jose.
 - i) Based on the Final NSJFMS Update, a portion of the project site will be required to have an ultimate blockage not to exceed 90% of the site perpendicular to flow of flood waters.
 - ii) The ground floors of each proposed building must be elevated above the applicable minimum design elevation shown on the Final NSJFMS Update **(elevations range from 13.5' to 15.3' NGVD 1929)**.
- d) For buildings with below-grade enclosures:
 - i) The Conditional Letter of Map Revision Based on Fill (CLOMR-F), that provides comment on the proposed project by FEMA, is required prior to issuance of a building permit.
 - ii) The approved Letter of Map Revision Based on Fill (LOMR-F) is required prior to issuance of an occupancy permit.
 - iii) Floodproof the below-grade enclosure of the proposed building above the applicable design elevation shown on the Final NSJFMS Update. For additional flood protection, the City recommends the below-grade enclosure to be floodproofed to one foot above the Final NSJFMS Update design elevation.
 - iv) A Floodproofing Certificate (FEMA Form 81-65) and floodproofing details are required prior to the issuance of a Public Works Clearance.
- e) For buildings without below-grade enclosures:
 - i) An Elevation Certificate (FEMA Form 81-31) based on construction drawings is required prior to the issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required prior to issuance of an occupancy permit.
 - ii) Building support utility systems such as HVAC, electrical, and plumbing systems must be elevated above the base flood elevation or protected from flood damage.

- iii) If applicable, provide vent openings for all enclosures below the base flood elevation (ex. at-grade garages). The design must either be certified by a registered professional engineer or meet the following requirements: Provide vent openings on at least two exterior walls of each enclosure to automatically equalize the lateral pressure of the floodwaters. The bottom of each opening shall be no higher than twelve inches above the exterior adjacent grade. Provide a minimum of two vent openings having a total net area of not less than one square inch per one square foot of enclosed area.
7. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
8. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
9. **Parks:** Dedication of land for park purposes shall be in accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25).
10. **Street Improvements:**
- a) The applicant will be responsible to obtain a public service easement for sanitary and storm sewer mains which will be on the future Innovation Drive, connecting the sewer mains on to First Street. This easement should be recorded prior to the recordation of the first final map or issuance of public works clearance whichever comes first.
 - b) An irrevocable offer of dedication for the proposed public street along the northern boundary of the project site shall be made with the project and this street will remain private until the adjacent parcels to the north of the project develops.
 - c) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - d) Remove and replace broken or uplifted curb and gutter along Montague Expressway frontage.
 - e) Install handicap ramps (2) at opposite returns across all streets.
 - f) Construct 10 feet attached sidewalk with tree wells at the back of curb along proposed public streets.
 - g) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - h) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans. (To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.)

11. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project, and as such is subject to Complexity Surcharge. Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage

12. **Sanitary:**
 - a) Submit a conceptive sanitary sewer plan at the PD permit stage.
 - b) The project is required to submit plan and profile of the private sewer mains with lateral locations for final review and comment prior to construction.

13. **Electrical:**
 - a) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
 - b) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
 - c) Provide clearance for electroliers from overhead utilities and request clearance from utility companies. Clearance from electrolier(s) must provide a minimum of 10' from high voltage lines; 3' from secondary voltage lines; and 1' from communication lines.
 - d) To assist the Applicant in better understanding the potential cost implications resulting from these requirements, the electroliers along the project frontage can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 15 working days.

14. **Street Trees:**
 - a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
 - b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
 - c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.

15. **Private Streets:**
 - a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
 - b) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.

Planning and Building

03/13/07

Subject: PDC05-099

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16. **Referrals:** This project should be referred to the County Roads and Airports Department and Santa Clara Valley Water District.

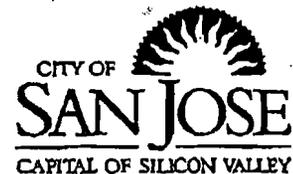
Please contact the Project Engineer, Amit Mutsuddy, at (408) 535-6828 if you have any questions.



Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

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Memorandum



TO: Jeff Roche
Planning Department

FROM: Tim Town
Municipal Water System

SUBJECT: Muni. Water Comments **DATE:** October 25, 2005
On Proposed Development

Muni Water has reviewed PDC05-099 regarding the proposed Planned Development Rezoning from IP Industrial Park District to A(PD) Planned Development Zoning District to allow up to 620 single-family attached residential units on a 11.19 gross acre site located at the north side of Montague Expressway, approximately 550 feet westerly of N. 1st Street, and has the following comments:

The size of this development shall require construction of 12" potable water mains to meet potable and fire protection requirements of the site. In particular, a 12" main shall be constructed along the eastern boundary and across Montague Expressway to connect existing mains.

Recycled water is close to the site and this development shall design for its future use for all non-potable water needs.

This development is subject to the following fees:

- Major Water Facilities Fee
- Area and Frontage Fee
- Meter Fee
- Engineering and Inspection Fee

Additionally, the developer is responsible for all costs associated with constructing potable and recycled mains and facilities to serve the site. Public mains within private streets shall require easements.

All water wells within the site shall be abandoned in accordance with Santa Clara Valley Water District regulations prior to receiving water service from Muni Water.

If you have any questions please contact me at 277-3671. Thanks for the opportunity to comment.

Timothy S. N. Town
Timothy S. N. Town
Associate Civil Engineer
Municipal Water System

DATE: 10/26/05

TO: Jeff Roche

FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: PDC05-099

DESCRIPTION: Planned Development Rezoning from IP Industrial Park District to A(PD) Planned Development Zoning District to allow up to 620 single-family attached residential units on a 11.19 gross acre site

LOCATION: north side of Montague Expressway, approximately 550 feet westerly of N 1st Street

ADDRESS: north side of Montague Expressway, approximately 550 feet westerly of N 1st Street

FOLDER #: 05 056290 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on the following information from drawings dated 10/10/05 by Tanner Arch., Christiani Johnson Arch.

Largest building: high rise

Occupancy Group: R1/M/S3

Number of stories: varies(4 to 14)

1. The project plans as submitted, do not comply with the Fire Code. The following are discrepancies noted:

- a) Fire apparatus access roads are not in accordance with the requirements of the SJFC. See below for specific information on access to provide on plans. EVA shown behind Block D to be 20 feet clear, not 15ft.

Provide second EVA in/out of the development.

- b) The plans do not indicate that the required fire flow of 4500GPM will be available at the project site. Please ask the applicant to immediately contact Jim Bariteau of San Jose Water Co. at 408-279-7874 to get the water flow information.
- c) The plans do not show location of hydrants. The required fire flow shall be provided through 4 (5) hydrants.

2. Please advise the applicant to submit plans to the Fire Department that provide the following information:

- a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:
- be at least 20 feet wide;
 - have an unobstructed vertical clearance of not less than 14 feet;
 - be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds;
 - have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
 - be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet;
 - **Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)**
 - i) **Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked**
 - ii) **Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked**
- b) Location of fire hydrants. The average distance between hydrants shall not exceed 250feet.

All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections. There shall be multiple fire department connections –for both sprinkler system(s) and stand pipe system(s)-on opposite ends of the building subject to the approval of the San Jose Fire Department.

- c) Available fire flow. Provide a copy of the letter from San Jose Water Co. that indicates the water flow available.
- d) Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code, and accessible for Fire Dept. laddering operation.

Provide Fire Department personnel route of travel for the interior podium for access to all interior rescue windows. The Fire Department requires all exterior stairways to have direct egress to all interior court(s) without obstructions for equipment (i.e., ladders, etc.) used by this Department for rescue as well as suppression. All exterior stairways to interior podium shall be 6 feet wide for the fire personnel for reasons as noted.

An ordinance has been approved by the San Jose City Council that will require a Firefighter's breathable air system, , and communication repeaters to be installed in some buildings. This ordinance may apply to this building- to be determined in the Building/Fire plan check for construction process.

Note: The plans shall be submitted to the Fire Department *by appointment only* (call Nadia Naum-Stoian) as soon as possible.

Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING PART 4 OF CHAPTER 17.12 OF TITLE 17 OF THE SAN JOSE MUNICIPAL CODE TO ADD A NEW SECTION 17.12.445 TO ESTABLISH PUBLIC SAFETY RADIO COVERAGE REQUIREMENTS FOR CERTAIN LARGE BUILDINGS EXCEEDING FIFTY THOUSAND SQUARE FEET, BASEMENTS EXCEEDING TEN THOUSAND SQUARE FEET, HIGH RISE BUILDINGS, BUILDINGS WITH TWO OR MORE STORIES UNDERGROUND AND TUNNELS OVER FIVE HUNDRED FEET IN LENGTH, AND TO REQUIRE THE INSTALLATION OF FIREFIGHTER BREATHING AIR SYSTEMS IN HIGH RISE BUILDINGS, BUILDINGS WITH TWO OR MORE STORIES UNDERGROUND, TUNNELS OVER FIVE HUNDRED FEET IN LENGTH, AND BUILDINGS AND STRUCTURES WITH REMOTE FIRE APPARATUS ACCESS

WHEREAS, the City of San José has a semi-arid climate, temperatures have been recorded as high as 108°F within San José with the average summer high temperature of 82°F, the mean precipitation in the summer months is 0.05 inches, a prevailing wind of 6.7 mph from the northwest can be observed on the average summer day with a relative humidity of 51 percent; and

WHEREAS, the prevailing wind currents increase the conflagration hazard of fires spreading from building to building; and

WHEREAS, the City of San José spreads over an extensive fire service area of approximately 203 square miles encompassing predominately urban and suburban areas; and

WHEREAS, the shape of the area within the City's boundaries is non-symmetrical and very irregular, creating large, relatively isolated areas which are served by limited access routes; and

WHEREAS, in some areas, the City of San José surrounds another city on three sides, while in other areas, the City of San José has long narrow strip annexations attached to sizable land masses, and the resulting population patterns and densities present unusual problems for fire control; and

WHEREAS, the City of San José has numerous sections which are served by a limited number of thoroughfares which are heavily congested during peak traffic hours, and the resulting population and traffic patterns increase the fire hazard potential by impairing response capability; and

WHEREAS, the City of San José is located between two of the most active fault systems in the United States, creating a potential for an earthquake of a magnitude up to 8.3 on the Richter scale that would produce an intensity of IX on the Modified Mercalli Intensity Scale; and

WHEREAS, severe seismic action can disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the Fire Department, creating obstacles to the ability of the Department to meet the fire and life safety needs of the community; and

WHEREAS, the limited space available for development has encouraged a dramatic increase in high-density residential complexes, increasing the conflagration hazard of fires; and

WHEREAS, the local geographic and topographic conditions pose an increased hazard in the acceleration, spread, magnitude and severity of potential fires in the City of San José, which may cause a delayed response time for the Fire Department, allowing continued growth and spread of fire; and

WHEREAS, the City Council finds and determines that the local climatic, geographic and topographic conditions in the City of San José taken individually or cumulatively negatively impact the City's ability to protect life and property against fires, that such conditions increase the potential intensity, growth and spread of fire, and that requiring the installation of firefighter breathing air and radio retransmission systems in multi-story buildings exceeding seventy-five feet in height and other buildings which present unique firefighting challenges will enhance the City's ability to control or extinguish fires, minimizing property damage and loss of life; and

WHEREAS, the City Council of the City of San José finds and determines that modifications to the building standards contained in the California Building Standards Code are needed, to require the installation of firefighter breathing air and radio retransmission systems in multi-story buildings exceeding seventy-five feet in height and other buildings which present unique firefighting challenges, due to local climatic, geographic and topographic conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Part 4 of Chapter 17.12 of Title 17 of the San Jose Municipal Code is hereby amended by adding a section to be numbered, entitled and to read as follows:

17.12.445 **Additional Safety Requirements for Multi-Story and Other Building Presenting Unique Firefighting Challenges**

Section 1001.10 of the 2001 California Fire Code is amended to add Sections 1001.10.1, 1001.10.2 and 1001.10.3 to be numbered, entitled and read as follows:

1001.10.1 Firefighter Breathing Air Replenishment Systems

1001.10.1.1 The following buildings shall be equipped with an air rescue replenishment system, approved by the Fire Chief, or designee. The system shall provide an adequate pressurized air supply through a permanent piping system with access stations for replenishment of portable breathing air equipment used by Fire Department personnel:

1. Any building having floors used for human occupancy located more than seventy five feet (75') above the lowest level of the fire department vehicular or personnel access, whichever access is more restrictive as determined by the Fire Chief;
2. Any building with two (2) or more stories underground;
3. Any tunnel over five hundred feet (500') in length;
4. Any building where the fire apparatus access point is located more than one hundred fifty feet (150') from the nearest entrance to the building.

1001.10.1.2 Breathing air replenishment access stations shall be located no more than one hundred fifty feet apart, and on at least every third floor in multi-story buildings and structures.

1001.10.1.3 Where a breathing air replenishment system is required, an annual test shall be performed as described in the administrative regulations issued by the Fire Chief, and a copy of such test shall be kept on record by the property owner and available for inspection at any time by Fire Department representatives.

1001.10.2 Public Safety Radio Coverage

1001.10.2.1 The following buildings and structures shall be required to meet the radio coverage requirements specified in Section 1001.10.2.2:

1. Buildings greater than 50,000 square feet or additions and/or modifications which cause a building to be greater than 50,000 square feet (for purposes this section, area separation walls cannot be used to define separate buildings);
2. Basements over 10,000 square, regardless of the occupancy;
3. Any building having floors used for human occupancy located more than seventy five feet (75') above the lowest level of the fire department vehicular or personnel access, whichever access is more restrictive as determined by the Fire Chief;
4. Any building with two (2) or more stories underground;
5. Any tunnel over five hundred feet (500') in length;

1001.10.2.2 Radio coverage requirements are as follows:

1. Inbound into the building:

A minimum average in-building field strength of $8\mu\text{V}$ (-88 dBm) throughout 90% of the area of each floor of the building when transmitted from the nearest police/fire radio site.

If the field strength outside the building where the receiving antenna system for the in-building system is located is less than the -88 dBm, then the minimum required in-building field strength shall equal the field strength being delivered to the receiving antenna of the building.

2. Outbound from the building:

Minimum average signal strength of $4\mu\text{V}$ (-95 dBm) measured at the nearest police/fire receiver site. (Voting receiver or Repeater.)

No existing or future wireless communications facilities shall interfere with any public safety radio communications systems. Wireless communications facilities, as referred to herein, include, but are not limited to, satellite dish, antenna, cellular phone facility and similar wireless communication structure or system.

- 1001.10.2.3** Any building or structure that cannot meet the required level of radio coverage shall be equipped with a Radio Signal Booster System consisting of an exterior antenna, a FCC Type Accepted Bi-Directional amplifier system with a backup power supply mounted in a suitable location in the building and an in-building antenna or radiating cable system. The Signal Booster System shall be designed to operate in the VHF, UHF, 700 and 800 megahertz (MHz) bands and shall be capable of operating on an independent battery and/or generator system for a period of at least twelve (12) hours without external power input. The battery system shall automatically charge in the presence of external power input. There shall be no connectivity between the amplification system and fire alarm system. Where signal booster equipment is located in an equipment room that may become water soaked or sprayed with fire retardants during a fire, the installations will require the use of a watertight case, typically "NEMA-4", which is an industry standard specification for a sealed wall mounted cabinet.

Exception: Elevator coverage is exempt.

1001.10.2.4 Acceptance testing shall be as follows:

1. When an in-building radio system is required, upon completion of installation the radio system, and prior to issuance of certificate of occupancy, the property owner shall provide for testing to ensure that two-way coverage on each floor of the building is a minimum of ninety (90) percent. Each floor of the building shall be divided into a grid of approximately twenty (20) equal areas. A maximum of two (2) of the areas will be allowed to fail the test.
2. In the event that three (3) of the areas fail the test, in order to be more statistically accurate, the floor may be divided into forty (40) equal areas. A maximum of four (4) areas will be allowed to fail the test. After the forty (40) area test, if the system continues to fail, it will be the building owner's responsibility to have the system altered to meet the ninety (90) percent coverage requirement.
3. The voice test shall be conducted using a portable radio with specifications equivalent to the San Jose fire/police personnel portable radios, talking through the city public safety communication system.
4. The data system test shall be conducted using a laptop computer communicating with the computer aided dispatch system. A spot approximately in the center of the grid area will be selected for the test, then the radio will be keyed to verify two-way communications to and from the outside of the building through the city public safety communications system. Once the spot has been selected prospecting for a better spot in the grid area will not be permitted.

5. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values. Copies of all tests shall be forwarded to the attention of the 911 communications supervisor of the city.

1001.10.2.5 Where radio retransmission equipment is required, an annual test shall be performed as described in the administrative regulations issued by the Fire Chief to ensure that the building continues to meet the radio coverage requirements of this section, and a copy of such test shall be kept on record by the property owner and available for inspection at any time by Fire Department representatives.

1001.10.2.6 Personnel conducting acceptance and annual radio system tests shall be qualified to perform the work. All tests shall be documented and signed by a person in possession of a current FCC license, a current technician certification issued by the Associated Public Safety Communications Officials International (APCO), or the Personal Communications Industry Association (PCIA).

1001.10.2.7 Public safety personnel shall have the right to enter onto the property to inspect and to conduct field-testing at all reasonable times to be certain that the required level of radio coverage is present.

1001.10.3 Administrative Regulations: The Fire Chief is authorized to, from time to time as necessary, issue, review and revise administrative

regulations to implement this Section, including but not limited to the specification of standards for installation and maintenance of firefighter breathing air replenishment systems and operation and maintenance of radio retransmission equipment.

1001.10.4 Effect on Pending Applications, Repairs and Alterations: The provisions of this section shall apply to any new building or structure for which application for a building permit application is completed on or after February 25, 2005. The provisions of this section shall further apply to alterations, additions or repairs to existing buildings for which a permit application is completed on or after February 25, 2005, to the same extent that the building or structure is required to comply with then current requirements or other technical codes as specified in Title 24 of this Code.

PASSED FOR PUBLICATION of title this _____ day of _____, 2005, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

RON GONZALES
Mayor

ATTEST:

LEE PRICE, CMC
City Clerk



SAN JOSE FIRE DEPARTMENT
Firefighter Breathing Air Replenishment System
(date of issue - 07/28/05)

In accordance with the City of San Jose Ordinance Number 27341, the Fire Chief hereby adopts this Administrative Regulation for the installation, testing and maintenance of a firefighter breathing air replenishment system.

1.0 Scope

This administrative regulation covers the minimum requirements for the installation, testing and maintenance of a firefighter breathing air replenishment system.

2.0 Required Installation

A firefighter breathing air replenishment system shall be installed in the following buildings:

- a) High rise building defined as any building having floors used for human occupancy located more than seventy five (75) feet above the lowest level of the fire department vehicular or personal access, whichever is more restrictive a determined by the Fire Chief.
- b) Any building with two (2) or more stories underground.
- c) Any tunnel over five hundred (500) feet in length.
- d) Any building where the fire apparatus access point is located more than one hundred fifty (150) feet from the nearest entrance to the building.

3.0 Plans

3.1 Plan Submittal - Prior to the installation of a firefighter breathing air replenishment system, plans shall be submitted to the Fire Department for review and permit approval. The submittal shall include:

- a) Three sets of quality shop drawings
- b) Manufacturers' cut sheets for each component and material used in the system
- c) Calculations prepared by a registered professional mechanical engineer that demonstrate compliance with this administrative regulation.

3.2 Designer of Record - The designer of record shall be a registered mechanical professional engineer and shall be responsible for the entire system design and installation.

4.0 Installing Contractor

A California licensed (C-36) contractor knowledgeable in high-pressure systems shall install the firefighter breathing air replenishment system. The installing contractor shall also have a valid Worker's Compensation Certificate and a San Jose Business License.

5.0 System Components

The firefighter breathing air replenishment system shall contain the following components:

- a) Exterior Fire Department Connection Panel
- b) Interior Fire Department Air Fill Stations
- c) Distribution System
- d) Pressure Monitoring Switch

6.0 Performance and Design Criteria

6.1 Performance - The firefighter breathing air replenishment system shall be designed to simultaneously fill, at the most remote filling station of each system, a minimum of two (2) 45 cubic feet compressed breathing air cylinders to 4,500 PSIG within three (3) minutes.

6.2 All pressurized components shall be compatible for use with high pressure breathing air equipment and self-contained breathing apparatus (SCBA).

6.3 Operating Pressure - All pressurized components of the firefighter breathing air replenishment system shall be rated to operate at a minimum working pressure of 5,000 PSIG at 70⁰ F.

7.0 Exterior Fire Department Connection Panel

7.1 Purpose - The exterior fire department connection panel (FDCP) shall provide the fire department mobile air operator an access to the firefighter breathing air replenishment system. The connection panel fittings shall be compatible with that of the fire department mobile air unit.

7.2 Location - The location of the FDCP shall be approved by the fire department. As a rule, the FDCP shall:

- a) Be attached to the building or shall be on a remote monument at the exterior of the building.
- b) Have a minimum of six (6) feet – 180-degree clear and unobstructed space to access the front of the panel.
- c) Secured within a weather-resistant enclosure that is visible and accessible upon approach to the building.
- d) Be within one hundred (100) feet of the closest fire apparatus access point.

7.3 Components - The FDCP shall contain all of the necessary gages, control valves, pressure regulating valves, pressure relief valves, check valves, tube or pipe, connectors, fittings, adapters, supports and other components required to allow the fire department to connect and augment the system with a constant source of breathing air.

7.4 Marking

- a) The FDCP enclosure shall be marked “SJFD BREATHING AIR SYSTEM” on a securely attached stainless steel or plastic engraved or painted plate. The letters shall be a minimum of two inches high with a 3/8-inch stroke and shall be in a color that contrasts with the enclosure.
- b) All gages and valves shall be labeled, indicating their function. Operating instructions shall be posted on the interior side of the enclosure’s access door.

7.5 Security

- a) The FDCP enclosure shall be maintained locked by an approved means.
- b) When the FDCP is located in an area subject to vehicle traffic, impact protection shall be provided in an approved manner.

8.0 Interior Fire Department Air Fill Stations

8.1 Purpose - Each Interior Fire Department Air Fill Station (AFS) shall allow the responding firefighters to replenish two (2) 45 cubic feet compressed breathing air cylinders to 4,500 PSIG within three (3) minutes. The AFS shall be designed to place two compressed breathing air cylinders in compartments with fragmentation protection to assure safe placement and filling of cylinders. The AFS fittings shall be compatible with the fire department SCBA.

8.2 Location - The location of the AFS shall be approved by the fire department. As a rule, the top of the AFS panel shall be located a minimum of 36 inches but not more than 60 inches above the finished floor. AFS shall be installed in a secured enclosure, closet, or room approved by the fire department. The AFS shall be provided with a minimum of six (6) feet by six (6) feet clear and unobstructed space to access the front of the AFS.

- a) High-rise Buildings - An AFS shall be installed commencing on the third floor above the lowest level of fire department access and every third floor thereafter until the uppermost AFS is within three floors of the roof. The AFS shall be located within ten feet of one exit stair enclosure with roof access.
- b) Underground Structures - An AFS shall be installed commencing on the second floor below the level of fire department access and every two floors below grade thereafter until the lowermost station is within two floors of the lowest floor. The AFS shall be located within ten feet of an exit stair enclosure or a rated room within 10 feet of an exit stair.
- c) Tunnels - AFS shall be installed every 150 feet. Actual locations shall be approved by the fire department on a case-by-case basis.
- d) Buildings with Remote Fire Department Access Point - AFS locations shall be approved by the fire department on a case-by-case basis.

8.3 Components - Each AFS shall include the following:

- a) Fragmentation protected compartment.
- b) Connectors, fittings and adapters.
- c) Gages.
- d) Isolation valve to shut off the flow of air to the AFS when exposed to hazardous conditions, thereby keeping the rest of the system operable.
- e) Pressure-regulating valve.
- f) Pressure Relief Valve.
- g) Tubing, supports and other necessary components.

8.4 Marking

- a) The AFS access door shall be marked "SJFD BREATHING AIR SYSTEM" on a securely attached stainless steel or plastic engraved or painted plate. The letters shall be a minimum of two inches high with a 3/8-inch stroke and shall be in a color that contrasts with the enclosure.
- b) All gages and valves shall be labeled, indicating their function. Operating instructions shall be posted on the interior side of the enclosure's access door.

8.5 Security - The AFS enclosure, closet or room shall be maintained locked by an approved means.

9.0 Distribution System

9.1 Purpose - Tubes or pipes and related fittings that connect the FDCP to the different AFS in the system to allow the mobile air unit to supply air to any AFS via the FDCP.

9.2 Material

- a) Tubing, piping and their related fittings shall be stainless steel compatible for use with high-pressure air systems.
- b) The use of non-metallic materials, carbon steel, iron pipe, malleable iron, high strength gray iron, or alloy steel is prohibited.

9.3 Installation Requirements

- a) Tube or pipe shall be supported at maximum intervals of five (5) feet. Individual tube/pipe clamps and mounting components shall be mechanically secured to the building support members in accordance with manufacturer specifications and the California Mechanical Code.
- b) The distribution system shall be a welded system, except where tube/pipe joints are readily accessible and at the point of connection to the individual AFS.
- c) Welding procedures shall follow nationally recognized standards. Prior to and during the welding of sections of tube/pipe, a continuous, regulated dry nitrogen purge at three PSIG shall be maintained to eliminate contamination with products of the oxidation or welding flux. The purge shall commence a minimum of two minutes prior to welding operations and continue until the welded joint is at ambient temperature (72^o F).
- d) When tube/pipe passes through a fire rated or solid material, a sleeve at least three times the tube/pipe outside diameter shall protect it. Both ends of the sleeve shall be filled with an approved fire stop material.

9.4 Marking – tube/pipe shall be marked “HIGH PRESSURE FIREFIGHTER BREATHING AIR SYSTEM” using signs or self-adhesive labels. If signs are used, they shall be made of stainless steel or plastic and engraved with 3/8-inch letters with 1/16 inch stroke lettering. The signs or self-adhesive labels shall be placed at a minimum of 20 feet intervals and at each fitting, whether the tube/pipe is concealed or in plain view. All tube/pipe shall have a sign or label at any accessible point.

9.5 Contamination Prevention - The installing contractor shall ensure that, at all times, the system components are not exposed to contaminants, including but not limited to oils, solvents, dirt and construction materials. When known or suspected contamination of system components has occurred, the affected component shall not be installed in the system.

10.0 Pressure Monitoring Switch

10.1 Pressure Monitoring Switch - the system air pressure shall be maintained at 5,000 PSIG at all times. An electric low-pressure switch that is connected to the building’s fire alarm system shall be installed to monitor the air pressure. The pressure switch shall transmit a supervisory signal to the fire alarm supervising station when the pressure of the system dips to 4,000 PSIG.

10.2 Pressure Loss Notification - the building owner or authorized agent shall notify the fire department and test contractor of any alarm indicating loss of pressure. Repair of system shall be performed immediately.

11.0 Final Inspection and Tests

The system shall be subjected to and must pass the following tests which shall be witnessed by the fire department:

11.1 Pneumatic test of the entire system at 5,000 PSIG for a period of twenty-four (24) hours using oil-free, clean dry air or nitrogen. At this time, a visual inspection of the whole system will be conducted. All fittings, joints and system components will be inspected for leaks.

11.2 After completion of the twenty-four hour pressure test, pneumatic test of the entire system at 7,500 PSIG for a period of one (1) hour, using oil-free, clean dry air or nitrogen.

11.3 Pressure monitoring switch test to verify that a supervisory signal is transmitted to the fire alarm supervising station when the air pressure dips to 4,000 PSIG.

11.4 Compatibility of the FDCP to the fire department mobile air unit and the AFS to the fire department air cylinders shall be verified.

11.5 Laboratory test of two samples taken from separate filling stations shall be submitted to an independent certified gas analyst laboratory to verify the systems cleanliness. The independent laboratory has to certify that the samples meet the quality for breathing air.

NOTE: During the air quality analysis, the AFS shall be secured and provided with signs stating "AIR QUALITY ANALYSIS IN PROGRESS, DO NOT FILL OR USE ANY AIR FROM THIS SYSTEM". This sign shall be a minimum of 8-1/2 by 11 inches with minimum one-inch letters.

11.6 Upon successful completion of all tests, all valves shall be placed in their normal operating positions and the system shall be filled to the normal operating pressure of 5,000 PSIG. All access doors and panels shall be secured and locked.

12.0 Training and Acceptance

12.1 Training - the installing contractor shall provide training for the fire department upon successful completion of inspections and tests. Each fire department shift (three shifts) shall receive training of not more than three hours per session.

12.2 Acceptance - the following are required for the fire department's final acceptance of the project:

- a) Successful completion of all tests and inspections delineated in section 11.0.
- b) Receipt of the designer of record's written statement that the entire Firefighter Breathing Air Replenishment System has been installed, tested and commissioned in accordance with the approved plans and requirements. The designer of record shall sign and affix his professional engineering stamp on the certification.
- c) Completion of the fire department training sessions.
- d) A copy of the maintenance contract.
- e) Five sets of the system keys.

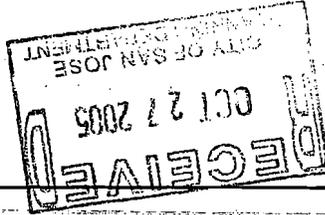
13.0 Maintenance

13.1 The Firefighters Breathing Air Replenishment System shall be tested at least annually or when requested by the fire department. The following tests shall be performed:

- a) The fire department shall witness the pneumatic testing of the entire system at 7,500 PSIG for a period of one hour using oil-free, clean dry air or nitrogen. Any defects or leaks noted in the system shall be repaired immediately.
- b) Laboratory test of at least two samples taken from separate filling stations shall be submitted to an independent certified gas analyst laboratory to verify the systems cleanliness. The laboratory test results shall be in writing and shall be maintained for fire department review.

14.0 Special Circumstances

14.1 Fire Department approval is required before commencing any modification or work to the system. This section does not prohibit emergency repairs; however, the contractor is required to immediately submit a written report to the fire department.



Memorandum

ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

TO: Jeff Roche
 Department of Planning,
 Building, & Code Enforcement

FROM: Geoff Blair
 Environmental Services Department

SUBJECT: Response to Development
 Application

DATE: Staff Review Agenda
 October 27, 2005

APPROVED: *Geoff Blair* **DATE:** 10-27-05

PLANNING NO.:	PDC05-099
LOCATION:	North side of Montague Expressway, approximately 550 feet westerly of North First Street.
DESCRIPTION:	Planned Development Rezoning from IP Industrial Park District to A(PD) Planned Development Zoning District to allow up to 620 single-family attached residential units on a 11.19 gross acre site.
APN:	09706055

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 277-3828.

Stormwater Runoff	San Jose/ Santa Clara Water Pollution Control Plant (Plant)	Source Control	South Bay Water Recycling (SBWR)	Green Building	Integrated Waste Management (IWM)	Water Efficiency
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

South Bay Water Recycling (SBWR)

Landscape Irrigation

The proposed development has been identified as a potential future recycled water customer and is required to comply with Chapters 15.10 and 15.11 of the San Jose Municipal Code. The Code states that all new and rehabilitated landscaping for projects requiring a development permit from the City, and containing over 10,000 ft² of landscaped area, must design and construct their irrigation system to receive recycled water. The proposed development should connect their irrigation system to potable water until recycled water becomes available to the site.

The design and construction of the irrigation system must conform to SBWR Rules and Regulations and must be submitted to and approved by SBWR. Standard Details, Specifications and Notes are available to assist with the design and are available by calling (408) 277-3671. Questions regarding recycled water use or the approval process should be directed to SBWR staff at the above number.

Integrated Waste Management (IWM)

Single Family Residential

1. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. All residential projects must be designed¹ such that they will accommodate garbage and recycling collection vehicles and program setout guidelines. If vehicle access is limited due to clearance issues, street parking, or inaccessible private streets, some services (such as street sweeping or yard trimmings collection) may not be performed, or the property owner may be subject to additional charges. These additional charges may include monthly charges for on-premise (backyard) collection or yard trimmings cart collection. For questions regarding garbage and recycling collection issues, contact the Recycle Plus Program at (408) 535-3515.

The plans do not show enough detail to provide thorough comments on IWM issues. Please provide details such as location of garbage and recycling containers and set-out locations on future plans.

2. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. For further information, contact the Commercial Solid Waste Program at (408) 535-3515.

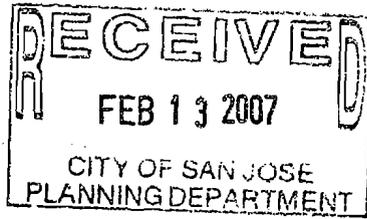
Water Efficiency

The proposed development should consider installation of the following water efficient equipment:

- High Efficiency Toilets (1.0 gal/flush) and/or Dual Flush Toilets (0.8-1.1 gal/flush for liquids, 1.6 gal/flush for solids) to maximize water efficiency. High Efficiency Toilets use at least 20% less water than standard Ultra-Low Flush Toilets (1.6 gal/flush) and Dual Flush Toilets save water by offering two separate flush settings.
- Water Conserving Dishwashers in residences where dishwashers are included. Water Conserving Dishwashers can save several gallons per load and typically also save energy.
- High Efficiency Clothes Washers that are energy- and water-efficient in residences where clothes washers are included or sold.

For more information on these water efficient measures contact the Water Efficiency Program at (408) 277-8400. Rebates may be available for some of these water efficient measures.

¹ In accordance with the San Jose *Residential Design Guidelines*



Memorandum

TO: Rodrigo Orduna, PBCE

FROM: Napp Fukuda, ESD

SUBJECT: ESA & SMP – N. First & Montague **DATE: February 9, 2007**
PDC05-099
APN 097-06-055

APPROVED:

DATE:

Per your request, I have reviewed the Summary of Preliminary Environmental Site Assessment and Conceptual Soil Management Plan Approach report for a site located at the northwest corner of North First Street and Montague Expressway. The proposed development for the 11.19 acre property is for six multi-story residential buildings with a mix of single-level town homes and flats with three of the residential buildings overlying sub-grade parking garages. As part of the development, a public park development may occur with future dedication to the City.

The Site is currently vacant and undeveloped with a history of agricultural use dating from prior to 1940 through the 1970s. Historical orchards encompassed the majority of the Site with a storage shed approximately centrally located. Industrial properties with historical underground storage tanks were identified up gradient of the Site. Due to these suspect environmental conditions, three subsequent soil and groundwater studies of the Site were conducted.

Volatile organic compounds and organochlorine pesticides were not detected in groundwater however DDT, dieldren, lead, arsenic, and mercury were detected in soil at concentrations exceeding environmental screening limits throughout the Site. Similar contaminants of concern were also detected in soil in and around the storage shed at relatively higher concentrations. Results appear to indicate that Site soil has been impacted by historically common application of pesticides to the agricultural fields. However, it also appears that soil in and around the storage shed, which was noted to possibly be used for pesticide storage, was also impacted, and by some measures at a greater degree, indicating a potential "release" rather than "application".

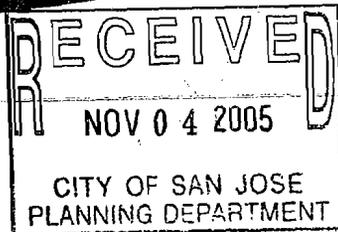
Due to the residual contaminants remaining in Site soil, a Conceptual Soil Management Plan has been proposed which includes remediation by excavation and off-site disposal and/or on-site reuse and encapsulation. The proposed mitigation appears appropriate and reasonable and, under the guidance of a regulatory agency such as the Department of Toxic Substance Control and/or the Regional Water Quality Control Board, is acceptable.

The submitted report references the development of "agency-approved remedial goals" and an "agency-approved Soil Management Plan." Considering the environmental condition of the site and the proposed residential development, including a possible public park dedication to the City, I would concur that the applicant pursue regulatory oversight by the DTSC or RWQCB thereby obtaining regulatory guidance and approval of the pending cleanup effort that is obviously required at the Site. Although it can be assumed that under such regulatory guidance the site will be appropriately remediated, the City should be included in any discussion of remedial options that may include encapsulation of contaminated soil within areas planned for dedication to the City, including right-of-ways and/or a public park.

If I can provide any further assistance, please feel free to contact me.

A handwritten signature in black ink, appearing to read 'NAPP FUKUDA', written in a cursive style.

NAPP FUKUDA
Environmental Compliance Officer
Environmental Services Department



File: 22015
Guadalupe River

October 31, 2005

Mr. Jeff Roche
Department of Planning Building & Code Enforcement
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

Subject: Planned Development Rezoning — Hyundai Site
City File No. PDC05-099

Dear Mr. Roche:

The Santa Clara Valley Water District (District) has reviewed the Hyundai Site General Development Plan Exhibit C dated October 10, 2005, and received by the District on October 17, 2005.

The Guadalupe River is located along the easterly property line and the District owns the property where the river is located; therefore, the proposed work requires a District permit, as per District Ordinance 83-2.

Based on the Federal Insurance Rate Maps (FIRM), the project site is located on panels 8 and 13 of the City of San Jose (City) FIRM panels and within special flood hazard zones A99 and A. To comply with federal flood insurance regulations, the lowest finished floor and highest adjacent grade of any building must be at or above the base flood elevation (BFE). Since a BFE has not been identified, we recommend that the finished floor elevation of all buildings be up to three feet above existing ground level. All buildings should be constructed using materials that are resistant to flood damage and electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including ductwork, must be elevated or waterproofed to the base flood elevation plus freeboard. The project should also conform to the City's floodplain policies for development in North San Jose as applicable.

Based on our review of the proposed project as shown on the above referenced plans, we have the following comments:

1. All project drainage should be directed to the public storm drain system and drainage should be directed away from the toe of the levee.
2. A water supply assessment is required by Water Code Section 10910 (SB 610); however, it appears that this site is located within the area encompassed by the EIR for the North San Jose Development Policies Project for which a water supply assessment

was completed earlier this year. If this project was not included in the previous water supply assessment, one should be completed as required by the Water Code.

3. Since the project site is greater than one acre, a Notice of Intent (NOI) must be filed to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges associated with construction activity with the State Water Resources Control Board prior to the start of construction. A storm water pollution prevention plan (SWPPP) must also be prepared for the site.
4. In compliance with the City's NPDES permit, in particular Provision C.3, the project needs to include measures to both address quality and quantity of storm water generated from the development. Such measures may include directing runoff from parking lots and roofs to appropriate landscaping areas to allow pollutants to be reduced in the water that will eventually be discharged to the Guadalupe River. A good source to reference for information regarding how to include such features in the final site design is the *Start at the Source Design Guidance Manual for Stormwater Quality Protection*, a copy of which can be obtained through the Bay Area Stormwater Management Agencies Association (BASMAA). The measures should be incorporated early in the planning/design process for best utilization and incorporation of the measures into the project.

Please note the Regional Water Quality Control Board (RWCQB) has stated that inlet filters are not acceptable. They are easily blocked by debris during storms causing street flooding, and the required level of maintenance is almost never provided resulting in inadequate treatment of storm water and may result in the filters becoming a pollutant source instead of a treatment device.

5. If native riparian plants are proposed for use at the site, they need to be contract grown from Guadalupe River watershed stock. We suggest the landscaping incorporate drought tolerant plants to reduce water consumption.
6. District records indicate there is one destroyed well and one abandoned well (no record of proper destruction) located within the project site. In accordance with District Ordinance 90-1, the owner should show any existing well(s) on the plans. To protect groundwater quality and in accordance with District Ordinance 90-1, all existing wells affected by new or redevelopment need to be identified and properly registered with the District and either be maintained or destroyed in accordance with the District's standards. Destruction of any well and the construction of any new wells proposed, including monitoring wells, requires a permit from the District prior to construction. Property owners or their representative should contact the District's Wells and Water Production Unit at (408) 265-2607, extension 2660, for more information.
7. Plans showing all work including grading, paving, utilities, irrigation, and landscaping adjacent to the river and District fee title property should be submitted for permit review.

Please submit two sets of plans to the District for permit review. Reference District File No. 22015 on further correspondence regarding this project.

Mr. Jeff Roche
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If you have any questions or need further information, you can reach me at (408) 265-2607, extension 2322.

Sincerely,



Colleen Haggerty, P.E.
Associate Civil Engineer
Community Projects Review Unit

cc: Mr. Ebrahim Sohrabi
Transportation and Development Services
Department of Public Works
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

S. Tippetts, V. Stephens, M. Klemencic, C. Haggerty, File (2)

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Memorandum

TO: Stephen Haase
Director of Planning

FROM: Officer Bill Miller #2786
CPTED Detail

PROJECT MANAGER: Jeff Roche

DATE: November 8, 2005

PLANNING FILE #: PDC05-099

LOCATION: North side of Montague Expressway, approximately 550 feet westerly of N 1st Street.

DESCRIPTION: Planned Development Rezoning from IP Industrial Park District to A(PD) Planned Development Zoning District to allow up to 620 single-family attached residential units on a 11.9 gross acre site.

The following comments are a guide for safety and security concerns that may affect a high-density development such as the one being proposed. These comments are for initial design and may change as the project develops further details. It should be noted that emphasis should be placed on security in the parking garages, and access control to the residential units. It is recommended that a development this size have on-site security.

ADDRESSING:

- A complex map is recommended which incorporates an elevated view of the complex buildings and addresses. It should be illuminated during the hours of darkness and positioned so as to be readily readable from main pedestrian access entrance(s), or placed contiguous to a vehicular entrance to the development where it will not cause stacking problems when being viewed.
- Each individual building and unit shall be clearly marked with the appropriate building number and address and should be positioned so as to be easily viewed from vehicular and pedestrian pathways throughout the complex. Main building numbers should be a minimum height of 12".

LIGHTING:

- Adequate lighting of parking lots and, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with enough lighting of sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons, property, and vehicles on site.

LANDSCAPING:

- Landscaping shall be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows.

FENCING/ACCESS CONTROL:

- Access control should be implemented to the parking structure. Adequate pedestrian and vehicular access control to the development can mitigate many potentially problematic safety issues with regard to surveillance and unwanted entry. A slightly recessed access control gate should be utilized at all parking garage openings. It can be recessed enough so the development won't take on the appearance of a "fortress" but not so far away from the opening that a possible entrapment/ambush area is created.
- To further enhance safety, I strongly recommend that a "digital keypad" type entry system be utilized for apartment residence access, (over keycards, scanners, etc.). This type of entry allows for quick and unhampered emergency personnel access to the interior of the development in the event of a critical incident or medical emergency. This is because emergency personnel in route to an event can confidentially access the entry code via a mobile computer.
- When applicable, perimeter fencing of open design, such as wrought iron, tubular steel, or vinyl-clad, densely meshed, and heavy-posted chain link, should be installed in order to establish territoriality and defensible space, while maintaining natural surveillance.

LINE OF SIGHT/NATURAL SURVEILLANCE:

- Common use facility rooms such as conference, TV rooms, etc. should have doors that contain transparent material for surveillance. Designing a window contiguous to the door would serve the same purpose. Designing doors to these types of rooms so that they can be locked open during hours of use is another recommendation.
- Wide-angled peepholes should be incorporated into all dwelling front doors and to all solid doors where visual scrutiny to the door from public or private space is compromised.
- Stairwells and elevator lobbies should be of open design whenever structurally possible.
- It is highly desirable to design an elevator shaft and cab to be transparent, making occupants of the cab visible from the outside.
- Convex mirrors should be installed in elevator cabs and at stairwell landings.
- Trash enclosures should not hinder needed surveillance.
- Other line of sight obstructions including recessed doorways, alcoves, etc., should be avoided on building exterior walls, and interior hallways.

PARKING STRUCTURE:

- **The interior of the structure should be painted a light, highly reflective color.**
- **Metal halide, or other bright white light source, should be utilized. No dark areas should exist inside the structure.**
- All storage, maintenance, and trash rooms within the parking garage should have doors which cannot be locked from the inside, and that close and lock quickly and automatically upon exit.
- Alcoves and other visual obstructions that might constitute a hiding place should be eliminated whenever structurally possible. Pillars, columns and other open construction should be utilized over a solid wall design.
- Whenever possible, stairwells should be of open design. When, by necessity, a stairwell is enclosed, convex mirrors should be placed at each stairwell landing, and the stairwell doors should employ as much transparent material as fire code allows.
- Convex mirrors should be placed inside elevator cabs.
- Access control should be utilized for vehicular and pedestrian traffic.
- A clearly marked, hands-free emergency phone/panic alarm should be placed centrally in each of the parking structures that is monitored by security.
- No trespassing/loitering signage should be placed at entrances and other appropriate locations. (Specifications attached.)

SIGNAGE/PARKING LOT:

- "No Trespassing/Loitering" SJMC 10.20.140 (A) and 10.20.140 (D) posted at the entrances of parking lots and located in other appropriate places. Signs must be at least 2'x1' in overall size, with white background and black 2" lettering.
- All entrances to parking areas shall be posted with appropriate signs per 22658(a) CVC, to assist in removal of vehicles at the property owners/managers request.

MISCELLANEOUS:

- File Emergency Notification Form 200-14 with the Police Dept.
- Stairwell landings should allow for a sixty-inch turning radius for use by the police explosives robot.

Officer William R. Miller #2786
Vice Unit
Environmental Design Detail

Memorandum

TO: Rodrigo Orduna
PBCE Dept.

FROM: David J. Mitchell
PRNS Dept.

SUBJECT: PDC05-099 - APN 097-06-055

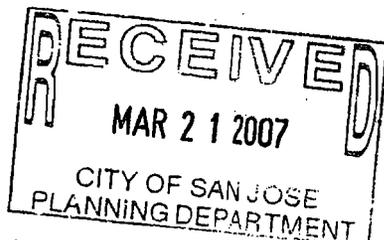
DATE: 3-19-07

The above referenced project on the north side of Montague Expressway, approximately 550 feet westerly of North First Street to allow the development of 575 multi-family attached residential units over podium garages on a 11.19 gross acres in Council District 4.

If the zoning is approved by City Council, the project will then be subject to the requirements of either the Parkland Dedication Ordinance (PDO) or the Park Impact Ordinance (PIO). Due to the proposed size of the housing project being over 50 units and per the requirements of the PDO/PIO, the City can request the Developer to dedicate land or pay the associated In-Lieu Fees for any additional housing units constructed on site. Regarding this project, staff is recommending the acceptance of "Block F" as a potential park site, or a site to swap to create a larger park to sever this area along with the collection of the park in-lieu fees not associated with this "Block F" land dedication. "Block F" is approximately one gross acre which equal 146 multi-family units of parkland credits.

If the project contains any low, very-low, and/or extremely-low income units and those units are restricted for at least 30 years, and then those units are exempt from the PDO/PIO requirements. Please have the developer provide the number of restricted units, if any, and any private recreational features within the proposed project to staff, in order for staff to determine the actual parkland obligation for this project.

If you have any questions, please give me a call at 408-793-5528.



A handwritten signature in black ink, appearing to read "David J. Mitchell".

DAVID J. MITCHELL
Parks Planning Manager