



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 3, 2007

COUNCIL DISTRICT: 3
SNI AREA: Not Applicable

SUBJECT: PDC06-085: Planned Development Rezoning from the CG-General Commercial Zoning District to the A(PD) Planned Development Zoning District to allow up to 42 single-family attached residences on a 0.65 gross acre site located at 90 Archer Street, southwest corner with Kerley Drive, with County Assessors' Parcel Number: 235-02-015.

RECOMMENDATION

The Planning Commission voted 6-0-0, to recommend that the City Council approve the proposed Planned Development Rezoning from the CG-General Commercial Zoning District to the A (PD) Planned Development Zoning District to allow up to 42 single-family attached residential units on a 0.65 gross acre site.

OUTCOME

Should the City Council approve the Planned Development Rezoning as recommended by the Planning Commission, up to 42 single-family attached residential units would be allowed on the 0.65 gross acre site, at approximately 64.6 dwelling units per acre, consistent with the Development Standards for the subject rezoning. This future development would be subject to additional Development Permits.

BACKGROUND

On May 2, 2007, the Planning Commission held a public hearing to consider the subject Planned Development Rezoning request. This is the third 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 Area Development Policy. The property is located within the Rincon South Specific Plan area.

A representative of the applicant, Essex Property Trust, spoke in support of staff recommendation to approve the Planned Development Zoning and elaborated on how the proposed project conformed to the intent of the North San José Area Development Policy and the Rincon South Specific Plan.

No one from the community spoke in favor or opposition to the proposed rezoning.

ANALYSIS

Commission Comments

1. After the close of the public hearing, concerns were expressed by the Commission regarding the appropriate density for this project at approximately 65 dwelling units per acre when there is an existing residential development across Archer Street at 42 units per acre, and whether or not this project would create a catalyst for development at a higher density than some of the surrounding residential development.
2. Other comments regarding the proposed density included concerns that the proposed development would be too tall and too dense to be considered a walkable community. The Commission commented that due to the small size of the parcels, development at such high densities may be contextually incongruous and not create a sense of community.
3. Additional concerns were raised that the proposed setbacks are too wide given the urban character that is proposed to be created out of this area, that new development should incorporate "green building" techniques including use of native vegetation, and that the combination of tandem parking for multi-family residential development with the 10% parking reduction for projects located near VTA light rail stations should be minimized.
4. The Commission expressed concern that there would not be any requirement for land dedication from this project, and requested that a park site should be identified for the area as soon as possible so that pedestrian corridors leading to the park can be set up to be pedestrian friendly.

Staff Response

1. In response to concerns from the Planning Commission, staff commented that the 42 units per acre development at the north side of Archer Street predated the Rincon South Specific Plan, which allows for residential development within the Transit Corridor Residential land use designation of between 25 and 65 dwelling units per acre. Staff anticipates that future residential development within this land use designation and within the Kerley Neighborhood Sub-area will occur at similar densities within properties located at street corners, and closer to the average density of 45 units per acre encouraged in the Specific Plan for this sub-area along the mid-block properties.
2. Regarding comments about density relative to the size of the parcels, staff responded that downtown parcels are also small, and are developed with densities similar to the proposed density. The resulting frequent changes in building types, styles, and architectural treatment along the street frontage contribute to a vibrant urban experience and create lively pedestrian-oriented corridors.
3. The Rincon South Specific Plan has design guidelines (including street orientation, massing, setbacks, height, facade articulation, location of parking garage relative to grade, and access to individual units) for buildings of the density proposed by the project, and the conceptual

drawings for the proposed development show that the proposal would meet those design guidelines. The proposed park strip along Kerley Drive and the tree wells along Archer Street called for in the Specific Plan would be provided by this project along its frontage to the public streets, so that the proposed public improvement would meet the intent of the Specific Plan to improve the pedestrian corridors. Specific site and building design issues such as "green building" techniques and use of tandem parking spaces can be further resolved with the developer at the Planned Development Permit stage.

4. Regarding park land dedication, staff noted that the 42 proposed units are too few to require park land dedication. However, the Rincon South Specific Plan has identified a potential park location within the same block and south of the subject site, and staff is currently working with an urban design consultant to review the potential park location within the Kerley Neighborhood Sub-area in the context of additional potential parks within the whole of North San José, so that staff is actively pursuing determination of potential park locations to serve this area and to serve the greater North San José Community.

CONCLUSION

The proposed rezoning of the site from the CG-General Commercial Zoning District to the A (PD) Planned Development Zoning District is consistent with the North San José Area Development Policy and the Rincon South Specific Plan land use designation of Transit Corridor Residential (25 – 65 DU/AC), and provides an opportunity to further important strategies and goals of the General Plan.

POLICY ALTERNATIVES

Not Applicable.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. Notices for the Planning Commission and City Council public hearings were distributed to the owners and tenants of all properties located within 1,000 feet of the project site. An on-site sign was placed on the site to provide information on the pending proposal. The Planning Department website contains information regarding the North San José area, including the Policy, development applications, staff reports, and hearing schedules. This website is available with the

HONORABLE MAYOR AND CITY COUNCIL

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most current information regarding the status of the rezoning applications. Staff has also been available to discuss the project with members of the public.

A community meeting, with public notification of 1,000-foot radius, was held to discuss this application on Wednesday, October 18, 2006. The project was also presented to the Rosemary Gardens Neighborhood Association at their board meeting of Wednesday, April 11, 2007. Some members of the board expressed their concern over traffic from the higher density of new development in general currently being proposed within the Rincon South area. Regarding the project, however, they were in general satisfied with the proposal, including the number of parking spaces, and the massing of the building.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Department of Parks, Recreation, and Neighborhood Services, and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with the North San José Area Development Policy, the Rincon South Specific Plan, applicable General Plan policies, and approved and proposed design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

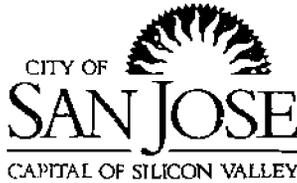
Not applicable.

CEQA

CEQA: Resolution No. 72768.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Andrew Crabtree at 408-535-7893.



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: April 26, 2007

T R A N S M I T T A L M E M O

COUNCIL DISTRICT: 3
SNI: N/A

PDC06-085. PLANNED DEVELOPMENT REZONING FROM CG COMMERCIAL GENERAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 42 SINGLE-FAMILY ATTACHED RESIDENCES ON A 0.66 GROSS ACRE SITE, LOCATED ON THE SOUTHWEST CORNER OF ARCHER STREET AND KERLEY DRIVE.

The Planning Commission will hear this project on May 2, 2007. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.

Andrew Crabtree
for JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Andrew Crabtree at (408) 535-7800.

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

Hearing Date/Agenda Number
P.C. 5-02-07 Item # .
C.C. 5-15-07

File Number
PDC06-085

Application Type
Planned Development Rezoning

Council District: 3

Planning Area
North San José

Assessor's Parcel Number(s)
235-02-015

STAFF REPORT

PROJECT DESCRIPTION		Completed by: Rodrigo Orduña
Location: Southwest corner of Archer Street and Kerley Drive		
Gross Acreage: 0.65 ac	Net Acreage: 0.65 ac	Net Density: 64.6 DU/AC
Existing Zoning: General Commercial	Existing Use: Vacant Warehouse Building	
Proposed Zoning: A (PD) Planned Development	Proposed Use: Up to 42 single-family attached residences on a 0.65 gross acre site.	
GENERAL PLAN		Completed by: ROG
Land Use/Transportation Diagram Designation Transit Corridor Residential (25 – 65 DU/AC)	Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> See Analysis and Recommendations	
SURROUNDING LAND USES AND ZONING		Completed by: ROG
North: Multi-Family Density Residential	IP – A(PD) 42.4 DU/AC	
East: Industrial	LI – Light Industrial	
South: Hotel Parking Lot	CG – General Commercial	
West: Hotel	CG – General Commercial	
ENVIRONMENTAL STATUS		Completed by: ROG
<input checked="" type="checkbox"/> Environmental Impact Report found complete (North San José Policy Update EIR certified June 21, 2005 per City Council Resolution No	<input type="checkbox"/> Exempt	
<input type="checkbox"/> Negative Declaration circulated on	<input type="checkbox"/> Environmental Review Incomplete	
<input type="checkbox"/> Negative Declaration adopted on		
FILE HISTORY		Completed by: ROG
Annexation Title: Orchard No. 12	Date: 12/09/1954	
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Approval	Date	Approved by: _____
<input type="checkbox"/> Approval with Conditions		<input type="checkbox"/> Action
<input type="checkbox"/> Denial		<input checked="" type="checkbox"/> Recommendation
<input type="checkbox"/> Uphold Director's Decision		
APPLICANT/OWNER/DEVELOPER		
HMH Engineers 1570 Oakland Road San José, CA 95131	Essex Property Trust 925 East Meadow Drive Palo Alto, CA 94303	
PUBLIC AGENCY COMMENTS RECEIVED		Completed by: ROG
Department of Public Works See attached memorandum dated 4/16/07		
Other Departments and Agencies See attached memoranda from the following City Departments: Environmental Services (4/05/07), Fire (4/02/07), and Parks, Recreation, and Neighborhood Services (3/06/07).		
GENERAL CORRESPONDENCE No written opinions in favor or against the project have been received as of this time.		
ANALYSIS AND RECOMMENDATIONS		

BACKGROUND

The applicant, Essex Property Trust, is requesting to rezone the subject site from CG – General Commercial Zoning District to A (PD) Planned Development Zoning District to allow up to 42 single-family attached residences on a 0.65 acre site (approximately 64.6 dwelling units per acre). A corresponding Planned Development Permit for the project (File No. PD07-019) and a Tentative Map (File No. PT07-013) are currently on file and under review.

The subject property is located within the North San Jose policy area and also within the Rincon South Specific Plan area. The proposed project will be evaluated for consistency with elements of both policies as applicable. The site is not subject to the North San Jose criteria for evaluation of Transit Employment Residential overlay conversions because it has been designated for residential development since the adoption of the Specific Plan in 1998. The property has a Transit Corridor Residential (25 – 65 DU/AC) General Plan designation as described in the Rincon South Specific Plan. This land use designation promotes high-density residential units oriented to the street and in proximity to public transit.

This is the third 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 José Area Development Policy. The North San José Area Development Policy allows up to 32,000 residential units (in four, 8,000-unit capped phases) to support 26.7 million square feet of new industrial development in North San José. Locating new residential areas at specific locations near employment areas and along light rail transit corridors supports the intensification of industrial development within the North First Street corridor, which is the primary goal of the North San José Area Development Policy. There are currently 12 high-density housing applications on file in North San José involving approximately 8,000 units (two additional projects have been approved for rezoning), and more proposals are under preliminary discussion.

Site and Surrounding Uses

The 0.65 acre site currently contains a vacant warehouse building with surface parking, and is surrounded by multi-family residential uses (at 42 DU/AC) to the north, a hotel building to the west, the hotel's parking lot to the south, and by light industrial uses such as warehouse and distribution facilities to the east. The North First Street VTA light rail corridor is located one block further west, with the Metro/Airport station and the Gish station located roughly equidistant and within 2,000 feet to the north and to the south, respectively, of the subject site. There are a mix of light industrial, commercial, and multi-family residential developments along both sides of Kerley Drive to the south and east of the site. The Walter L Bachrodt Elementary School is within 2,000 feet walking distance of the site.

Project Description

The proposed rezoning would allow up to 42 single-family attached residential units built over podium parking in a building with a height of 60 feet, on the 0.65 acre parcel, for an approximate density of 64.6 dwelling units per acre. No commercial space or park dedication is proposed.

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 conceptual and will be refined during the subsequent review of the Planned Development Permit. The conceptual site plan includes 72 vehicular parking spaces, 11 motorcycle spaces, and 11 bicycle spaces. Vehicular access and primary pedestrian access to the podium level would be from Archer Street. Each ground floor unit would have direct access from either Archer Street or Kerley Drive.

ENVIRONMENTAL REVIEW

The project site is located within the boundaries of the North San José Area Development Policy. The Final Environmental Impact Report (EIR) for the North San José 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 the requirements of the California Environmental Quality Act (CEQA). 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 José Area Development Policies Update Final EIR adequately addresses the environmental effects of the proposed project, and the project would not result in new 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 San José 2020 General Plan directs the vision for the Rincon South Planned Community, and is complemented by the Rincon South Specific Plan. The Rincon South Planned Community and the Rincon South Specific Plan share the following common objectives: guide development within the Guadalupe Transit-Oriented Development Corridor by encouraging a mix of land uses that take advantage of the existing light rail facilities, reduce dependability on the automobile, and attract pedestrian activity; promote new residential development within the Corridor; promote retail commercial uses as part of the development of the Corridor; and minimize traffic impacts through trip internalization and encouraging transit use.



Multi-family housing north of the site



Existing hotel west of the site along Archer St



Parking lot south of the site



Light industrial building to the east

The subject property is located within the Transit Corridor Residential (25 – 65 DU/AC) land use designation and Kerley Neighborhood Sub-area of the Rincon South Specific Plan. The intent of the Transit Corridor Residential land use designation is to promote high-density residential uses, and to allow retail and/or commercial office uses on the first two floors of a vertical mixed-use development for suitable sites in proximity to the Light Rail facilities. Residential development under this designation is expected to be oriented to transit and to encourage transit use.

The proposed zoning change would allow for high-density (up to 65 DU/AC) pedestrian-oriented units on a parcel well-situated to take advantage of pedestrian access to two existing light-rail stations. The resulting development, as shown on the attached conceptual project drawings, would include an urban street frontage, urban improvements to public right-of-way, bicycle amenities, and resident open space that would enhance the urban character of the new Kerley Neighborhood Sub-Area. The proposal would therefore be consistent with the Rincon South Specific Plan objectives and policies, and would comply with the Transit Corridor Residential land use designation.

ANALYSIS

The primary issues associated with this project are the compatibility of the proposed residential use with the existing neighborhood, conformance to the North San José Area Development Policy (Policy), the Rincon South Specific Plan and the Residential Design Guidelines.

North San José Area Development Policy

The subject site is not located on a site designated for industrial land use, nor within the Transit Employment Residential Overlay established by the Policy. Therefore, the proposed zoning change does not have to conform to the criteria for conversion from industrial to residential land uses that are listed in the Policy.

The North San Jose Area Development Policy Phasing Plan gives preference to projects that include parks or school sites, facilitate industrial development, incorporate retail facilities, or are developed at a higher density. Due to the location and size of the site, a retail or industrial component is impractical. The project is proposed to be developed at a density that supports increased transit ridership at the high end of the allowable density range, and also meets several city criteria for providing affordable housing.

In general, new development within the Policy area should conform to the applicable Residential, Commercial, or Industrial Design Guidelines of the City of San José. The Policy includes additional design criteria to promote sustainable development practices. New development within the North San José area should make use of site design and building architecture measures that promote use of transit, pedestrian and bicycle activity, and incorporate “green building” techniques that reduce energy use, promote water conservation, and otherwise reduce environmental impacts. The proposal would provide high-density compact development close to transit, thus promoting the use of alternative means of transportation. At the time of Planned Development Permit phase, review of the project will include incorporation of green building construction techniques.

Traffic Impact Fee

The City will collect a Traffic Impact Fee for this project in accordance with the North San José Area Development Policy, to be used to fund the mitigation measures needed to meet future traffic conditions resulting from implementation of the Policy as described in the traffic analysis and Environmental Impact Report (EIR). The project will therefore comply with its transportation impact obligations and contribute toward improvement of transportation amenities within North San José.

Parkland Requirements

The project will need to conform to the City’s Parkland Dedication Ordinance. Because the size of the proposed housing project is under 50 units, per the requirements of both the Parkland Dedication Ordinance and the Parks Impact Ordinance, the City can only request the developer to pay the associated park in-lieu fees. No land dedication for park use can be requested of this proposed development. Development of the subject site with residential units will contribute funds toward the purchase of park land within the Rincon South area, consistent with the Rincon South Specific Plan.

Rincon South Specific Plan

The overall land use and design policies of the Rincon South Specific Plan include Policy #2, Mixed-Use, which states that Rincon South is intended to be a generally mixed-use community with housing, commercial goods and services, and jobs located within walking distance of each other or a short light rail ride away (pg 32 of the Rincon South Specific Plan). Policy #3, Density and Intensification, states that open space and setback areas should be designed and landscaped to promote the pedestrian-oriented, urban character planned for this area (pg 34). Policy #5, Transit Orientation, states that the Plan seeks to encourage people who live and work within Rincon South to walk or take public transportation rather than drive by ensuring that new development in the area is designed with pedestrian needs in mind (pg 34). This proposal would comply with the intent of these policies with its high density location within walking distance to light rail and with its pedestrian-oriented street frontage.

The Rincon South Specific Plan designates four sub-areas within its boundaries. Each sub-area has a distinct character and is treated differently by the Specific Plan with specific policies that supplement the general policies for the overall Specific Plan. The subject property is located within the Kerley Neighborhood Sub-area of the Specific Plan (this is a new neighborhood contemplated by the Specific Plan). The proposal would comply with the intent for new buildings to be urban in character with articulated facades along all street frontages. The project as proposed uses contemporary design and materials to achieve a very urban presence along Archer Street and Kerley Drive. The project is located next to an existing hotel and across the street from multi-family residential buildings which display a compatible urban style.

The conceptual plans also show that the project would provide urban amenities such as street trees, multiple street entries, and vehicular, motorcycle, and bicycle parking located within parking structures, as encouraged in the Specific Plan.

The Specific Plan states that with the intensification of future development, the provision of open space within development projects will become increasingly important. The identification, utilization and design of any available open space should be carefully considered in new development. As shown in the conceptual drawings, the project would be compatible with the intent of the Specific Plan with the provision of common open space on the podium level, individual open space as patios for the ground floor units, and roof decks for the upper floor units. The proposed zoning requires that the project meet the recommended amounts of open space. Specific quantities will be worked out during the Planned Development Permit phase.

The Specific Plan is particularly concerned with the green streetscape and pedestrian system within its boundaries. It states that the “park” character intended for this area should not be limited to formal parks and should be carried throughout the community as a network which provides very attractive connections among parks and other neighborhood features. As such, specific streetscape design guidelines were developed within the Specific Plan. A new landscaped park strip along Kerley Drive should improve the visual character of this street. The project conforms to the streetscape design guidelines by providing an 8-foot sidewalk and an additional 8-foot park strip along Kerley Drive, and an additional 9-foot landscaped front yard setback along Kerley Drive.

Residential Design Guidelines

The Residential Design Guidelines do not specifically address development at the density and character envisioned by the North San José Area Development Policy and the General Plan for the Transit Corridor Residential areas in North San José. In order to be able to review projects of a more urban nature and located near transit, 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 pertinent draft chapter on transit-oriented development.

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

- Massing and orientation of the building are compatible with the neighborhood
- Minimal street setbacks establish an urban character
- Pedestrian access is supported by multiple building entrances
- An attractive streetscape includes wide sidewalks and pedestrian scale street lighting and landscaping
- The density meets or exceeds the recommended minimum density of 55 DU/AC
- A variety of private and common open space areas are provided
- The podium will be screened with landscaping and individual unit stoops

The 72 on-site parking spaces that would be provided by the project (at 1.7 parking spaces per unit) would exceed the number of parking spaces required by the Residential Design Guidelines. For two-bedroom units with an open parking garage configuration, the Guidelines require 1.8 parking spaces per unit, for a total for this project of 76 parking spaces required. However, because the project site is located within 2,000 feet of a light rail transit station, the City typically allows a 10% reduction in the required number of on-site parking spaces. This project therefore exceeds the required number of on-site parking spaces, which would result in a requirement of 69 parking spaces (at a ratio of 1.6 parking spaces per unit).

Additionally, staff forwarded the conceptual project drawings to the design consultant who is preparing the design guidelines specifically for the North San José Development Policy area. The consultant has advised staff that the general intent of the conceptual proposal complies with the consultant's recommendations for urban design within the Rincon South area. Staff will review the specific design proposals for the building as part of the Planned Development Permit phase of this project and compare the specific design to the consultant recommendations for urban design within the Rincon South area.

Affordable Housing

This project is located within the Rincon de Los Esteros Redevelopment Area. The proposed development will comply with the City's Inclusionary Housing Policy by ensuring that a percentage of the units in the proposed project are affordable to persons and families of low or moderate income. The proposal will thus increase the amount of affordable housing available within San José.

CONCLUSION

For the reasons discussed above, the project is consistent with the Rincon South Specific Plan, the North San José Area Development Policy, and the Residential Design Guidelines, and approval of the project will further the City's vision and goals for North San José.

PUBLIC OUTREACH

A community meeting, with public notification of 1,000-foot radius, was held to discuss this application on Wednesday, October 18, 2006. The project was also presented to the Rosemary Gardens Neighborhood Association at their board meeting of Wednesday, April 11, 2007. Some members of the board expressed their concern over traffic from the higher density of new development in general currently being proposed within the Rincon South area. Regarding the project, however, they were in general satisfied with the proposal, including the number of parking spaces, and the massing of the building.

Notices for the Planning Commission and City Council public hearings 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 December 19, 2006 to address the North San José Development Policy. An on-site sign was placed on the site to provide information on the pending proposal. The Planning Department website contains information regarding the North San José area, including the Policy, development applications, staff reports, and hearing schedules. This website is available with the most current information regarding the status of the rezoning applications. Staff has also been available to discuss the project with members of the public.

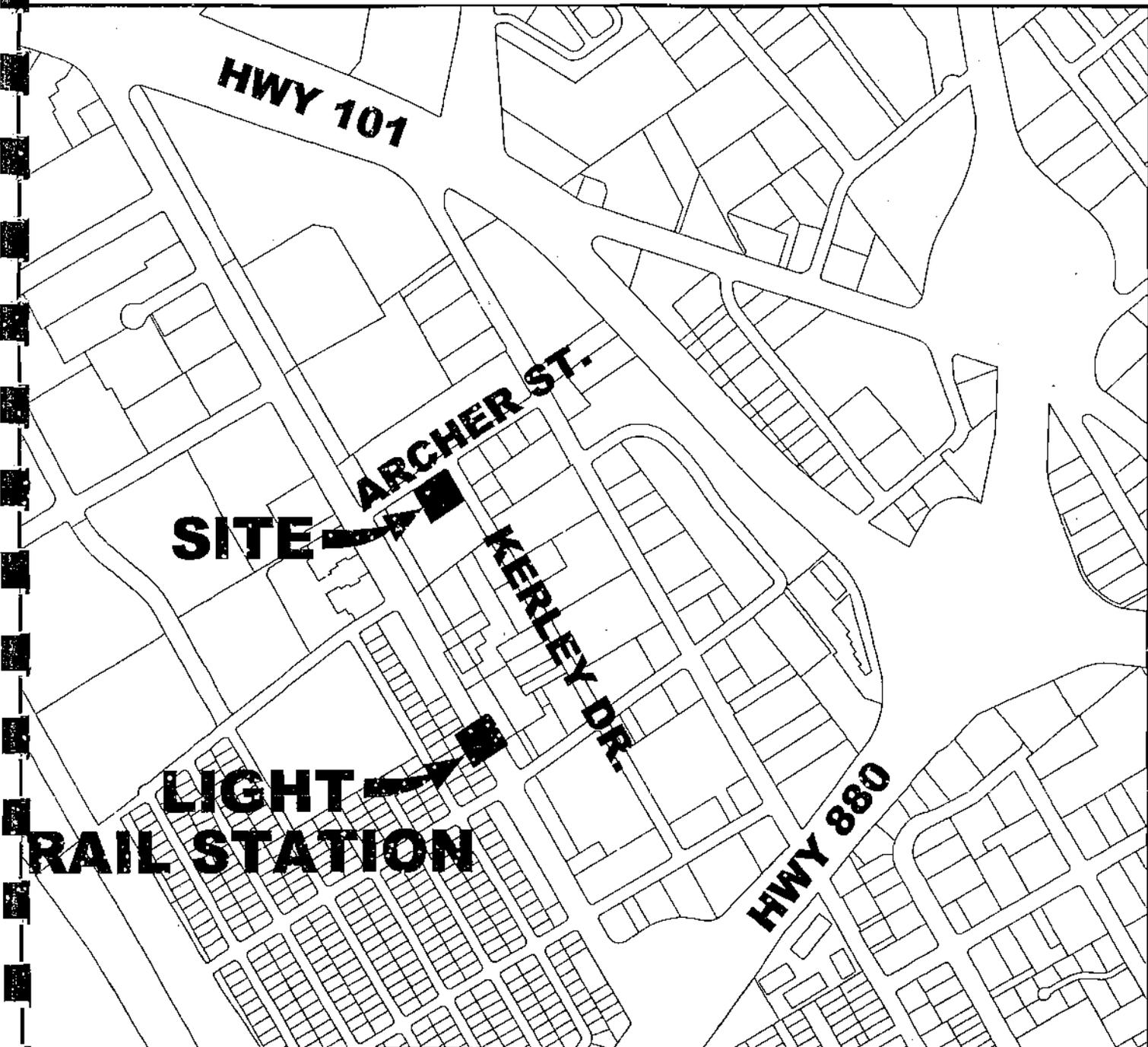
RECOMMENDATION

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 of Transit Corridor Residential (25 – 65 DU/AC).

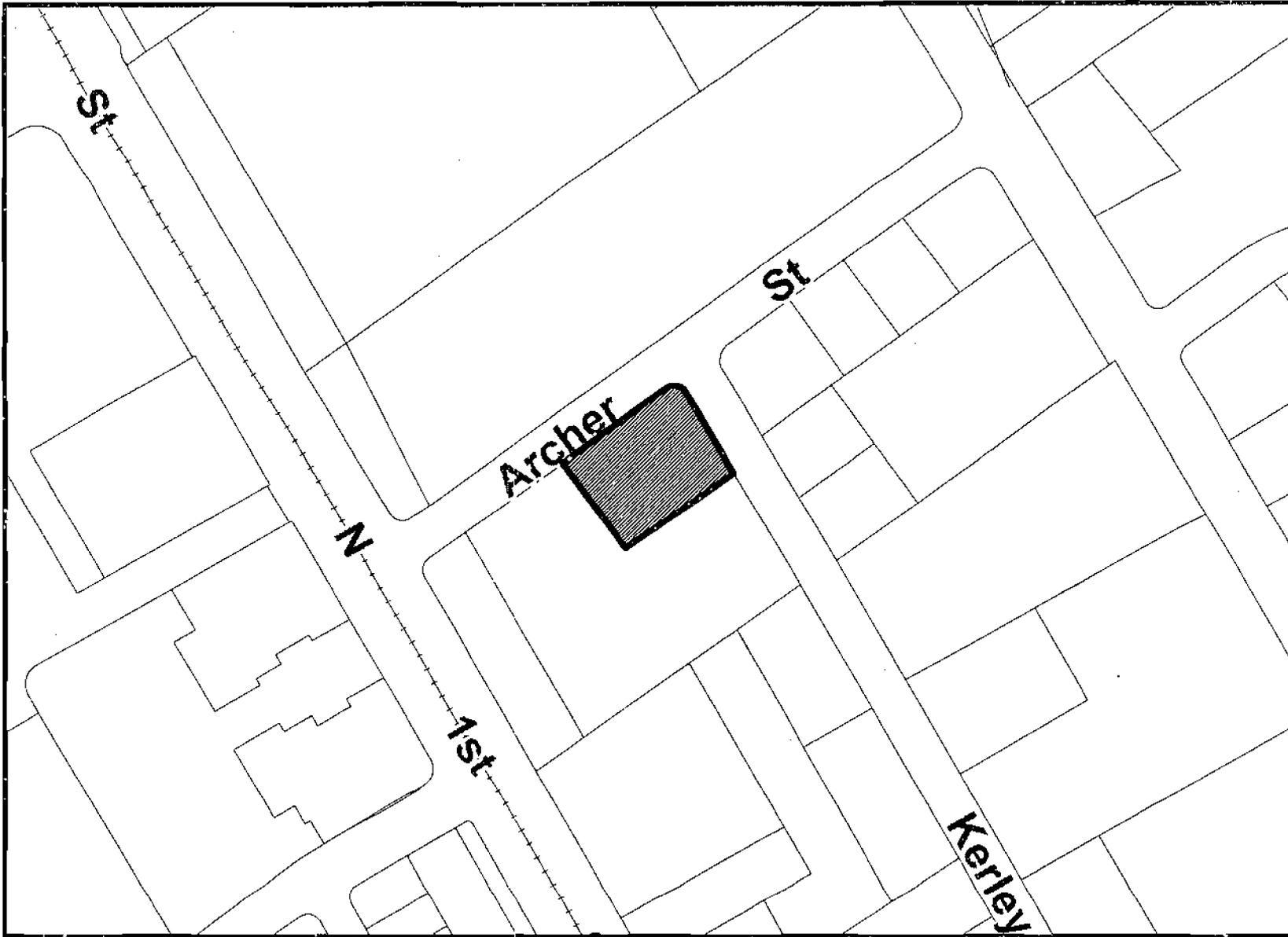
2. The project is consistent with the Rincon South Specific Plan.
3. The project is consistent with the North San José Area Development Policy.
4. The project is consistent with the compatibility, parking, and open space guidelines in the Residential Design Guidelines.
5. The project is compatible with existing and planned uses in the surrounding neighborhood.

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



VICINITY MAP

Not to Scale



Scale: 1"= 200'
Noticing Radius: 500 feet

Map Created On:
08/02/2006

File No: PDC06-085

District: 3

Quad No: 67

Addendum

To the North San Jose Development Policies Update
Program EIR

Prepared for:
PDC06-085
90 Archer Street
San Jose, CA

APRIL 2007

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EXHIBITS

- EX-1: Location Map
- EX-2: Aerial Photo
- EX-3: Conceptual Site Plan
- EX-4: Conceptual Elevation

ATTACHMENTS

- Attachment A – CEQA Project Checklist and Explanations

APPENDICES

- Appendix A – Tree Survey
- Appendix B – Geotechnical Investigation
- Appendix C – Phase I Site Assessment
- Appendix D – Phase II Site Assessment
- Appendix E – Noise Study

I. PURPOSE OF ADDENDUM

The Final Program Environmental Impact Report for the North San Jose Development Policy Update was certified on June 21, 2005 (EIR Resolution No. 72768). The Program EIR evaluated impacts of the ultimate build out of 26.7 million square feet of industrial/office/R&D square footage and 32,000 new residential units within the Rincon De Los Esteros Redevelopment Area. The purpose of this Addendum is to evaluate the environmental effects of a specific "Project" (42 residential units) that is within the ultimate build out scenario defined by the North San Jose Development Policy EIR. The proposed project is further described in Section II, below.

This addendum is prepared pursuant to CEQA Guidelines section 15164, which states: "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."

CEQA Guidelines Section 15162 sets the following criteria for the preparation of a supplemental EIR. Therefore, if an addendum to an EIR will be prepared, none of these criteria may be met. A subsequent portion of this document describes how the project does not meet these criteria.

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declarations;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

II. PROJECT LOCATION & DESCRIPTION

The project is located at the southwest corner of Archer Street and Kerley Avenue. The project site is located within the Rincon South Planned Community and the North San Jose Development Policies Update Area. The site is designated as Transit Corridor Residential (25-65 du/ac) on the San

Jose General Plan Land Use/Transportation Diagram and has been designated as such since 1998. The North San Jose Development Policy maintains the existing residential designation at the site.

The project site is surrounded by developed parcels. A small commercial building and parking lot occupy the 0.65 acre site. The site is surrounded by residential apartments to the north, a hotel and the hotel parking lot to the south and west, and commercial uses to the east. The site is located within 500 feet of the Gish Street Light Rail station, consistent with the Transit Corridor Residential land use designation.

The proposed project is a podium residential structure with four stories of residential above one level of below grade parking. A total of 42 residential units are proposed. The project proposes a building with a contemporary style of architecture at maximum height of 65 feet. Each unit will have private open space in the form of a deck or patio/porch area. The front facing porch areas open to the street with stairs and stoops to the public sidewalks. Landscaping will be planted on the proposed podium structure and around the perimeter of the structure.

III. DESCRIPTION OF THE PREVIOUSLY APPROVED PROJECT

The previously approved "Project" consists of the build out of the North San Jose Development Policy Update Area, which is projected to include the construction of approximately the ultimate build out of 26.7 million square feet of industrial/office/R&D square footage and 32,000 new residential units within the plan area. The 90 Archer Street project site is located within the area covered by the Program EIR. The number of units proposed (42 units) is within the total number of residential units (32,000) contemplated within North San Jose Development Policy Update Program EIR. The existing residential land use was discussed and analyzed at the site under the Program EIR.

The original North San Jose Development Policy Update was specifically adopted for the purpose of allowing ongoing residential, industrial, and office development in the North San Jose Area. Because the North San Jose Development Policy Update Program EIR contemplated residential uses at the proposed project site, an addendum has been prepared for adoption by the City to provide environmental clearance for the proposed 42 unit project.

IV. PROPOSED CHANGES TO THE PROJECT

The project consists of a PD Rezoning at 90 Archer Street to allow for the ultimate construction of 42 of the 32,000 residential units contemplated under the North San Jose Development Policies Update Program EIR. This addendum analyzes the site specific impacts of the proposed project. See Attachment A for a comparison of the environmental impacts of the proposed project to the originally contemplated project.

V. ENVIRONMENTAL IMPACTS OF PROPOSED CHANGES TO THE PROJECT

See Attachment A for a comparison of the environmental impacts of the proposed project to the originally contemplated project.

VI. CONCLUSION & REQUIRED FINDINGS

Pursuant to CEQA Guidelines Section 15164(e), the following discussion details are required: 1) the proposed 42 unit residential project was considered under the original scope of the North San Jose Development Policy Program EIR; 2) there are less-than-significant environmental impacts associated with this Project; and 3) the proposed project (and associated environmental effects) does not meet the conditions described in Section 15162 calling for preparation of a subsequent EIR.

The following discussion summarizes the reasons why a subsequent EIR, pursuant to CEQA Guidelines section 15162, is not required to evaluate the environmental effects of the proposed Project.

Substantial Changes to the Project. As described above, the proposed project is the type of activity that is anticipated as part of the North San Jose Development Policy Update Program EIR. The EIR includes an analysis of the substantial physical development that will occur in the North San Jose area. The proposed project is consistent with the key objectives of the North San Jose Development Policy, which seek to promote the location of high density residential development near transit lines and job centers. Therefore, the proposed project is not considered a "substantial change" under the Program EIR. The project constitutes a minor residential development project anticipated under the Program EIR.

As detailed in the previous section, the project would not result in significant environmental effects or increase the severity of environmental impacts already identified in the Final Program EIR. Adverse impacts resulting from the project would be reduced to less-than-significant levels through the implementation of existing policies and mitigation measures described in the Final EIR. Less-than-significant environmental impacts of the Project would not require major revisions to the Final Program EIR.

Project Circumstances. Since certification of the Final North San Jose Development Policy Update Program EIR, conditions in North San Jose have not changed such that implementation of the project would result in new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the Final EIR. Therefore, changes in the physical conditions of the project site are not expected to result in substantial adverse environmental impacts not addressed in the Final Program EIR.

New Information. No new information of substantial importance has been identified in regard to the Project or to the Project site such that the Project would be expected to result in: 1) significant environmental effects not identified in the Final EIR; or 2) more severe environmental effects than shown in the Final EIR, or would require mitigation measures which were previously determined not to be feasible, or mitigation measures which are considerably different from those recommended in the Final EIR. Substantial new information could include but is not limited to new data on soil or groundwater contamination, traffic conditions, and local air quality such that the environmental impacts identified in the Final EIR would be made substantially more severe. No such new information has been identified since publication and certification of the Final Program EIR. As described previously, the Project would not result in significant new environmental effects. Existing regulations (including City General Plan policies and ordinances in the Municipal Code) and mitigation measures included in the Final Program EIR would be adequate to reduce the impacts resulting from implementation of the Project to less-than-significant levels.

Based on the analysis in this addendum, the City concludes that the Final Program EIR adequately addresses the environmental effects of the Project, and that the proposed 42 unit residential project is a part of the 32,000 units that the Program EIR analyzed. Furthermore, the City finds that this minor

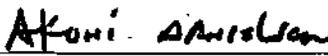
project would not result in significant environmental effects not already identified in the Final Program EIR.

BY:

Rodrigo Orduna
Project Manager



Joseph Horwedel
Planning, Building and Code Enforcement



Deputy

4/20/07
Date

The following Development Standards are to be placed on the Land Use Plan for this Planned Development Zoning once the Zoning is approved by the City Council. Where these standards conflict with the information on the plan set, these development standards take precedence.

DRAFT

EXHIBIT C: LAND USE PLAN AND DEVELOPMENT STANDARDS

PLANNED DEVELOPMENT ZONING PDC 06-085

PERMITTED USES

Up to 42 single-family attached residences.

DEVELOPMENT STANDARDS

Maximum Height:	65 feet
Number of stories:	Four Stories of Residential above ½ Story of Garage
Perimeter Setbacks From Face of Curb (minimum):	
Kerley Drive Frontage	20 feet to Building Face 15 feet to Front Porches
Archer Street Frontage	25 feet to Building Face 20 feet to Front Porches
Internal Property Lines	15 feet to Building
Setback Encroachments:	
Minor architectural projections, such as chimneys, sills, eaves, canopies, bay windows, stoops, and gardens, may project up to a maximum of 40 percent of the area between the back of sidewalk and face of building consistent with the <i>Rincon South Specific Plan</i> , as amended.	
Parking:	Consistent with the City of San José Zoning Ordinance, as amended.
Common Open Space:	100 Square Feet per Unit Minimum
Private Open Space:	60 Square Feet per Unit Minimum

Building Design:

The building design shall comply with the design guidelines listed in the *Rincon South Specific Plan*, as amended and the *Residential Design Guidelines*, as amended.

Landscaping:

The Property Owner and/or Home Owner's Association shall maintain on site landscaping areas and landscaping areas along the public right-of-way areas/streets to the satisfaction of the Director of Public Works.

Signage:

All signage for residential uses shall comply with the standards for signage within the Multiple Residence (RM) Zoning District.

INCLUSIONARY HOUSING

The 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

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

The following environmental mitigation shall be included in the project at the Planned Development Permit stage. A full list of the project mitigation is included in the findings adopted for the project in City Council Resolution Number _____. Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

1. To the satisfaction of the City's Environmental Principal Planner, at the Planned Development Permit stage identify locations for the replacement of all of the removed trees consistent with the following:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio

Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be identified, to the satisfaction of the City's Environmental Principal Planner, at the Planned 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) will 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. Contact Todd Capurso, PRNS Landscape Maintenance Manager, at 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.
 - A donation of \$300 per mitigation tree to 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.
2. The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, Room 308, 801 North First Street, San Jose, California 95110-1795. The Erosion Control Plan may include

BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.

3. Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:
 - The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
 - The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
4. The project applicant shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:
 - Restriction of grading to the dry season (April 15 through October 15);
 - Utilize on-site sediment control BMPs to retain sediment on the project site;
 - Utilize stabilized construction entrances and/or wash racks;
 - Implement damp street sweeping;
 - Provide temporary cover of disturbed surfaces to help control erosion during construction;
 - Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
5. The project shall be constructed in conformance with the STC rating recommendations for windows and doors as contained in the report entitled *Noise Assessment Study for the Planned "90 Archer Street" Apartments*, by Edward L. Pack Associates Inc., dated May 22, 2006. Specifically, the project must:

"Maintain closed at all times all windows and glass doors of living spaces with a north of west orientation and within 137 feet of the centerline of Archer Street. These windows and glass doors may have any type of glass. Provide some type of mechanical ventilation."

Memorandum

TO: Rodrigo Orduna
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 04/16/07

PLANNING NO.: PDC06-085
DESCRIPTION: Planned Development Rezoning from CG Commercial General Zoning District to A(PD) Planned Development Zoning District to allow up to 42 single-family attached residences on a 0.66 gross acre site.
LOCATION: southwest corner of Archer Street and Kerley Drive
P.W. NUMBER: 3-03722

Public Works received the subject project on 09/01/06 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:**
 - a) 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 2007 fee is \$7463.00 per single-family unit and \$5,971.00 per multi-family unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance.
3. **Grading/Geology:**
 - a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to

the storm drain system from the site. An erosion control plan may be required with the grading application.

- 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) 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 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.

- a) The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
- b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.

5. **Flood: Portions in Zone AH, Elevation 45.00' 1929 National Geodetic Vertical Datum (NGVD) & Zone X**

- a) The flood zone designation for majority of the project site is Flood Zone AH, elevation 45.00' NGVD 1929, 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).
- b) This project may propose to apply for a Letter of Map Revision Based on Fill (LOMR-F) to FEMA for removal from the 100-year floodplain. The approved LOMR-F is required prior to issuance of an occupancy permit.
 - 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.

- c) If a CLOMR-F is not issued by FEMA, the following conditions apply:
 - i) Elevate the lowest floor, including basement, above 45.00' NGVD 1929.
 - ii) An Elevation Certificate (FEMA Form 81-31) based on construction drawings is required prior to issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required prior to issuance of an occupancy permit.
 - iii) Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.

- 6. **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.

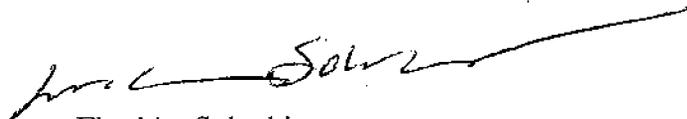
- 7. **Parks:** In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.

- 8. **Street Improvements:**
 - a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - b) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
 - c) Close unused driveway cut(s).
 - d) Install handicap ramps (2) at opposite returns across Kerley Avenue.
 - e) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - f) Conform to North San Jose Area Development Policy.
Rincon South Specific Plan shows Kerley Drive street to be 34 feet with 8 feet sidewalk, 8 feet park strip and 18 feet travel lane, existing Kerley Drive is 30 feet half street with 4.5' detached sidewalk, 3' park strip and 22.5 travel lane. Dedicate 4 feet and construct 16 feet detached sidewalk, build the curb at its ultimate location along project frontage and transition into existing curb location beyond property lines.
 - g) 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.)

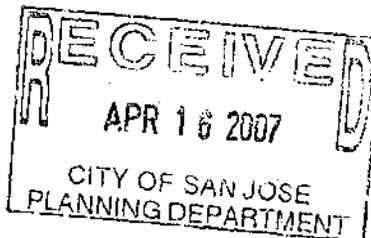
- 9. **Sanitary:**
 - a) The project is required to submit plan and profile of the private sewer mains with lateral locations for final review and comment prior to construction.

10. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project, and as such is subject to the following:
- a) 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.
11. **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 electrical equipment from driveways, and relocate driveway or electrolier. The minimum clearance from driveways is 10' in commercial areas and 5' in residential areas.
 - d) Replace existing HPS luminaires in electroliers along project frontage with LPS luminaires.
 - e) 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.
12. **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) Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.

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



Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division



Memorandum

ENVIRONMENTAL SERVICES (ESD)

TO: Lesley Xavier
Department of Planning,
Building, & Code Enforcement

FROM: Matt Krupp
Environmental Services

SUBJECT: Response to Development
Application

DATE: Staff Review Agenda
April 5, 2007

APPROVED: 

DATE: 4/16/07

PLANNING NO. :	PDC06-085
LOCATION:	southwest corner of Archer Street and Kerley Drive
DESCRIPTION:	Planned Development Permit to construct 42 single-family attached residential units on a 0.66 gross acre site
APN:	23502015

ESD received the subject project and is submitting the following additional conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 975-2578.

Source Control

Residential

Covered parking runoff should be directed to the sanitary sewer if below grade.

Contact Environmental Engineering staff at (408) 945-3000, if you have questions.

IWM – Integrated Waste Management

Multi-Family Residential

1. Current trash and recycling enclosures are situated in underground parking garage and are blocked by handicapped parking stalls.

2. Current layout identifies only single chute in trash rooms. Ensure recycling chutes are provided wherever garbage chutes are provided.
3. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. Additionally, collection cannot be performed in covered or underground locations. All residential projects must be designed¹ such that they will accommodate garbage and recycling collection vehicles and program setout guidelines (http://www.sanjoseca.gov/planning/pdf/dg_residential.pdf). 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 push services and yard trimmings cart collection. For hauler driver safety, push services are limited to at-grade, paved distances. In instances where push services are not available (e.g., hauler driver cannot push containers up or down ramps), the property owner will be responsible for placing solid waste containers in an accessible location for collection.² For questions regarding garbage and recycling collection issues, contact the Recycle Plus Program at (408) 535-3515.
4. The proposed multi-family development must follow the requirements for recycling container space³. All residential developments, where central garbage and recycling containers will serve two or more dwelling units, must have space for the storage and collection of recyclables. This includes the provision of recycling chutes wherever garbage chutes are provided. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures.
5. 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. Additional information may be found at <http://www.sjrecycles.org/business/cddd.htm>. For further information, contact the Commercial Solid Waste Program at (408) 535-3515.

Water Efficiency

Residential

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

- **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) 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.

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

² In accordance with the San Jose Municipal Code, section 9.10 – Solid Waste Management

³ In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

- **Water Conserving Dishwashers** can save several gallons of water per load over conventional dishwashers and typically also save energy.
- **High Efficiency Clothes Washers** are more water-and energy-efficient, using from 35 to 50 percent less water and saving up to 50 percent in energy costs over conventional clothes washers.

Financial incentives may be available for installing various types of residential, commercial, industrial or institutional water efficient appliances or equipment. Contact the Santa Clara Valley Water District for more information and availability.

Call the Santa Clara Valley Water District Water Conservation Hotline at (408) 265-2607 ext 2554 or visit www.valleywater.org.

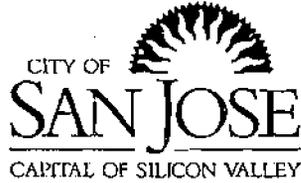
Green Building

Strongly encourage the incorporation of Build It Green's residential green building check list into project design.

- New residences developed on the site shall be designed and constructed to meet the requirements of the *Energy Star*[™] program for new homes. Such residences improve energy efficiency by a minimum of 15% as compared to residences that simply meet the Title 24 requirements. The additional efficiency is typically accomplished through the use of tight construction, energy-saving windows, improved insulation, and super-efficient heating/cooling systems.
- All new buildings shall include a photovoltaic (i.e., solar electric) system on rooftops. An average-sized residential system (2.5 kW) in California produces in excess of 4,000 kWh annually, which equates to 62% of the average electricity demand per residential unit. Commercial systems are generally larger than residential systems and produce commensurately more electricity. (Each square foot of photovoltaic cells produces approximately 10 watts of power in bright sunlight.)
- The project shall use recycled materials to reduce the use of raw materials and divert material from landfills. Construction material used shall be at least 5-10 percent salvaged or refurbished materials, specifically, a minimum of 25-50 percent of building materials shall contain at least 20 percent post consumer recycled content material, or a minimum of 40 percent post industrial recycled content material.
- The project shall use local and regional materials in order to reduce natural resources necessary from transporting materials over long distances. Of the building materials used, 20-50 percent shall be manufactured within 500 miles of the building site.
- The project shall use rapidly renewable materials in order to reduce the depletion of virgin materials and reduce use of petroleum-based materials. Specifically five

percent of total building materials shall be made from rapidly renewable building materials.

- For components of the project where buildings would be made from wood, such as flooring and framing, the project should use a minimum of 50 percent wood-based materials certified in accordance with the Forest Stewardship Council Guidelines (<http://www.fsc.org/index.html>).
- The project shall select materials with volatile organic compound limits set by the SCAQMD Rule #1168.



Memorandum

TO: Rodrigo Orduna

FROM: Nadia Naum-Stoian

**SUBJECT: INITIAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 04/02/07

Re: Plan Review Comments

PLANNING NO: PDC06-085

DESCRIPTION: Planned Development Rezoning from CG Commercial General Zoning District to A(PD) Planned Development Zoning District to allow up to 42 single-family attached residences on a 0.66 gross acre site.

LOCATION: southwest corner of Archer Street and Kerley Drive

ADDRESS: southwest corner of Archer Street and Kerley Drive (90 ARCHER ST)

FOLDER #: 06 022350 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 2/27/07 by Naylor & Chu

Largest building: >66,000 sq. ft.

Construction Type: V1hr-not specified

Occupancy Group: R1/S3

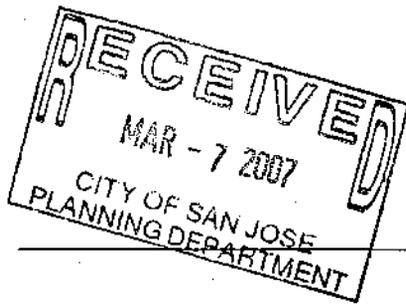
Number of stories: 4 over ½ in ½ out podium garage

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.
The "Fire truck access" shown on Kerley Drive is not a driving access. Show how the maximum 150feet from driving access to any point of the exterior of the building is accomplished.
- b) Every sleeping room below the fourth story –residential occupancy above the podium-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. The maximum angle for laddering is 70deg. from horizontal. Show all pertaining details including landscaping and pavers in relation to rescue window operation.-Make sure all scenarios are covered by the details provided.
- c) Provide a copy of the letter from San Jose Water Co. that indicates the 4500GPM water flow available.

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



Memorandum

TO: Rodrigo Orduna
PBCE Dept.

FROM: David J. Mitchell
PRNS Dept.

SUBJECT: PDC06-085 – APN 235-02-015

DATE: 3-6-07

The above referenced project is a Planned Development Rezoning to allow up to 42 attached residential units on a 0.65 gross acres site located at 90 Archer Street (S/W corner of Archer and Kerley Drive) in CD3.

If the rezoning is approved by the City, the project must then comply with the requirements of the Parkland Dedication Ordinance (PDO). Due to its size of the proposed housing project is under 50 units and per the requirements of both PDO and PIO, the City can only request the Developer to pay the associated park in-lieu fees.

Restricted low, very-low and/or extremely-low income units are exempt from both the PDO and PIO. Developer shall indicate to staff how many units, if any, are restricted as low, very-low and/or extremely-low income units. Developer will need to provide evidence regarding those units meeting the low, very-low and/or extremely-low income units that will be restricted for at least 30 years. A letter of intent from the City Housing Department indicated how many units by income types will be restricted is acceptable to PRNS.

The proposed residential project can provide up to 50% of its total parkland obligation by including private recreational features within the project. Base on the plans provided, PRNS has estimated that 0 residential units would be covered by private recreational features. Please provide 8.5" x 11" exhibits of any private recreational features to be credited under the PDO or PIO and recorded with the parkland agreement.

If the proposed project is approved, and if the project obtains a Plan Development Permit, a Site Development Permit and/or a Tentative Map by July 9, 2007, then the project would be subject to the current fees at 70% of the 2001 land values and would be subject to such fees until January 31, 2009. The PDO In-Lieu Fee are due before the project's final map is approved, or as a condition of the City's approval of the project's final map, the developer can enter into a parkland agreement with the City, which provides for payment of the parkland fees in full, concurrent with the issuance of the building permits, which actual creates the residential units, but no later than one year after the City's approval of the final map. The PIO In-Lieu Fees are due prior to the issuance of the building permit which creates the actual residential units. If the project does not have a Plan Development Permit, a Site Development Permit, and/or a Tentative Map by July 9, 2007, then it will be subject to the fees in effect at the time of payment. If the project obtains a Plan Development Permit, a Site Development Permit, and/or a Tentative Map by July 9, 2007, but has not paid its In-Lieu Fees on or before January 31, 2009, then the project would be subject to the fees in effect at the time of payment.

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

DAVID J. MITCHELL
Parks Planning Manager