COUNCIL AGENDA: 06-05-07
ITEM: 11.4

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 17, 2007

COUNCIL DISTRICT: 1
SNI AREA: N/A

SUBJECT: PDC06-122. PLANNED DEVELOPMENT REZONING FROM CP COMMERCIAL PEDESTRIAN ZONING DISTRICT AND A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 56 SINGLE-FAMILY ATTACHED RESIDENCES, ONE SINGLE FAMILY DETACHED RESIDENCE AND APPROXIMATELY 8,000 SQUARE FEET OF COMMERCIAL USES ON A 4.2 GROSS ACRE SITE

RECOMMENDATION

The Planning Commission voted 6-0-0 to recommend that the City Council approve a Planned Development Rezoning as recommended by staff from CP Commercial Pedestrian Zoning District and A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 56 single-family attached residences, one single family detached residence, and approximately 8,000 square feet of commercial uses on a 4.2 gross acre site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 56 single-family attached residences, one single-family detached residence, and up to 8,000 square feet of commercial uses may be built on the subject 4.2 gross acre site, consistent with the development standards for the subject rezoning. This future development would be subject to a Planned Development Permit.

BACKGROUND

On May 16, 2007, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning.

Staff presented the Commission with some minor revisions to the staff report and proposed development standards. Staff explained that the report stated that the height of the proposed residential structures was approximately 35 feet at the peak of the roof, where in reality the proposed height of these structures was approximately 38 feet. Additionally, the height of the proposed commercial structure was approximately 25 feet at the peak of the roof, and 30 feet at the top of the

architectural element. The development standards as presented to the Planning Commission indicated that maximum height of the commercial building was to be 15 feet. Staff indicated that if the Commission voted to forward a recommendation of approval to the City Council, staff would amend the development standards accordingly.

Staff then presented a conceptual site plan of how the adjacent gas station site on the corner of De Anza Boulevard and Kentwood Avenue could redevelop and be incorporated into the commercial element of the subject project (see attached). This plan could be implemented in the future if the alternative site plan was approved. Staff pointed out several advantages of the commercial element of the alternative site plan. The alternative site plan would allow the building to front towards De Anza Boulevard, which would provide greater visibility for the retail tenants. Furthermore, staff explained that this plan would orient the commercial signage, parking, and activity away from the proposed residences. The potential future build-out of the corner, as illustrated by staff, would also allow the emergency access currently provided in front of the proposed residences next to the proposed commercial building to be eliminated and converted to a large landscaped area.

The representative for the applicant, Jim Sullivan, spoke to the Commission about the proposal. Mr. Sullivan presented to the Commission an overview of the recent development applications on the subject site. He state that approximately two years ago his company had acquired the site and submitted a General Plan Amendment to change the commercial Land Use Designations on the site to residential designations. The General Plan Amendment was approved by the City Council 13 months ago. A community meeting was held during the General Plan Amendment, which was attended by 50 to 60 people attended who expressed concerns regarding the traffic produced by the project, the impact on Cupertino schools, and the loss of retail. Mr. Sullivan explained that subsequent to the approval of the General Plan Amendment, another community meeting was held to present the subject rezoning to the community. Approximately 10 people attended this meeting, and expressed similar concerns regarding the traffic and impact on schools.

Mr. Sullivan then clarified that the proposal was to allow 56 attached townhomes and one single family detached residence. He then stated that the main issue with this rezoning was that the applicant disagreed with staff regarding the orientation of the proposed commercial building. He stated that he had originally tried to buy the entire frontage of De Anza Boulevard between Kentwood Avenue and Highway 85, but was unsuccessful. He did acknowledge that the commercial uses on De Anza were ready for redevelopment. He stated that the gas station that currently occupies the site on the corner of De Anza Boulevard and Kentwood Avenue has a long term lease, and he was not able to buy the owner out of the lease. He then presented a conceptual site plan of how the gas station parcel might redevelop independent of the subject site if the rezoning was approved as requested by the applicant. This plan showed the sites developing independently of each other, while staff's plan showed one integrated development. He stated that while he understood staff's concerns regarding the visibility of the site from De Anza Boulevard, he envisioned that the commercial space would be occupied with low intensity tenants, and that the proposal was not trying to pull traffic off of De Anza with the proposed commercial space. He expressed his company's desire to orient the proposed commercial space towards the residential portion of the site to serve the future residents of this site. Additionally, the residents of the development could informally use the commercial development for additional parking at night.

Commission Kalra expressed concern regarding the distribution of guest parking throughout the site. He stated that the northwest portion of the site lacked access to guest parking. Mr. Sullivan explained that while on-street parking could not be counted toward the required parking ratio per the Residential Design Guidelines, approximately 16 spaces are available on the street in front of the development. Commissioner Kalra suggested that one unit could be eliminated to provide a better distribution of guest parking throughout the site. Mr. Sullivan replied that the project was at 16 to 17 units to the acre, which is at the lower end of their allowed density. Staff explained that they were aware that the parking was not evenly distributed, but the odd shape of the site made it difficult to accommodate ample parking stalls throughout the site. Staff stated that there may be ways to provide a better distribution of parking that could be designed at the PD Permit stage.

Commissioner Zito asked staff if the reason for recommending a 20% reduction in the amount of commercial space was based on the abundance of commercial uses along De Anza Boulevard near the site. Staff replied that the General Plan allows for the reduction of commercial space, and that it was a desire of the applicant to provide less commercial square footage. Staff stated that the surroundings did influence their recommendation on this issue.

Commission Zito had concerns regarding the projected noise levels on the second floor balconies adjacent to the freeway sound wall. Staff stated that short of fully enclosing the decks in plexiglass, there was not feasible attenuation to reduce the noise at the site. Commissioner Zito suggested that the three units closest to the freeway could be eliminated to reduce the noise impacts and provide more open space. He asked if staff would consider this. Staff indicated that they would consider eliminating the units. Acting Deputy Direct Hamilton cautioned the Commission against trying to redesign the project at the hearing.

Commissioner Kalra made a motion to consider the Mitigated Negative Declaration in accordance with CEQA and to recommend that the City Council approve the project as recommended by staff. Commissioner Platten seconded the motion. Commissioner Kalra stated that staff should evaluate the location of the commercial building at the PD permit stage, should better distribute the parking throughout the project, and should orient units to lessen noise impacts on the project.

Commissioner Zito commended the applicant for designing the project with no tandem garages. Commission Jensen stated that she had spoken to business tenants across the street from the site, and was surprised that they were not aware of the project.

The commission voted 6-0-0 to consider the Mitigated Negative Declaration, and recommended approval of the rezoning of the subject property to A(PD) Planned Development to allow up to 57 units, as recommended by staff.

ANALYSIS

The proposed project, as recommended by staff, conforms to the policies and regulations of the General Plan, and is in substantial conformance to the Residential Design Guidelines. The applicant has provided two site plans; one is proposed by the applicant and an alternative plan recommended by staff. The key differences between the two plans are the location and orientation of the proposed commercial building, and the prominence of garage doors within the layout of the residential element of the project. The applicant's proposal would orient the commercial structure away from

De Anza Boulevard, and place the commercial parking directly adjacent to the proposed residences. The alternative site plan would orient the proposed commercial structure toward De Anza Boulevard, which would provide visibility for the retail tenants and provide opportunity for future redevelopment of the site. See discussion in original staff report. At the hearing, the Planning Commission raised concerns over the distribution of guest parking for the development and the project noise levels for open space adjacent to the freeway. They believed that a reduction in the number of units could solve these issues. The Commission, however, voted to recommend approval of the subject rezoning as recommended by staff, which would implement the alternative site plan.

POLICY ALTERNATIVES

Alternative: Approve the proposed Planned Development Rezoning from CP Commercial Pedestrian Zoning District and A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 56 single-family attached residences, one single family detached residence and approximately 8,000 square feet of commercial uses on a 4.2 gross acre site based on the site plan requested by the applicant.

Pros: The number of residential units and commercial square footage is the same as the alternative proposal as recommended by staff.

Cons: The applicant's site design, as noted in this policy alternative would place the proposed commercial building so that it faced away from De Anza Boulevard, creating a less viable and less visible commercial development. Additionally, this proposal would orient the building so that the impacts of parking, lighting, and activity would directly face the proposed residences. Furthermore, the layout of the residential portion of the site allows for higher visibility of less attractive garage doors facades from the main entry drives, and less views of landscaping and open space. The applicant's proposal also provides at least three fewer on-site parking spaces.

Reason for not recommending alternative: The project as recommended by staff is in better keeping with the Residential Design Guidelines, provides a better commercial presence on De Anza Boulevard, and offers the improved redevelopment opportunities for the adjacent site.

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.

A formal community meeting was held for the project on April 10, 2007. A notice of the meeting was sent to all owners and occupants of properties within 1,000 feet of the site. The community raised concerns regarding the impact of the project on schools. Concerns about the traffic were also raised.

A sign was posted at the site to inform the public of the proposed development. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1000 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: ND (Negative Declaration)

JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Mike Enderby at 408-535-7800.

Attachment
Alternate Site Design

cc: Jim Sullivan, Braddock & Logan Services, Inc., 4155 Blackhawk Plaza, Danville, CA 94056
Sue Dillon, Braddock & Logan Services, INC, 1700 The Alameda Suite 210, San Jose, CA 95126

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

STAFF REPORT

P.C. Hearing Date/Agenda Number
5/16/07 Item # 4C

File Number
PDC06-122

Application Type
Planned Development Rezoning

Council District
1

Planning Area
West Valley

Assessor's Parcel Number(s)
359-35-008, -020, -023, -024, -025, -026, -027

PROJECT DESCRIPTION

Completed by: S. Martina Davis

Location: Area generally bounded by Kentwood Avenue, Highway 85 and properties fronting S. De Anza Boulevard

Gross Acreage: 4.2 | Net Acreage: 4.2 | Net Density: 17 DU/AC

Existing Zoning: A(PD) Planned Development& CP Commercial Pedestrian

Existing Use: Commercial retail center

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 57 Single-Family Attached and Detached Residential and 8,000 Square Feet of Commercial Uses

GENERAL PLAN

Completed by: SMD

Land Use/Transportation Diagram Designation
Medium High Density Residential (12-25 DU/AC) &Neighborhood/Community Commercial

Project Conformance:
[☒] Yes [☐] No
[☒] See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SMD

North:	Commercial Center	CP Commercial Pedestrian
East:	Commercial Uses	CP Commercial Pedestrian
South:	Highway 85	N/A
West:	Single-Family Residential	City of Cupertino

ENVIRONMENTAL STATUS

Completed by: SMD

[☐] Environmental Impact Report found complete
[☒] Negative Declaration circulated on 4/24/07
[☐] Negative Declaration adopted on

[☐] Exempt
[☐] Environmental Review Incomplete

FILE HISTORY

Completed by: SMD

Annexation Title: Madera No. 10

Date: December 20, 1956

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

[☒] Approval
[☐] Approval with Conditions
[☐] Denial
[☐] Uphold Director's Decision

Date: 5/4/07

Approved by:
[☐] Action
[X] Recommendation

APPLICANT/OWNER/DEVELOPER

Jim Sullivan Braddock & Logan Services, INC 4155 Blackhawk Plaza Danville, CA 94056	Sue Dillon Braddock & Logan Services, INC 1700 The Alameda Suite 210 San Jose, CA 95126

PUBLIC AGENCY COMMENTS RECEIVED **Completed by: SMD**

Department of Public Works

See Attached

Other Departments and Agencies

NA

GENERAL CORRESPONDENCE

NA

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On November 9, 2006, the applicant, Braddock & Logan Services, Inc., applied for a Planned Development Zoning from A(PD) Planned Development and CP Commercial Pedestrian to A(PD) Planned Development to allow up to 57 residential units and 8,000 square feet of commercial uses on a 4.2 gross acre site. The proposal would rezone 3.43 acres of the site for residential uses, and 0.77 acres for commercial uses.

The site is generally flat, and irregularly shaped. Currently the site is developed with a commercial center, which was developed in the 1970's. To the north of the site, across Kentwood Avenue, is a commercial retail center. To the east of the site exist various commercial uses, including a gas station at the corner of Kentwood Avenue and De Anza Boulevard. To the south of the site is Highway 85, which is separated from the site by an approximately 12 foot high sound wall. To the northwest of the site are existing single family residences.

Project Description

Two site plans are proposed, one of which the applicant prefers (see sheet 3 "Conceptual Site Plan" in the attached plan set), the other of which staff prefers (see sheet 3.1, "Alternate Site Plan" in the attached plan set). Both plans provide 57 residential units and approximately 8,000 square feet of commercial space. Both plans propose 56 townhomes situated in twelve, three-story structures, and one, two-story detached residence fronting on Kentwood Avenue. The townhomes are designed in the "garden townhouse" style, with two car garages accessed off the rear of units, and fronts of units facing each other, and a paseo separating the structures.

The size and appearance of the commercial building is the same in both proposals. Staff believes that the alternative site plan better conforms to the Residential Design Guidelines and the Commercial Design Guidelines, which will be discussed in greater detail in the analysis section of this report.

GENERAL PLAN CONFORMANCE

The subject property has General Plan designations of Medium High Density Residential (12-25 DU/AC) and Neighborhood/Community Commercial. These designations were recently established as a part of public hearings and a City Council decision in 2006. Approximately 0.96 acres of the site are designated Neighborhood/Community Commercial, and the remaining 3.24 acres of the site are designated Medium High Density Residential. The General Plan states:

> "For properties in single ownership that have multiple urban land use designations, the boundary between designations may be an undulating or "wavy" line. When such a boundary occurs on the Land Use/Transportation Diagram it means that some flexibility will be allowed in the location of the designated uses and that the area of each affected land use designation may vary by 20%. The exact location and extent of any land use depicted in such a fashion must be established through the Planned Development zoning process."

The project proposes designating 0.77 acres for commercial uses, which is approximately 80.2% of the commercially designated square footage, and is consistent with the Neighborhood/Community Commercial designation. This designation applies primarily to shopping centers of a neighborhood or community scale, to which this project is consistent in that it proposes a small retail building with several small tenant spaces to serve the adjacent community. The remainder of the site would be designated for residential uses at a density of approximately 17 DU/AC, which is consistent with the General Plan designation of Medium High Density Residential (12-25 DU/AC).

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration circulated on April 24, 2007 indicates that the project will not result in a significant environmental impact when the identified mitigations are implemented. The Mitigated Negative Declaration addressed a multitude of issues such as agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, and utilities and service systems. The sections below highlight the key issues associated with this development. For the purposes of obtaining clearance through a Mitigated Negative Declaration under the California Environmental Quality Act, a project shall not result in significant unmitigated impacts. With the implementation of the proposed mitigation measures, which include, related mitigation for air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise, the project will not have a significant impact on the environment. A more comprehensive accounting of the environmental mitigation measures required as part of this project can be found in the project's Initial Study. The full text of the Initial Study is available online at: http://www.sanjoseca.gov/planning/eir/MND.asp

Noise

State Highway 85 runs along the entire southern perimeter of this site, and contributes to the high existing noise levels at the site. The General Plan Noise Policy 1 states:

> "The City's acceptable noise level objectives are 55 dB DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 dB DNL as the interior noise quality level, and 76 dB DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International Airport the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development."

Based on this policy, a project must mitigate noise to less than 76 decibels to avoid a significant impact under CEQA, however, to meet the intent of the above stated General Plan Policy, the project, given its proximity to a major roadway, must provide open space a noise levels below 65 dB DNL.

An Environmental Noise Assessment was prepared by Illingworth and Rodkin, Inc, on April 4, 2007 to asses the impacts of noise on the development, and recommend mitigation measures to lower the noise to acceptable levels if necessary. The noise analysis concluded that ground-level noise levels in shared common outdoor spaces would be less than 60 dB DNL except in areas between the sound wall and Buildings 1, 3, 4, 9 and 10. In these areas the noise levels would be between 63 and 64 decibels, and no mitigation is feasible to lower the levels to 60 dB DNL or below, given that a sound wall already exists at the property line. Second-story decks on the majority of the buildings would be less than 60 dB DNL, however, certain buildings adjacent to the freeway sound wall would have elevated noise levels. Building 4 would have noise exposure of up to 68 dB DNL on the second-story decks, the balconies of Building 9 would have noise levels up to 63 dB DNL, and levels up to 66 dB DNL would occur on the balconies of Building 10. The noise consultant indicated that any measures to mitigate this sound to 60 or 65 dB DNL on these balconies would effectively enclose them to the point that they would no longer function as open space. Although noise levels on these balconies would be higher than desired, ample amounts of common open space exists elsewhere on the site that meets the noise goal of 60 dB DNL or below.

The noise levels at the exterior of the third story of the buildings adjacent to Highway 85 would be about 76 dB DNL, therefore no open space is proposed on the third story of any of the units. The mitigation measures included in the Mitigated Negative Declaration, and included in the General Development Plan Notes, require special construction techniques to ensure that interior noise levels in all buildings would be below 45 dB DNL, including forced air ventilation and STC rated windows. Given that the project provides adequate commonly accessible open space at 60 dB DNL or below, and given that feasible mitigation does not exist to lower noise levels at the balconies adjacent to the highway, this project complies with the above stated General Plan Policy.

ANALYSIS

The primary issues analyzed as part of this proposal include the project's conformance with the Residential Design Guidelines and the Commercial Design Guidelines. As described in the background section of the report, two site designs have been provided. Each site design includes the same number of residential units and size of commercial space. The "alternative" plan was prepared by the applicant to address staff's recommendations.

Conformance to Residential Design Guidelines

The project proposes a housing type specified as garden townhouses in the Residential Design Guidelines. Additionally, one single family detached residence is proposed on Kentwood Avenue.

Single Family Detached Residence.

The project proposes one single family detached residence which fronts on Kentwood Avenue. This residence is oriented to more or less match the lot pattern of the existing adjacent single family residences. This helps to provide a more subtle transition from the proposed garden townhouse to the existing houses in the neighborhood. The residence has a minimum setback of 15 feet from Kentwood Avenue, which is consistent with the RDG's recommendation of 12 feet. The Guidelines also recommend a 15 foot rear setback, where the project provides 15 feet. The guidelines recommend at least 400 square feet of private open space, where the project provides approximately 700 square feet in the rear yard of the unit. Overall, staff believes that the single family residence meets the provisions in the Residential Design Guidelines, and creates a better interface on Kentwood Avenue between the project and the existing surrounding development. Staff intends to work more closely with the applicant at the Planned Development Permit stage to improve this area of the plan.

Setbacks from adjacent uses.

Setbacks from Kentwood Avenue. Kentwood Avenue has a 60 foot right-of-way, therefore is considered a Major Collector street in the General Plan. The Residential Design Guidelines recommend a 20 foot setback from residential one- and two-story units from collector residential streets. The minimum first and second story setback in the applicant's proposal is 10 feet at the corner of building 5. Only one unit in building 5 would be within the 20 foot setback. Staff feels that due to the irregular shape of the site and curved frontage that this minor setback encroachment is acceptable. Building 6 would be set back approximately 25 feet from Kentwood Avenue, and Building 2 would be set back approximately 35 feet from Kentwood Avenue. The second, alternate site plan would provide a minimum setback of approximately 12.5 feet from Kentwood Avenue at the corner of Building 2, and 16.5 feet at the corner of another unit on the same building. Building 12 would be set back 20 feet from Kentwood Avenue. Generally, the proposed setbacks for the two plans are similar along Kentwood Avenue, however, the alternate site plan does allow for slightly greater setbacks from Kentwood Avenue.

Setbacks from adjacent commercial uses. This section focuses only on the setback from the new units to the existing commercial uses to the east of the site. Discussion of the setback between the proposed commercial structure and the proposed residences is discussed below in the analysis of the commercial component of the site. The Residential Design Guidelines

recommend a setback of 10 feet from one and two story residential structures to "incompatible uses." The applicant's conceptual site plan provides an 8 foot setback from the building to the adjacent commercial properties. The alternate site plan meets the guideline with a 10 foot setback to the adjacent commercial properties. Additionally, the Residential Design Guidelines recommend a 15 foot setback from the third story of residential structures to "incompatible uses." The setback on the applicant's proposal is eight feet to the third story, and the setback on the alternate proposal is 10 feet. Staff believes that this reduced setback is appropriate because the third stories have a reduced square footage, which creates less third story building mass adjacent to the commercial uses.

Setbacks from Highway 85. The Residential Design Guidelines recommend a setback of at least 35 feet from a freeway/expressway to residential structures. The minimum setback provided by the project as proposed by the applicant is 10 feet, at the corner of Buildings 3, 4, 9, and 10. Staff's proposal also provides a minimum 10' setback to the sound wall, at the corner of buildings 3 and 7. Although the actual distance of setback is less than recommended by the RDG's, staff believes that the project complies with the intent of the guidelines for several reasons. First, the project is located immediately adjacent to a freeway on-ramp, so the site is separated from the actual freeway more so than if the on-ramp was elsewhere. Second, the freeway is recessed adjacent to the subject property, creating a more unique situation with regards to noise and visibility. The guidelines recommend a substantial freeway setback to protect residential development from the noise of the freeway, to reduce the visibility of units from the freeway, and to reduce the view of the freeway from the units. In both proposed conceptual site plans, only eight of the 56 townhomes are within the 35' setback, and are situated at such angles from the sound wall as to minimize the visibility of these structures to the freeway. Although the proximity of the units from the freeway contributes to slightly higher than desirable noise levels on the balconies of these units, adequate open space is provided on portions of the site where the buildings provide buffers from the freeway noise. The RDG's allow common open space to extend up to freeway sound walls; however, the sound walls only provide limited noise attenuation, where as the buildings themselves can be constructed to attenuate noise to acceptable levels. Additionally, the proposed design presents multiple buildings when viewed from the adjacent freeway. Staff believes this is superior to a single, long building mass that would likely result if a 35 foot setback from the freeway soundwall were implemented. Therefore, in this case staff would support placing the buildings closer to the freeway than recommended by the RDG's, as doing so would allow more open space elsewhere on site that meets City noise policies.

Setbacks from existing single family rear yards. The Residential Design Guidelines recommend a setback of 20 feet from residential one- and two-story elements to single family rear yards. Both the applicant's proposal and the alternative plan provide the recommended 20-foot setback to the property line of the single family residences. To protect the privacy of the single family yard the RDG's recommend a setback of two feet to every one foot of building height for the third story of residential structures. The buildings are proposed at a height of approximately 39 feet, which would mean a strict interpretation of the guidelines would require a 78 foot setback. The units adjacent to the single family rear yards have been designed to provide a third-story setback 35 feet from the adjacent rear yards. The third stories of these units are laid out so that the master bathroom and closet face the single family rear yards, with only high and/or obscured windows to reduce visibility into the yards. While the floor plan and window layout are designed to protect the privacy of the adjacent single-family rear yards, the roof lines (as shown in the bottom cross section on sheet 5.2 of the attached plans) are designed to appear as two stories,

thereby reducing potential visual impacts of the proposed three-story building mass on adjacent one-story single-family residences. Staff will work with the applicant to further refine this approach at the Planned Development Permit stage. Staff believes that these considerations are adequate to meet the intent of the guidelines to protect the single family rear yards.

The RDG's recommend a setback of at least 25 feet from balconies and decks to single family rear yards. Both plans currently show balconies on the back of the buildings adjacent to the residences with a setback of approximately 15 feet. Staff is recommending development standards that would require the balconies for these units to be provided at the rear of the units, instead of adjacent to the single family rear yards. Staff understands that this would result in smaller balconies for these units, and the development standards are written accordingly because staff believes that protecting the privacy of existing single family yards is more important than providing larger balconies for these units, given that adequate open space exists elsewhere in the development for common use. Further, it may be possible to utilize some ground level area in front of these units as private open space, as it would otherwise just be a pedestrian path between the buildings and the single-family rear yards.

Private and Common Open Space.

The Residential Design Guidelines recommend a minimum of 300 square feet of private open space per unit, and 150 square feet of common open space per unit for garden townhouse style developments. Based on the proposed density and the size of the lot, staff recognizes that every unit will not be able to achieve 300 square feet of private open space, which is generally intended for developments in more suburban settings where mixed with existing single family houses. Both proposals provide private open space of a minimum of 160 square feet per unit, with the exception of the units adjacent to the single family residences, which staff is recommending have smaller balconies on the rear of the units to protect the privacy of the single family rear yards. Furthermore, it may be possible for these units to have additional private open space on the ground floor, which could bring the square footage of private open space up to match that of the units in the rest of the development. Common open space is provided for the project in excess of the RDG recommendations, at a minimum of 170 square feet per unit in both the proposal by the alternative site plans. There are additional open space opportunities on the site that staff will explore at the Planned Development Permit stage, such as the construction of a fire truck turnaround between buildings 9 and 10 instead of providing a general vehicular connection between the new residential units and proposed commercial site.

Parking.

This section focuses solely on the parking for the residential component of the project. Parking for the commercial component is analyzed below, in the Commercial Design Guideline conformance section of this report. The Residential Design Guidelines recommend 2.6 on-site parking spaces per unit for three-bedroom garden townhouse units with two car side by side garages. For the garden townhouse product type, the guidelines specify that on street parking cannot be counted toward the required parking. The 56 garden townhouses therefore would have to provide 146 parking spaces on-site per the RDG recommendations. Both proposals provide 112 of the required spaces in the two car garages of each unit. The applicant's proposal provides an additional 28 spaces on-site, which is short of the recommendation of the guidelines by 6 spaces. The alternative that staff is recommending provides 31 on-site parking spaces, which is only short of the recommendation of the guidelines by 3 spaces. Staff believes that both

proposals are adequate in that on-street parking is also available for this development in front of the project site.

Dominance of Garage Doors.

Garden townhouses are differentiated from rowhouses (another form of townhouse) in that the garages are on the opposite side of the building as the pedestrian entrances and front porches. With a garden townhouse design there is usually a very articulated and well landscaped "front" side of the building designed for primary visibility and pedestrian circulation contrasted by a decidedly vehicular-oriented side which is typically far less detailed and articulated with minimal landscaping and overall dominance of garage doors. In recognizing the quality differences that the two sides of the buildings offer, the City has strived to facilitate site designs that minimize the public exposure to the "less attractive," vehicular-oriented sides of the building. This is largely accomplished when the site plan provides a layout whereby a visitor can drive to, park within and/or walk to the unit entrances of the project without seeing a procession of garage doors.

The project as proposed by the applicant provides a layout where garage doors are the prominent feature of the development from main vehicular and pedestrian circulation areas of the site. The entry drive of the residential portion of the building is consistently fronted by the "less attractive" side of the buildings. The alternative site design provides a more attractive main entry drive; the large Monterey Pine tree that is to be preserved on the site is adjacent to the main entry, and garage doors do not face the main entrance to the site. Additionally, the main entry terminates at the south of the site in a large open space area, which provides an attractive view down the drive from Kentwood Avenue. Staff believes that both a pedestrian and driver entering the site would encounter a much more appealing development with the alternate site plan. Similarly, visibility of garage doors from Kentwood Avenue is significantly limited with the alternate proposal versus the applicant's proposed conceptual site plan.

<u>Analysis of the Commercial Component of the Project</u>

Parking

Both the proposal by the applicant, and the alternative site plan provide a 7,989 square foot commercial building, conceptually shown with eight tenant spaces. The development standards recommended by staff require parking per Table 20-190 of the Zoning Ordinance. Table 20-190 requires one parking space per 200 net square feet of floor are for retail uses, which would generate a requirement of 33 parking spaces for the proposed retail building. The applicant's proposal provides 40 on-site parking spaces, and the alternative proposal provides 38 on-site parking spaces for the commercial building. Two additional parking spaces could be provided if the vehicular circulation between the proposed residential and commercial uses was eliminated. Both plans not only meets the minimum requirement for retail uses per Table 20-190, but provides additional parking to accommodate more parking intensive uses, such as public eating establishments, that may occupy the tenant spaces.

Location and orientation of commercial building

A key difference between the conceptual site plan as proposed by the applicant and the alternate site plan is the location and orientation of the proposed commercial building. The applicant has proposed the building at the northeast portion of the site, perpendicular to Kentwood Avenue. The rear of the building would face the adjacent carwash and gas station, and the front of the retail building and retail parking lot would be adjacent to the residential component of the site.

Except for the end unit tenant space, the new retail tenants would have no visibility from De Anza Boulevard. The Sign Ordinance would not permit signs on the backside of the building. Additionally, the rear of the building would be highly visible to De Anza Boulevard. The siting of the building under this proposal would also place the trash enclosure near the front of several proposed units.

The alternate site plan has the building and parking locations exchanged, so that the rear of the building is adjacent to the proposed residences, and the proposed parking lot is adjacent to the existing car wash and gas station. This alternate proposal has several advantages, conforms better with the recommendations of the Commercial Design Guidelines, and provides better retail exposure.

The first advantage is that the front of the building in the alternate proposal would be highly visible from De Anza Boulevard, which would make the tenant spaces more viable. The photos attached to this report illustrate the visibility of the site from De Anza Boulevard, the car wash on the corner provides little screening of the site from the street.

The second advantage of the alternate proposal is that it would lessen the impacts generated by the proposed commercial portion of the site to the proposed residences. The Commercial Design Guidelines recommend that "loading areas, access and circulation driveways, trash, and storage areas and rooftop equipment should be located as far as possible from adjacent residences and should never be located next to residential properties without fully mitigating their negative effects." The alternative proposal would provide protection to the proposed residences from negative impacts of the commercial development, such as noise, visibility of the residences by patrons of the business, and trespassing into the residential portion of the site. Siting the building adjacent to the residences forms a visual and acoustical barrier between the proposed residential and commercial uses. The side of the building adjacent to the residences would be an inactive façade, with no doors, windows, openings, or activity permitted. Additionally, the Commercial Design Guidelines state "adjacent residential and non-residential uses should be as segregated as is necessary to maintain a livable residential environment, by employment of masonry walls, landscaping berms, building orientation, and activity limitations." Orienting the rear of the building adjacent to the residences provides greater security and privacy for the residential development. The alternative proposal orients the commercial activity away from the residential units and common open space to ensure that the privacy of these units is protected.

The third advantage of the alternate proposal is that it would better accommodate redevelopment of the adjacent gas station property in a manner that can be better integrated with the subject commercial building. The Commercial Design Guidelines recommend that "development of land in cooperation with owners of adjoining properties is encouraged where parking, driveways, or plazas can be shared." At this time there is no interest of the adjacent property owner in redeveloping, however, if the adjacent gas station property to the east were to redevelop, the

alternative site plan allows for integration of the two sites, while the applicant's conceptual site plan does not. Redevelopment of the adjacent gas station in conjunction with the alternative site plan would create one larger and more efficient commercial development, instead of the piecemeal development that would occur if the applicant's proposal was implemented.

Conclusion

The alternate site plan proposal better conforms to the intent of the Residential Design Guidelines and the Commercial Design Guidelines in that it provides additional parking, greater privacy for the residential development and a more attractive entry drive, both internally and from the public right-of-way. Siting the commercial building adjacent to the proposed residences creates more privacy and a safer environment for the residences, moves the proposed trash enclosure further away from the proposed residences, allows the commercial building to front toward De Anza Boulevard where visibility and exposure are maximized, and facilitates future redevelopment of the parcel on the south west corner of De Anza Boulevard and Kentwood Avenue. The alternative site plan provides numerous benefits over the applicant's conceptual site plan and should the project be approved.

PUBLIC OUTREACH

A community meeting was held by the applicant on April 10, 2007 at the site. Approximately ten members of the community attended the meeting, as well as a staff planner from the City of Cupertino. Project-related comments included concerns regarding impacts on local schools from the project, project related traffic increases, and the impacts of the proposed residences on the adjacent single family houses on Kentwood Avenue. Both proposed site plans were available for review at the meeting.

Signage has been posted at the site to notify the neighbors and public of the proposed rezoning. Notices of the public hearing before the Planning Commission and City Council were published in the San Jose Post Record, posted on the City of San Jose website and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. A notice indicating the public review period of Draft Mitigated Negative Declaration (MND) for the project was also mailed to property owners and tenants within 1,000 feet of the project site. Both the MND and copies of this staff report were posted on the City web site. Staff has been available to discuss the project with members of the public.

RECOMMENDATION

Staff recommends approval of the project as recommended by staff and implementation of the alternative site plan for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation of Medium High Density Residential (12-25DU/AC) and Neighborhood/Community Commercial.

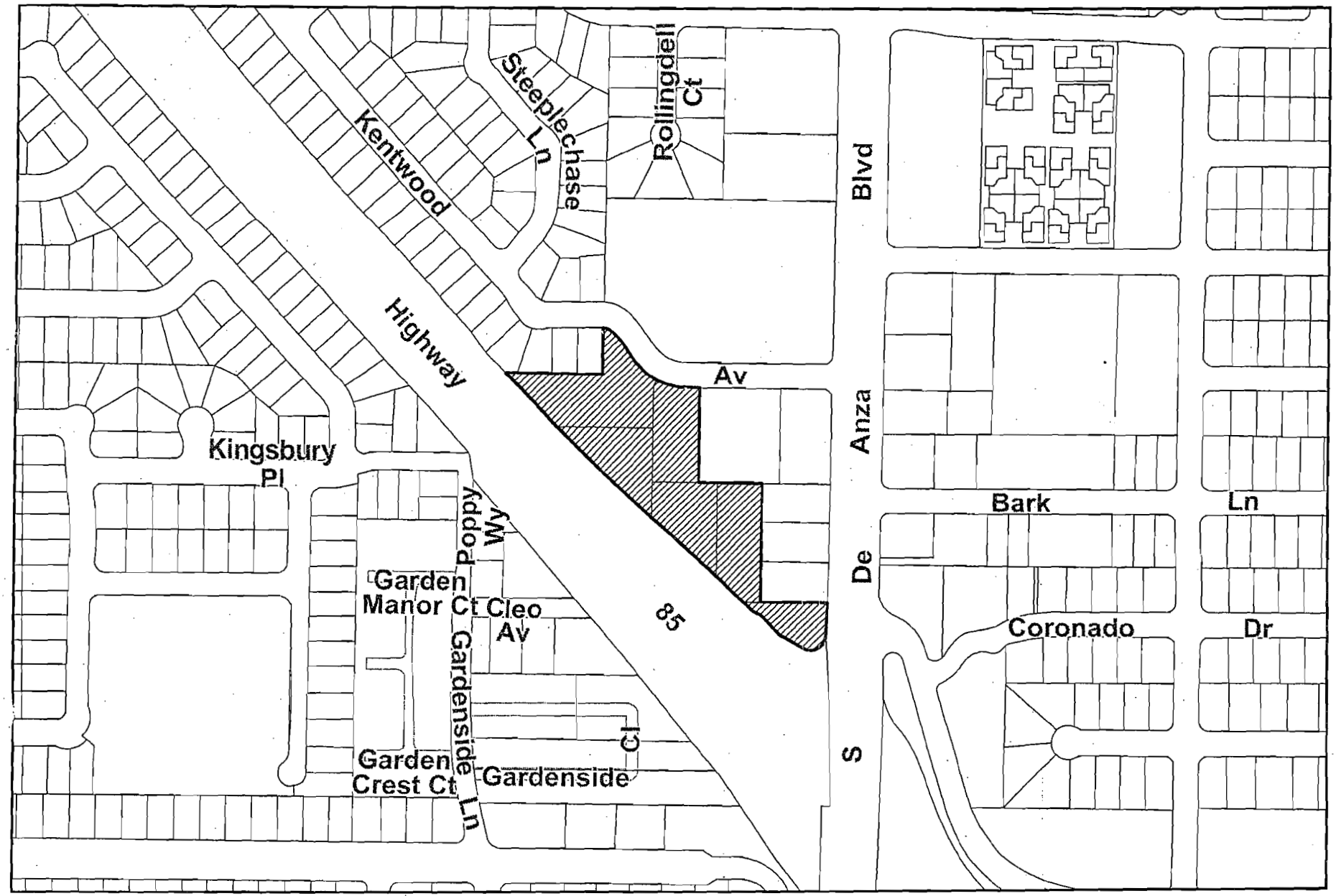
2. The project as recommended by staff is compatible with the surrounding land uses.

3. The proposed alternative site plan substantially conforms to applicable policies of the City's Residential Design Guidelines and Commercial Design Guidelines, to a better extent than the conceptual site plan as proposed by the applicant.

4. The proposed project conforms to the requirements of CEQA.

Attachments:
Location Map
Development Standards
Photos of Site
Public Works Final Memo

cc: Jim Sullivan, Braddock & Logan Services, Inc., 4155 Blackhawk Plaza, Danville, CA 94056



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Scale: 1"= 300'
Noticing Radius: 600 feet

File No: PDC06-122

Council District: 1

Quad No: 96

PDC06-122
Draft Development Standards:

Residential:

Permitted Uses: Those permitted uses of the RM Multi-Family Residence Zoning District, as amended. Conditional and Special uses of the R-M Multi-Family Residence Zoning District are allowed with the issuance of a Planned Development Permit.

Performance Standards: Performance Standards are per Part 7 of Chapter 20.30 of the San Jose Municipal Code, as amended.

Proposed Number of Units:	Up to 56 Attached Dwelling Units and 1 Single Family Detached Unit
Required Setbacks (In Feet):	North (Kentwood Avenue): 12.5 foot minimum Northwest (Single Family Residences): - 20 feet for one- and two-story building elements of single-family attached residences - 25 feet for second-story balconies or decks - 35 feet for third story building elements of single-family attached residences - 5 feet minimum for side setback of single-family detached South (Highway 85): 10 feet minimum West (Existing Commercial Businesses): 10 feet
Private Open Space (Square Feet):	Private open space can be provided through a combination of porches, patios, decks and balconies to the satisfaction of the Director of Planning, Building and Code Enforcement. Single-Family Attached: Min. 160 per unit Single-Family Detached: Min. 400 per unit
Common Open Space (Sq. Feet):	Single-Family Attached: Min. 170 per unit Single-Family Detached: None required.
Building Height (Feet/Stories)	35 feet/3 stories
Parking Required:	Single-Family Attached: 2.55 on-site spaces per 3-bedroom unit. Each unit must provide 2 garage

spaces in a side-by side configuration to utilize the 2.55 spaces per unit ratio.

Single-Family Detached: 2 spaces in garage.

Alternative bedroom counts or parking configurations for the attached units shall provide parking in accordance with the garden townhouse specifications in the Residential Design Guidelines

Minor architectural projections: Minor architectural projections such as fireplaces and bay windows, may project into any setback or building separation by up to 2 feet for a length not to exceed 10 feet or 20 percent of the building elevation length.

Cantilevers and/or balconies may project up to two feet into the site setback area, subject to discretionary approval by the Director of Planning, Building and Code Enforcement.

Porches and stairs can project into required setbacks subject to discretionary approval by the Director of Planning, Building, and Code Enforcement.

Common area maintenance: A homeowners association (or similar mechanism) shall be established to maintain the common areas within the project.

Commercial:

Permitted Uses: Those permitted uses of the CN Commercial Neighborhood Zoning District, as amended. Conditional and Special uses of the CN Commercial Neighborhood Zoning District are allowed with the issuance of a Planned Development Permit, which is subject to the discretion of the Director of Planning, Building and Code Enforcement.

Performance Standards: Performance Standards are per Part 6 of Chapter 20.40 of the San Jose Municipal Code, as amended.

Required Setbacks:	North (Kentwood Avenue): 8 feet to building 15 feet to parking East (gas station): 5 feet to parking/circulation 65 feet to building South: 5 feet to parking and building West (residential development): 3' to building
Building Height:	15 feet/1 story
Parking Required:	Parking shall be provided per Table 20-190 of the San Jose Municipal Code, as amended.

Private infrastructure to meet or exceed public improvement standards.

Water Pollution Control Plant Note: 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 uses 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 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.

Tree Removals: Trees removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed		Minimum Size of Each Replacement Tree
	Native	Non-Native	
18 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
x:x = tree replacement to tree loss ratio **Note:** Trees greater that 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.			

The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

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 implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage

Environmental Mitigation Measures:

I. BIOLOGICAL RESOURCES –

a. Active Raptor Nests: If possible, construction should be scheduled between September and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between

January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading or building permit.

II. GEOLOGY AND SOILS –

a. Existing or Undocumented Fill: After demolition of any remaining foundations or subsurface facilities (leach fields, septic tanks, etc.), the site shall be observed for its suitability to receive engineered fill materials or to be used as foundation soils; site materials of up to 3 to 4 feet shall be subexcavated prior to placement of engineered fills, if required.
b. SR 85 Retaining Walls: A setback of 10 feet from the SR 85 retaining wall or a 1:1 (horizontal:vertical) line of projection extending upwards from the toe of the wall shall be maintained for habitable structures; landscape retaining walls may be closer as long as they are constructed independently of the townhouses.
c. Expansive Soils:
    i. Post-tensioned structural mat foundations shall be utilized in any residences subjected to expansive soils movement.
    ii. The retail building shall be founded on continuous strip and isolated spread footings combined with a slab-on-grade floor; the building pad shall be subexcavated to a depth sufficient to provide at least 12 inches of engineered fill below the base of the footings.
    iii. Drainage shall be controlled and directed away from the structures and pavements.

III. HYDROLOGY AND WATER QUALITY –

a. Construction: A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMPs) such as the use of infiltration of runoff

onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.

b. Post-Construction
    i. The project shall incorporate the following site design, source control, and treatment measures to minimize the discharge of stormwater pollutants and limit the volume, velocity and duration of runoff:
        1. Hydraulically-sized bioswales or other landscaped-based BMPs shall be incorporated into the stormwater drainage design.
        2. Roof drains shall discharge and drain into landscaped areas located away from the building foundation to an unpaved area wherever possible.
        3. A Continuous Deflective Separation (CDS) or equivalent mechanical unit to treat stormwater flows shall be installed near the outfall of the storm drainage system.
    ii. A maintenance and monitoring program shall be finalized at the PD Permit stage to the satisfaction of the Director of Planning.
    iii. The maintenance and monitoring program shall be implemented to ensure that all stormwater treatment BMPs will be permanently maintained by the Homeowners' Association (HOA) for the life of the development, to the satisfaction of the Director of Planning.

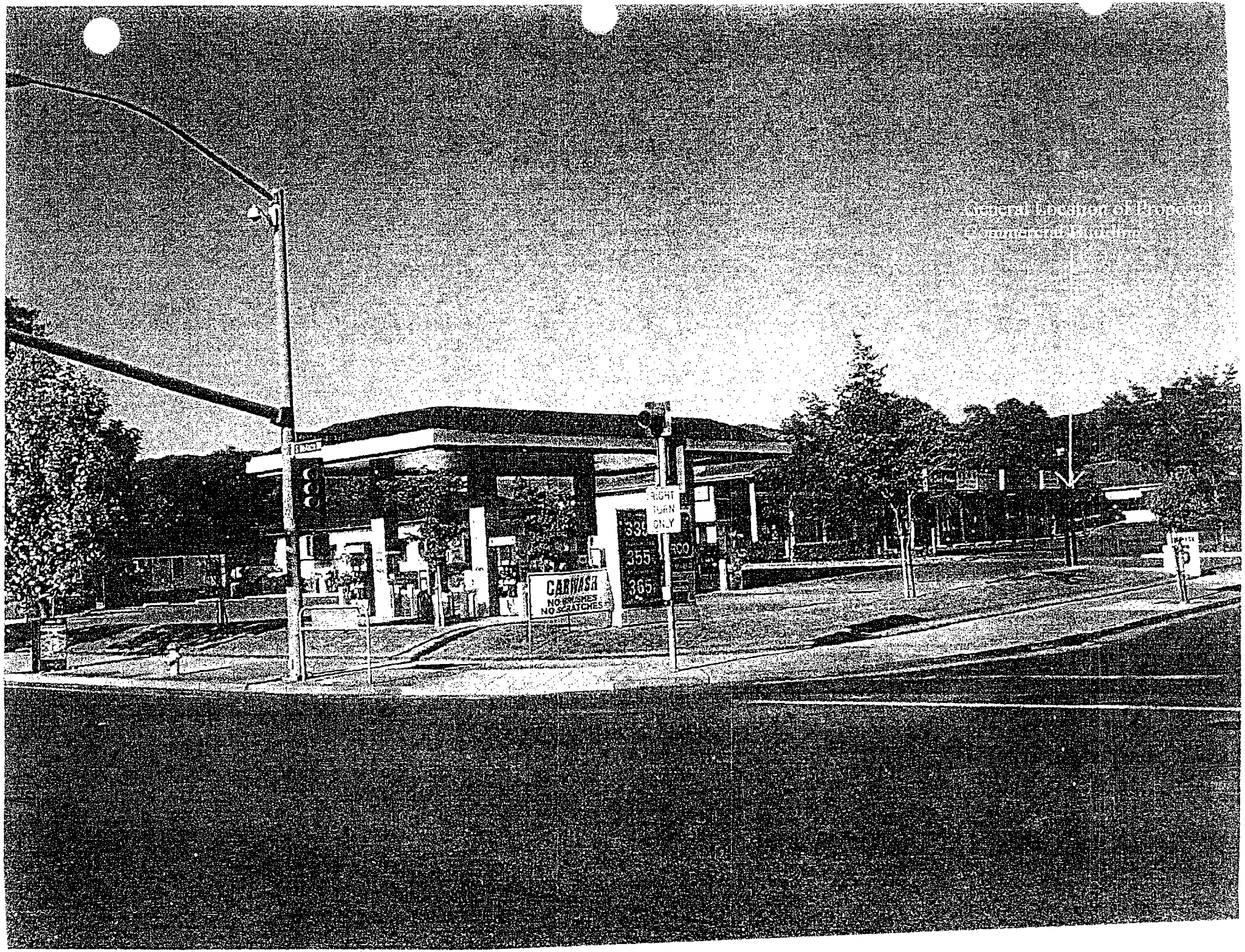
IV. NOISE –

a. Exterior Noise
    i. An 8-foot-high noise attenuation barrier shall be constructed along the easterly site boundary from Cleo Avenue to where it intersects the retail building.

b. Interior Noise
    i. Windows and sliding glass doors shall be maintained closed and STC 26 or higher rated windows and doors shall be installed at second-floor living spaces nearest to, and oriented towards, SR 85, as required.
    ii. Windows and sliding glass doors shall be maintained closed and STC 37 or higher rated windows and doors shall be installed at all third-floor living spaces nearest to, and oriented towards, SR 85.
    iii. All units shall be equipped with forced-air mechanical ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 dB DNL.
    iv. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all

units to ensure that interior noise levels can be sufficiently attenuated to 45 dB DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.

c. Temporary Construction Noise
   i. Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite 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.
   ii. Solid plywood fences shall be constructed around construction sites adjacent to residences or noise-sensitive land uses.
   iii. The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
   iv. Stationary noise-generating equipment shall be located as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise-sensitive receptors, such as residential uses.
   v. Unnecessary idling of internal combustion engines shall be prohibited.
   vi. All adjacent businesses, residences and noise-sensitive land uses shall be notified of the construction schedule in writing; and a disturbance coordinator, responsible for responding to complaints about construction noise shall be designated. The name and telephone number of the disturbance coordinator shall be posted at the construction site and made available to the businesses, residences and noise-sensitive land uses adjacent to the site.


General Location of Proposed
Commercial Center
RIGHT
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NO SCRATCHES
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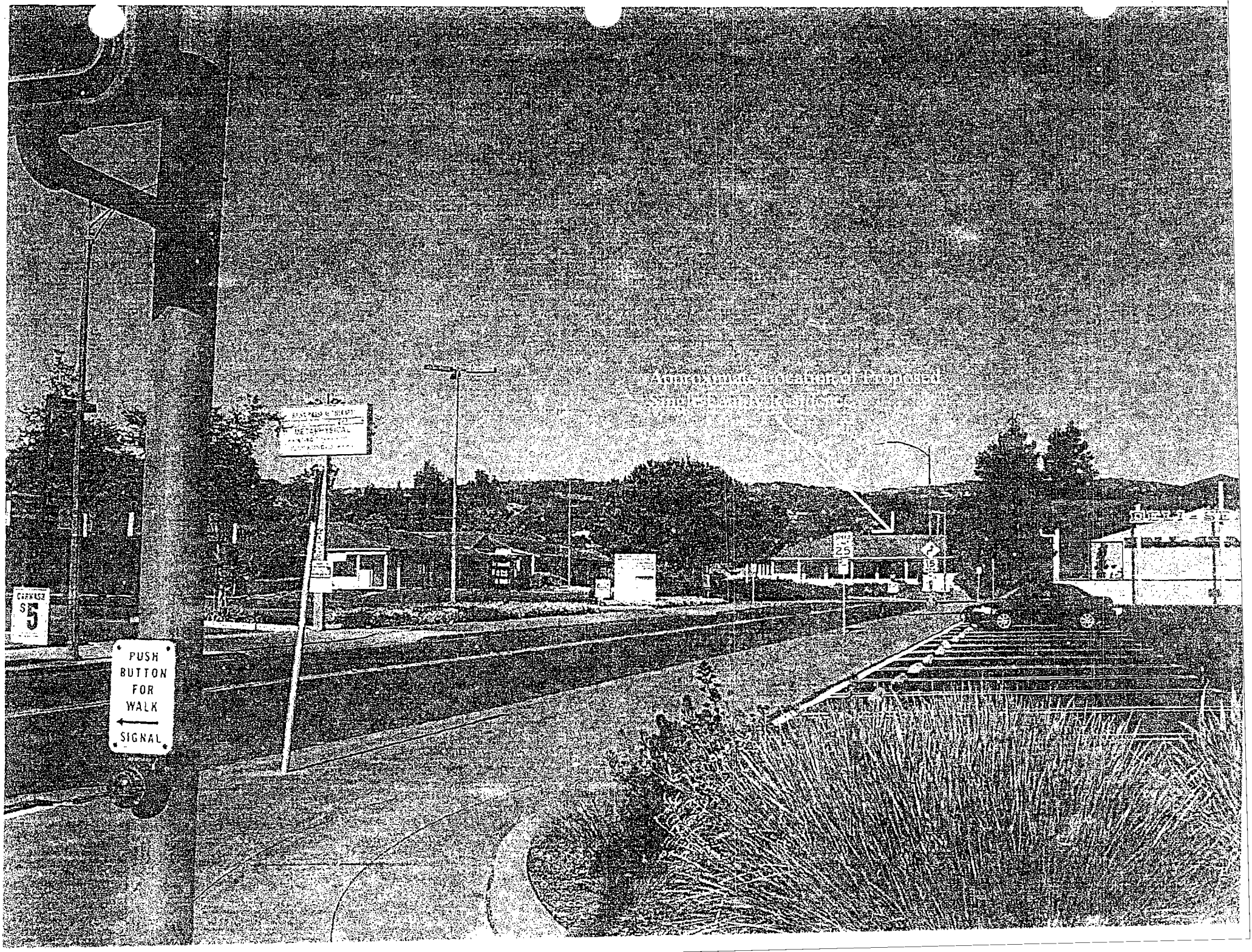
5
PUSH
BUTTON
FOR
WALK
SIGNAL
25

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Martina Davis
Planning and Building

FROM: Michael Liw
Public Works

SUBJECT: **FINAL RESPONSE TO DEVELOPMENT APPLICATION**

DATE: 05/08/07

PLANNING NO.:	PDC06-122
DESCRIPTION:	Planned Development Rezoning from CP Commercial Pedestrian Zoning District and A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow 1 single-family detached residence, 56 single-family attached residences and approximately 8000 sq.ft. commercial uses on a 4.2 gross acre site
LOCATION:	Area generally bounded by Kentwood Avenue, Highway 85 and S. De Anza Blvd
P.W. NUMBER:	3-16932

Public Works received the subject project on 04/30/07 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 trip generation associated with this proposal was found to be minimal due the existing land use trip generation credits. Therefore, this project is in conformance with the City of San Jose's Level of Service (LOS) policy and no further LOS analysis is required.

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) A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.

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 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. **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.

6. **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.

7. **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) Proposed driveway width to be 26'.

e) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.

f) 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.

8. **Complexity Surcharge (In-Fill)**: This project has been identified as an in-fill project. 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.

9. **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 5' in residential areas.

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.

10. **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.

11. **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.

12. **Referrals**: This project should be referred to the California Department of Transportation(CalTrans).

Please contact the Project Engineer, Mirabel Aguilar, at (408) 535-6822 if you have any questions.

Michael Liw
Senior Civil Engineer
Transportation and Development Services Division

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