COUNCIL AGENDA: 06-05-07
ITEM: 11.8

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: 6
SNI AREA: N/A

SUBJECT: PDC07-001. PLANNED DEVELOPMENT REZONING FROM THE R-1-8 RESIDENTIAL DISTRICT TO THE A(PD) PLANNED DEVELOPMENT DISTRICT TO ALLOW UP TO 12 SINGLE-FAMILY DETACHED RESIDENCES, LOCATED ON THE WEST SIDE OF DENT AVENUE, APPROXIMATELY 500 FEET NORTH OF KOOSER ROAD, ON A 1.56 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 6-0-0 to recommend that the City Council approve the proposed Planned Development Rezoning from the R-1-8 Residential District to the A(PD) Planned Development District to allow 12 single-family detached residences on a 1.56 gross acre site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, 12 single-family detached residences may be built on the subject 1.56 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. The applicant, Josh LoBue, was present to answer questions regarding the project.

Commissioner Zito asked for clarification why the project was of exceptional design in order to justify the use of the Two-Acre Rule in order conform to the General Plan when the lots sizes, setbacks and frontages are smaller than what is allowed by conventional residential zoning districts and the Subdivision Ordinance.

Staff responded that the Two-Acre Rule Discretionary Use Policy allows the higher density since the project is of exceptional design and is compatible with the surrounding uses. The site design

incorporates unique design features such as share driveways that tuck the two-car garages out of sight from the private drive, allowing for a friendly pedestrian interface and enables more landscaping along the new street while maintaining appropriate setbacks next to existing houses.

At the hearing, the Planning Commission praised the project for its excellent design and proper use of the Two-Acre Rule Discretionary Use Policy.

Commissioner Kamkar stated that the project was of exceptional design and commended the applicant for not increasing the number of units in order to maintain a good site design.

Commissioner Zito made a motion to recommend approval of the project to City Council.

Commissioner Kalra added that the project will be a good addition to the neighborhood.

The Planning Commission voted 6-0-0, to consider the Negative Declaration, and recommend approval of the rezoning with of the subject property to A(PD) Planned Development to allow up to12 units, as proposed by staff.

ANALYSIS

The proposed project conforms to the Two-Acre Rule Discretionary Use Policy, in that it is of exceptional design and is harmonious with the existing neighborhood development. See original staff report for additional discussion.

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. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 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) adopted on May 15, 2007, under File No. PDC07-001.

JOSEPH HORWEDEL, SECRETARY
Planning Commission

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

cc: Josh LoBue, % Rockwell Homes, 1202 Meridian Ave., San Jose, CA 95125

CITY OF SAN JOSÉ, CALIFORNIA
Planning, Building & Code Enforcement
Plan Implementation Division
200 East Santa Clara Street
San Jose, CA 95113-1905

STAFF REPORT

Hearing Date/Agenda Number
PC 5/16/07 Item: 4d
CC 6/05/07 Item:

File Number
PDC07-001

Application Type
Planned Development Rezoning

Council District: 9

Planning Area
Cambrian/Pioneer

Assessor's Parcel Number(s)
569-13-086

PROJECT DESCRIPTION — Completed by: Avril Baty

Location: 5331 Dent Avenue (west side of Dent Avenue approximately 500 feet north of Kooser Road)

Gross Acreage: 1.56 | Net Acreage: 1.56 | Net Density: 9.0 DU/AC

Existing Zoning: R-1-8 Single Family Residence | Existing Use: Child Day Care Center

Proposed Zoning: A(PD) Planned Development | Proposed Use: Up to 12 single-family detached residential units

GENERAL PLAN — Completed by: AB

Land Use/Transportation Diagram Designation
Medium Low Density Residential (8.0 DU/AC)

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

SURROUNDING LAND USES AND ZONING — Completed by: AB

North:	Single-family residence	R-1-8 Single-Family Residence
East:	Single-family residence	R-1-8 Single-Family Residence
South:	Multi-family residence	A(PD) Planned Development
West:	Single-family residence	R-1-8 Single-Family Residence

ENVIRONMENTAL STATUS — Completed by: AB

[☒] Negative Declaration circulated on April 24, 2007

[☐] Exempt
[☐] Environmental Review Incomplete

FILE HISTORY — Completed by: AB

Annexation Title: Kooser No. 7-A | Date: 12/7/1959

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

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

Date: 5/7/07

Approved by: [signature]
[☐] Action
[☒] Recommendation

OWNER/APPLICANT/ DEVELOPER

WL Group, LLC
1202 Meridian Ave.
San Jose, CA 95125

Josh LoBue
% Rockwell Homes
1202 Meridian Ave.
San Jose, CA 95125

UBLIC AGENCY COMMENTS RECEIVED	Completed by: AB

Department of Public Works
Please see attached memorandum.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On January 3, 2007, the applicant, Josh LoBue of Rockwell Homes, filed an application for a rezoning from R-1-8 Single-Family Residence to A(PD) Planned Development to allow up to 12 single-family detached residences on a 1.56 gross acre site. A Planned Development Rezoning is required because the developer proposes to subdivide and develop the property in a configuration that is not supported in any of the City's conventional residential zoning districts. Specifically, the project proposes lot sizes, frontages and setbacks that are smaller than what is allowed by conventional residential zoning districts and the required City's Subdivision Ordinance (Title 19).

The project site is located on the west side of Dent Avenue, approximately 500 north of Kooser Road. The subject site is currently developed with a child day care center, which was previously a church. Surrounding land uses include single-family detached residences to the north, east and west. Multi-family attached residences are developed on the adjacent properties to the south.

Project Description

The proposed zoning would facilitate development of the existing 1.56-acre site to allow up to 12 single-family detached residences. Two of the proposed units would be oriented towards Dent Avenue. The ten other units would be oriented towards the proposed private street. All units would be two stories and would have two-car attached garages that would be accessed off driveways shared by up to two units. The units would range in size from 2,500 to 2,800 square feet. A minimum of 500 square feet of private open space, in the form of a fenced rear yard, would be provided for each unit. Guest parking would be provided on the private street or off the shared driveways.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for the project and a Negative Declaration was circulated for public review by the Director of Planning on April 24, 2007. The Director of Planning, Building and Code Enforcement intends to adopt said Negative Declaration on May 15, 2007. The primary issues that were addressed in the environmental review were air quality due to temporary construction impacts and noise related impacts due to construction noise. An acoustical consultant confirmed that existing ambient noise levels at the site were within residential thresholds for General Plan conformance. No significant environmental impacts are anticipated from the project, therefore no mitigation would be required.

GENERAL PLAN CONFORMANCE

The subject property has a land use designation of Medium Low Density Residential (8.0 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed development at 10 DU/AC is not consistent with this designation. However, the Discretionary Alternate Use Policy entitled Two-

Acre Rule allows parcels with a residential land use designation to be developed at a higher or lower density range provided that such units are compatible with surrounding uses and the project has an exceptional design.

The slightly higher density for the project site is determined to be acceptable based on its compatibility with surrounding land uses. The project maintains the existing pattern of single-family residences that front Dent Avenue. The mass of the proposed residents matches that which is allowed by right on the adjacent properties zoned R-1-8 Single Family Residence. The project proposes a density that is between the higher and lower densities that are existing at the adjacent properties, bridging the density gap in the neighborhood, by providing a lower density product on a higher density subdivision pattern.

This project, as proposed under this policy, is of exceptional design in that the site includes a unique unit design that incorporates a shared driveway/parking court for two adjoining units. This design screens the garage doors from the street, minimizes repetitive driveways in the front setback and allows for better continuity of the front setback landscaping. The innovative design provides a street cross section that include street tree pop-outs and a good amount of street parking in a manner that is not overly dominant.

As discussed in the analysis section, the project meets or exceeds all Residential Design Guidelines standards.

This proposal is also in conformance with the General Plan Residential Land Use Policies in that 1) the land to be used for the future development will be fully and efficiently utilized to maximize the potential to add to the housing stock, 2) the project is integrated with the surrounding uses to blend in with the neighborhood, 3) consistent architectural themes have been integrated into the design, and 4) the building scale does not overwhelm the neighborhood. The project conforms to the General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, and the Growth Management Major Strategy, which encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services.

ANALYSIS

The proposed Planned Development Rezoning would facilitate development of an underutilized parcel into twelve single-family detached units on individual lots. The primary issue associated with the proposed project is conformance with the Residential Design Guidelines with regards to site design, setbacks, open space, parking and architecture.

Site Design

The site design orients the buildings in such a manner as to face onto Dent Avenue or the private street. All garage doors are effectively hidden from view from the street by use of an innovative paired parking court design. The private street is well landscaped on both sides. Porches and front doors are visible and easily accessed from the common areas. Decorative paving and other subtle features, such as arched windows and concrete tile roofing, create a cohesive and complementary design to strengthen the appearance of the site. All areas not covered by buildings, streets, driveways or parking would be landscaped.

Setbacks

This project conforms to the standards set forth for single-family residential development as recommended in the City's Residential Design Guidelines. It is the intent of the guidelines to promote the

development of new residences that will blend into the existing surroundings as well as protect the adjacent residences from negative impacts. In general, sensitive interfaces are considered to be those areas where a new development will have a direct visual impact or affect quality of life of adjacent properties and/or residents.

The project will be adjacent to single-family residences on the west and north sides. The Residential Design Guidelines generally recommend a 20-foot setback for two-story development when adjacent to single-family rear yards. Along the western property line, 20 feet of setback is proposed. Along the northern property line, the setback would be 15 feet, except for those proposed lots adjacent to single-family rear yards. Those proposed lots, Lot 3 and Lot 5, would have a 15-foot setback for the first floor and a 20-foot setback for the second floor, as consistent with the Residential Design Guidelines. It should be noted, that the units adjacent to the northerly property line are separated by 22 to 30 feet in several instances which greatly exceeds the typical 10 foot side yard separations that would most likely be provided with a typical R-1-8 single-family subdivision. This will provide a much better sense of openness as viewed from the adjoining property. Along the southern property line, adjacent to multi-family residences and associated parking structures, the proposed setback is 15 feet for both the first and second story. Again, this is consistent and/or exceeds the Residential Design Guideline recommendations.

Parking

The Residential Design Guidelines state that for single-family detached projects, two covered spaces per unit plus one additional off-lot parking space within 150 feet of each unit should be provided. For units that do not provide individual driveway aprons of suitable lengths to park at least one car, there must be 1.3 additional parking spaces per unit.

The table below shows a breakdown of unit types, parking ratios and parking required:

10 4-bedroom units, no driveway apron	3.3	33
2 4-bedroom units, with driveway apron	3.0	6
Total		**39**

Based on the ratios in the Residential Design Guidelines, 39 parking spaces are required, whereas a total of 40 spaces are proposed. There would be 24 parking spaces provided in the attached, two-car garages, and an additional 16 parking spaces would be located in the parking bays off the shared driveways and along the private street. Further, the Residential Design Guidelines state that on-street parking can count towards meeting the minimum Residential Design Guideline parking recommendations, and an additional four spaces could be utilized if parking along Dent Avenue was included.

Architecture & Massing

This project consists of twelve two-story, detached single-family dwellings. The subject site is located within an area that is predominately a single-family detached residential neighborhood. The proposed design is compatible with the existing development that has occurred along this area, because it mimics the existing pattern of development in the immediately surrounding area. Additional design and detailing will be evaluated at the Planned Development Permit stage.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. A sign was posted on-site to notify neighbors

of the proposed development. 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.

RECOMMENDATION

Planning staff recommends approval of the proposed Planned Development Rezoning for the following reasons:

1. The proposed project is consistent with the San Jose 2020 General Plan Land Use/Transportation with the application of the Discretionary Alternate Use Policy Two-Acre Rule and supports several of the General Plan goals and policies as well as major strategies, including housing and growth management.

2. The proposed zoning is compatible with existing uses on the adjacent and neighboring properties.

3. The proposed project is in conformance with the Residential Design Guidelines.

Attachments:
Location Map
Development Standards
Negative Declaration
Reduced Plan Set
Final Public Works Memo

PDC07-001
GENERAL DEVELOPMENT PLAN NOTES

The following notes are to be incorporated on the final General Development Plan upon City Council Approval. These notes shall reflect the modifications, if any, recommended by the Planning Commission and shall replace all other notes.

DEVELOPMENT LIMITATIONS

Unit Range: 10 to 12 units

DEVELOPMENT STANDARDS – SINGLE-FAMILY HOUSES

Setbacks:

Northern property line: 15 feet (Lots 3 & 5: minimum of 20 feet at second story)
Southern property line: 15 feet
Eastern property line: 20 feet
Western property line: 20 feet
Private street: 10 feet

Stairs and Porches: Unenclosed porches and stairways, may extend into a setback area not more than six (6) feet. Porches and stairs can be covered.

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.

Height / Stories:

30-feet / 2-stories

Parking Requirement:

UNIT TYPE	RATIO
3 to 5 bedroom units, no driveway apron	3.3/unit
3 to 5 bedroom units, with driveway apron	3.0/unit

Private Open Space:

500 square-feet minimum area with a minimum dimension of 15 feet.

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.			

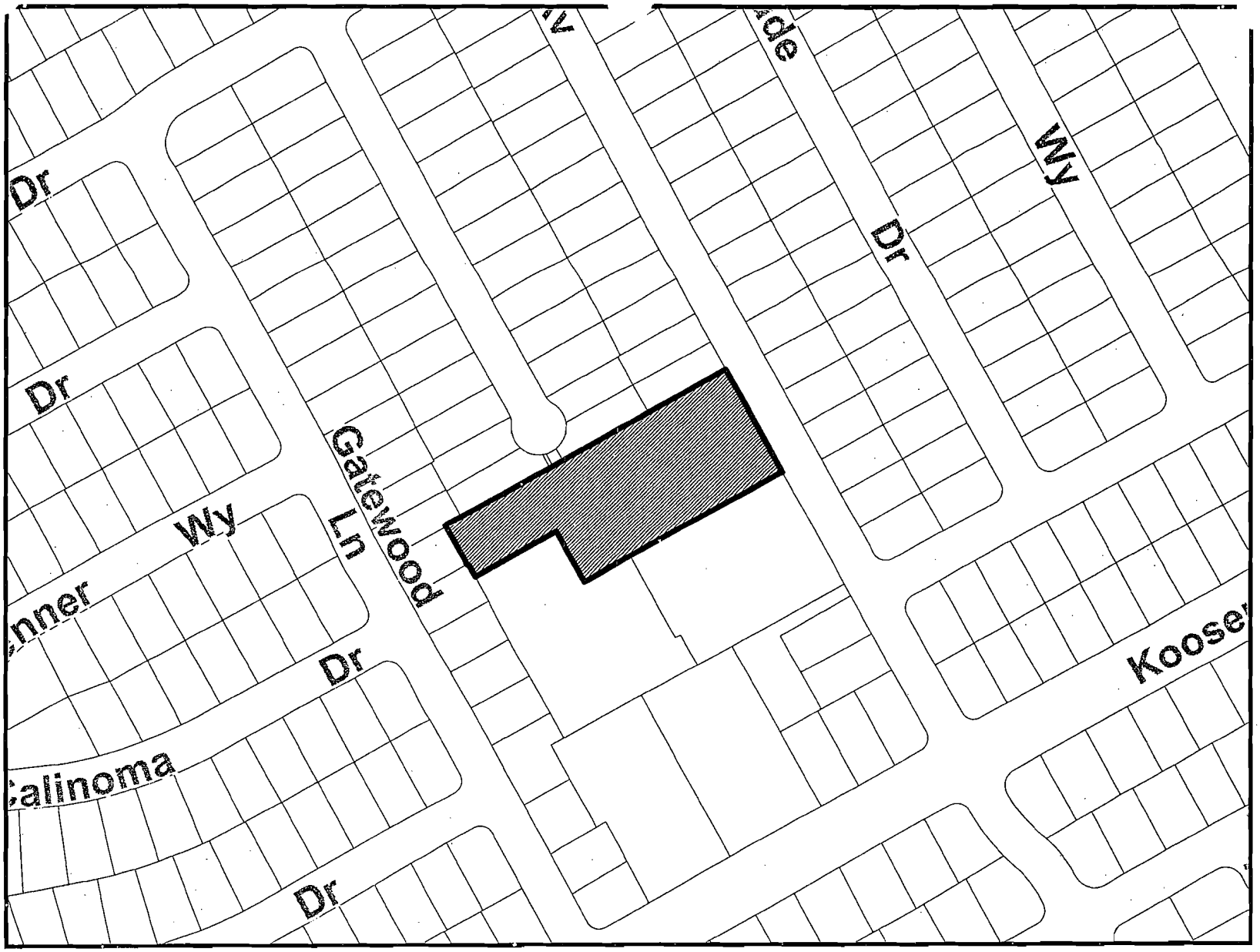
The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.
In the event the project site does not have sufficient area to accommodate the required 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

Accessory Structures & Buildings: All accessory structures and buildings shall meet the requirements of the Zoning Ordinance Section 20.30.500, as amended.

Fencing: All fencing and gates on the subject site shall meet the requirements of Zoning Ordinance Section 20.30.600, as amended. Gates that limit/restrict vehicular access to the site are not permitted.

Public Off-Site 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 will require the execution of a Construction Agreement that guarantees the completion of the public improvements.

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 shall meet the numeric sizing design criteria specified in City Policy 6-29.



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

Map Created On:

01/03/2007

File No: PDC07-001

District: 9

Quad No: 128

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Avril Baty
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: **FINAL RESPONSE TO DEVELOPMENT APPLICATION**

DATE: 04/23/07

PLANNING NO.:	PDC07-001
DESCRIPTION:	Planned Development Rezoning from the R-1-8 Residential District to the A(PD) Residential District to allow 12 single-family detached residences
LOCATION:	west side of Dent Avenue approximately 500 feet north of Kooser Road
P.W. NUMBER:	3-18183

Public Works received additional information to the subject project on 04/16/07 and submits the following comments and requirements.

Project Conditions:

1. **Public Works Development Review Fees:** Additional Public Works Review Fees are due. Prior to the project being cleared for the hearing and approval process, these fees shall be paid to the Development Services Cashier using the attached invoice(s). Additional fees due are as follows:

   a) An NPDES - C.3 Requirements Review Fee of $1,515.00.

Public Works Approval of Parcel Map or Tract Map: Prior to the approval of the Tract or Parcel Map 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.

2. **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.

3. **Transportation**:
   a) This project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes 14 units of Single Family detached.

4. **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.

5. **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.

6. **Stormwater Peak Flow Control Measures**: Projects that are required to install treatment control measures are encouraged to comply with the requirements of the City's Post-Construction Hydromodification Management Policy (Policy 8-14) to control the project's hydromodification impacts that can cause increased erosion and other impacts to beneficial uses of local rivers, streams and creeks.
   a) It is recommended that the project install treatment control measures that have flow-control benefits such as bioretention facilities, infiltration trenches, filter strips, and vegetated swales.
   b) Submit documentation that the project has considered installation of treatment control measures that have flow-control benefits and the reason(s) why the project chose not to install these dual-benefit measures.

7. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

8. **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.

9. **Street Improvements**:
   a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
   b) 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.)

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

11. **Electrical**:
   a) Relocate existing electrolier to maintain 10' minimum clearance between driveway and electrolier.
   b) 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
   c) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
   d) 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.
   e) Provide clearance for electroliers from overhead utilities and request clearance from utility companies. Clearance from electrolier(s) must provide a minimum of 10' from high voltage lines; 3' from secondary voltage lines; and 1' from communication lines.
   f) 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) 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.

13. **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.
    c) Revise plans to show minimum street width of 20 feet without parking.
    d) Valley gutter across circulation streets is not permitted as shown.
    e) Revise plans to show profile of proposed private street.
    f) Eliminate storm "inlet to inlet" connections within streets. Connect inlets to main utilizing manholes and laterals.

Please contact the Project Engineer, Norman Mascarinas, at (408) 535- 6812 if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

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CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

DRAFT
NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Dentona Villas

PROJECT FILE NUMBER: avril.baty@sanjoseca.gov

PROJECT DESCRIPTION: 300 ft and subsequent permits.

PROJECT LOCATION & ASSESSORS PARCEL NO.: West side of Dent Avenue approximately 500 feet north of Kooser Road (5331 Dent Ave); APN 569-13-086

COUNCIL DISTRICT:

APPLICANT CONTACT INFORMATION: Josh LoBue, Rockwell Homes, Inc., 1202 Meridian Ave., San Jose, CA 95125

FINDING:

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study does not identify potentially significant effects on the environment. No mitigation measures are required.

I. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

II. **AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

III. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

IV. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

V. **CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

VI. GEOLOGY AND SOILS – The project will not have a significant impact on this resource, therefore no mitigation is required.

VII. HAZARDS AND HAZARDOUS MATERIALS – The project will not have a significant impact on this resource, therefore no mitigation is required.

VIII. HYDROLOGY AND WATER QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required.

X. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. NOISE – The project will not have a significant impact on this resource, therefore no mitigation is required.

XII. POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIII. PUBLIC SERVICES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIV. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

XV. TRANSPORTATION / TRAFFIC – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVI. UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on May 15, 2007, any person may:

Review the Draft Negative Declaration (ND) as an informational document only; or

Submit written comments regarding the information, analysis, and mitigation measures in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: _____ _____
Deputy

Adopted on: _____ _____
Deputy