



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** May 25, 2006

**COUNCIL DISTRICT:** 5  
**SNI:** Gateway East

**SUBJECT: PDC05-104. PLANNED DEVELOPMENT REZONING FROM R-1-8 SINGLE-FAMILY RESIDENCE DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW 86 AFFORDABLE MULTI-FAMILY ATTACHED RESIDENTIAL UNITS ON THE EAST SIDE OF HIGHWAY 101 AT THE WESTERN TERMINUS OF SAN ANTONIO COURT**

## **RECOMMENDATION**

The Planning Commission voted 5-0-1 (Platten, absent) to recommend that the City Council approve the proposed rezoning with a reduction in the maximum number of units from 86 to 50.

## **BACKGROUND**

On May 24, 2006, the Planning Commission held a public hearing to consider a Planned Development Rezoning from R-1-8 Single-Family Residence District to the A(PD) Planned Development Zoning District to allow up to 86 affordable multi-family attached residential units on a 2.19 gross acre site. The Director of Planning recommended approval of the proposed project

### **Applicant Presentation**

Representatives of the developer, Affirmed Housing, made a brief presentation of the project, highlighting the architecture of the proposed project and the common open space area proposed to be made available to the public.

### **Public Testimony**

The owner of a business currently operating on the project site spoke in favor of the project, explaining that he felt the residential use would be more compatible with the surrounding neighborhood.

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A representative of the property to the south of the project expressed concern that the proposed project not violate the terms of an easement for access to the billboard located at the south end of the project site. The speaker indicated that a preliminary sight-line study indicated that views of the billboard might be restricted by the proposed buildings.

A resident of the neighborhood to the north of the project site spoke on behalf of 51 neighborhood residents who signed a petition in opposition to the project. He indicated that the neighborhood was already overcrowded, that this project would add more low-income housing to an area that is already low income, and that the project would destroy the one nice thing about this neighborhood, the quiet street. He further stated that the larger neighborhood association (Gateway East NAC) had voted in favor of the project even though the closest residents were opposed.

Another resident expressed concern regarding the lack of sufficient parking spaces, the need to use some of the proposed parking spaces to accommodate trash and recycling, and the lack of adequate street width for emergency vehicle access. Other residents stressed the narrow width of the dead-end street and the difficulty of accommodating two-way traffic when cars are parked on both sides of the street, and indicated that the project would add too many additional trips for this small street, especially during the commute hour. In response to Commissioner Levy, one resident indicated that long queues occur during the morning commute when existing residents are attempting to turn right or left out of San Antonio Court.

A neighbor expressed concern about the existing noise from the freeway and balls coming into residential yards from the golf course, and indicated that a well-maintained industrial use on the site was preferable to the current proposal. Another neighbor explained the u-shaped nature and narrow width of the public street (San Antonio Court/33<sup>rd</sup> Street) and past difficulties with parking and access.

A real estate broker, representing the property owner, explained the benefits of affordable housing, the screening requirements for future residents of the proposed project and the positive effect that such projects have had on neighborhoods in other areas of San Jose.

The applicant, in response to Commissioner Dhillon, explained that garbage and recycling facilities are proposed to be located in the garage and that one parking space may need to be eliminated to accommodate garbage/recycling facilities. The applicant also explained the locations of the common open space and that the "park-like" area would be privately owned and maintained, but would be made available to the public.

In response to Commissioner Zito, the applicant explained that an access drive is maintained through the project to allow maintenance of the billboard and access to the property to the south. The architect indicated he had done a sight-line study for the billboard and believed the project met the restrictions on the billboard lease. The applicant also explained the aspects of the corridor design that provided adequate visibility for resident security.

In response to Commissioner Levy's inquiry regarding the proposed density, the applicant's representative explained that the community has been involved in the design of the private park, that the width of the site, together with the noise constraints, had guided the project design and that the cost of underground parking was quite high and the proposed density was needed to provide an adequate financial return.

The Commission then closed the Public Hearing.

### Staff Response and Commission Discussion

Staff concurred that the street is very narrow and that the parking on both sides of the street is heavily used, and clarified that Public Works and Fire Department staff had measured the available pavement between the parked cars and that the Fire Marshall had determined that the width was sufficient for emergency vehicle access. Staff clarified that the change in the number of trips on the street as result of the project would be quite noticeable to residents; noted that the number of parking space would probably need to be reduced slightly to improve the operation of the garage and to provide adequate facilities for garbage and recycling; explained that private open space was provided for a minimum of 75% of the units in the form of balconies and patios; and clarified that the applicant would be required to maintain the landscaping and park facilities as a requirement of the Planned Development Permit.

Commissioner Levy asked whether other design options had been considered with fewer units. Staff responded that staff had indicated early on in the process that the site was not an ideal one for high density housing, that the applicant had done a fairly credible job in responding to the site constraints and that the project would probably not be feasible for the applicant with fewer units. In response to Commissioner Levy, staff explained that discussion with Alum Rock School District Staff had clarified that the District could accommodate children from the project on its existing school sites, but that this would require program changes, such as additional lunch periods. The School District indicated that most parents drove their children to school, but staff clarified that continuous sidewalks would be provided.

In response to Commissioners Levy and Zito, Public Works staff indicated that the number of left turns from San Antonio Court onto San Antonio Avenue would increase four-fold as result of the project, but that only ten percent of the anticipated 645 daily trips would be expected to occur in the peak hour. In response to Commissioner Levy, staff confirmed that removal of parking on one side of the street had been addressed as a possibility in the traffic report, but had been rejected by staff due to the strong demand for on-street parking in this neighborhood.

In response to Commissioner Zito, staff clarified that General Plan conformance is proposed to be found for this project based on the Discretionary Alternate Use Policy for 100% Affordable Housing, not on the Two-Acre Rule. Commissioner Levy expressed concern as to whether the Discretionary Alternate Use Policy was appropriate here due to the traffic issues and the scale of the building.

Commissioner Zito applauded the developer and expressed support for affordable housing, but expressed concern that the site has so many challenges it might not be possible to build. In response to Commissioner Zito, the City Attorney confirmed the Commission's ability to recommend a lower maximum number of units.

Commissioner Zito recommended approval of the project with up to 50 units.

Commissioner Campos referenced the correspondence received from the public and noted that it should be considered. He commented that the City may not ever have approved something this dense in the middle of a single-family neighborhood and expressed desire for a better property management plan to ensure that the private park is adequately maintained.

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## PUBLIC OUTREACH

Three community meetings were held over the course of project development and review, the last of which occurred on April 25, 2006. This meeting was attended by approximately 15 neighborhood residents. Those in attendance expressed concern regarding the proposed density in an already-overcrowded neighborhood, the narrowness of San Antonio Court and its adequacy for emergency vehicle access; the lack of continuous pedestrian sidewalks; and potential impacts of the project on the existing residential neighborhood, including increases in traffic and associated impacts on pedestrian safety, parking overflows onto San Antonio Court which is already parking deficient, and increases in crime. Community members suggested that an alternative or second access to the site be explored through the vacant property located to the south of the project site and suggested that the project could actually relieve overcrowding in the neighborhood if the proposed affordable housing units were made available to neighborhood residents.

A representative of the owner of the billboard expressed concern that the project not limit access to, or otherwise obstruct, the existing billboard on the site.

Following the community meeting, the Gateway East Strong Neighborhood Initiative (SNI) Neighborhood Action Council (NAC) discussed the project in the course of their monthly meeting. Concerns continued to include traffic, traffic safety, emergency access and parking. Additional concerns were articulated regarding the dangerous configuration of the intersection of San Antonio Street and San Antonio Court and the need to provide a traffic signal at the nearby intersection of East San Antonio and 33<sup>rd</sup> Streets. The NAC ultimately voted to endorse the project with the recommendation that the project traffic study assess and mitigate potential traffic, parking and pedestrian safety impacts.

Notices of the Draft Negative Declaration and the public hearings before the Planning Commission and City Council were published and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. Staff has been available to discuss the project with members of the public. This staff report is available for review on the City's web site.

## COORDINATION

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

## CEQA

A mitigated Negative Declaration was adopted for this project on May 10, 2006.

  
for JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Planning, Building and Code Enforcement at (408) 535-7800.

Attachments (Distributed at Planning Commission hearing)



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San Jose CA 95110  
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May 24, 2006

Mr. Bob Dhillon  
Chair of City of San Jose Planning Commission  
Member of the Planning Commission  
200 East Santa Clara Street  
San Jose, CA 95113

Re: Planned Development Rezoning (DC05-104) to allow 86 affordable Multifamily attached residential units on a 2.19 acre site (Agenda Item 4.b. May 24, 2006)

Dear Chair and Members of the Planning Commission:

The purpose of this letter is to address a question that was raised as to the potential impact of the proposed affordable housing project on the adjacent residential values of property. Let me begin by telling you that I am a licensed commercial real estate broker with NAI BT Commercial Real Estate in San Jose. I have been actively working in this area in this capacity for 26 years. The Seller of the subject property, Mr. Didier de Gery hired me to represent him regarding the sale of his property.

The simplest and perhaps the best way to look at the impact of a project of the type proposed for the 305 San Antonio Court site is to look at what similar projects have meant for the areas that surround them. The first of these is the 244 unit rental property known as Los Esteros at the corner of Old Oakland Road and Wayne Avenue in San Jose. This project is 100% occupied by "Affordable Residents" that is, residents whose income qualifies them to be eligible for these apartments pursuant to the city's own policies.

This site was the former KEEN Radio site. It was built in 1995. For every available unit, there were more than 8 candidates who all submitted their full credit applications, credit histories and any other material matters to qualify for occupancy. One in eight were selected and the property is professionally managed today by the same company that organized and completed the original lease up. You will find teachers, firemen, policemen and others who not only work in San Jose, but, are able to live here as well.

What happened around this project. Two years after it's completion, single family homes were built on the 13 acres immediately to the north of the site. A 2,287 square foot 4 BR, 2 bath home in this development recently sold for over \$800,000. Please see the attached pictures. In fact, new homes were built on the north, the east and the southern side of this project. All were built after the Los Esteros project was built.

In summary, this affordable rental apartment building was and is an extremely successfully asset to the neighborhood. In addition to meeting the city's need for affordable units in the area, it fostered the growth of significant new single family homes immediately adjacent to Los Esteros.

This is not an isolated situation. The 277 unit, 4 story wood frame Cinnibar Commons Project at Cinnabar and Stockton Streets has also fostered a similar response from the development community. Cinnibar Commons replaced a predominantly obsolete assemblage of buildings zoned formerly as Light Industrial. Today, the adjacent block is in contract for the development of over 150 new townhomes that will front Julian and Stockton streets. This project is projected to be in the top one-third of sales values for new homes in San Jose. It is another area where the affordable apartment development has stimulated further development of market rate homes in a highly competitive market.

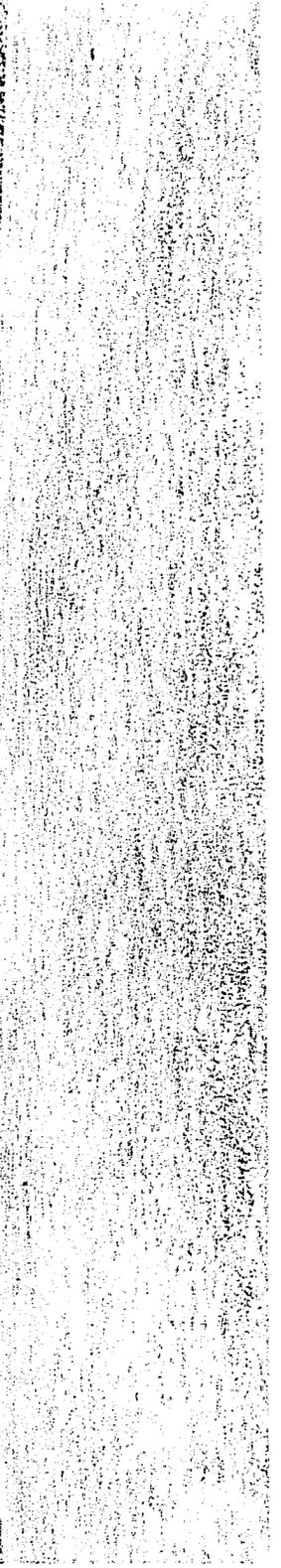
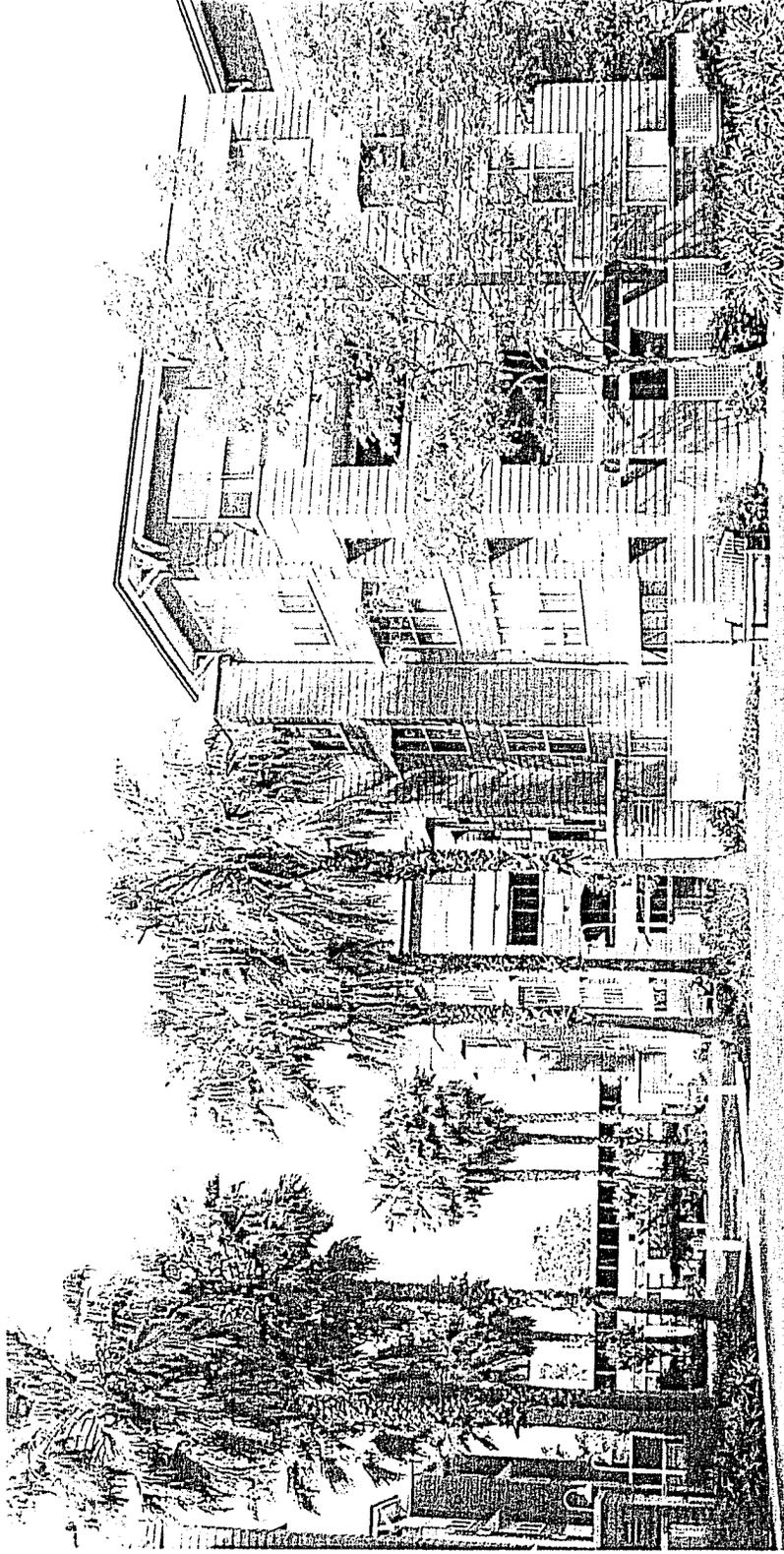
I hope this helps us all see the positive impact of the city's housing efforts and approval process in action.

Sincerely,  
NAI BT Commercial

A handwritten signature in black ink that reads "Keith E. Claxton". The signature is written in a cursive style with a large, stylized "K" and "C".

Keith E. Claxton  
Vice President

LOS ESTEROS This is a 244 unit Apartment Complex that is Leased 100%





COUNCIL AGENDA: 6-13-06  
ITEM: 11.3

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** May 22, 2006

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## TRANSMITTAL MEMO

**COUNCIL DISTRICT:** 5

**SNI AREA:** Gateway East

**SUBJECT:** PDC05-104. LOCATED ON THE EAST SIDE OF HIGHWAY 101, AT THE WESTERN TERMINUS OF SAN ANTONIO COURT (305 SAN ANTONIO CT).

The Planning Commission will hear this project on May 24, 2006. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.

  
JOSEPH HORWEDEL, ACTING DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Planning, Building and Code Enforcement at (408) 535-7800.

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
200 E. Santa Clara Street, Tower 3  
San José, California 95113

Hearing Date/Agenda Number  
P.C. 5/24/2006 Item # 4.b.

File Number  
PDC 05-104

Application Type  
Planned Development Rezoning

Council District  
5

Planning Area  
Alum Rock

Assessor's Parcel Number(s)  
481-46-010

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Carol Hamilton

Location: East side of Highway 101, at the western terminus of San Antonio Court

Gross Acreage: 2.19

Net Acreage: 2.19

Net Density: 39.27 DU/AC

Existing Zoning: R-1-8 Residence District

Existing Use: Light Industrial

Proposed Zoning: A(PD) Planned  
Development

Proposed Use: 86 affordable multi-family residential units

### GENERAL PLAN

Completed by: CH

Land Use/Transportation Diagram Designation  
Medium Density Residential (8-16 DU/AC)

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: CH

North: Single-family residential and multi-family residential

R-1-8 Single-Family Residence District

East: Golf course and single-family attached residential

A(PD) Planned Development District

South: Vacant

R-1-8 Single-Family Residence District

West: Highway 101 Freeway and residential beyond

A(PD) Planned Development District

### ENVIRONMENTAL STATUS

Completed by: CH

Environmental Impact Report  
 Negative Declaration adopted on May 10, 2006  
 Negative Declaration adopted on

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: CH

Annexation Title: Hillview No. 68

Date: 7-27-81

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: May 18, 2006

Approved by: Susan Walton  
 Action  
 Recommendation

### DEVELOPER

### OWNER

Ginger Hitzke  
200 East Washington Avenue Ste.200  
Escondido, CA 92025

Didier de Gery  
305 San Antonio Court  
San Jose, CA 95116

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: CH

**Department of Public Works**

See attached memoranda, dated March 22, 2006 and May 10, 2006.

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**Other Departments and Agencies**

See attached memoranda from Fire Department, dated November 8, 2006 and letter from the Alum Rock Union Elementary School District, dated May 10, 2006.

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**GENERAL CORRESPONDENCE**

See attached correspondence from Affirmed Housing, dated October 24, 2005 and attached petition in opposition to the project signed by 50 residents of the neighborhood adjacent to the project site, dated May 15, 2006.

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**ANALYSIS AND RECOMMENDATIONS**

**BACKGROUND**

The applicant, Didier de Gery, on behalf of Affirmed Housing, is requesting a Planned Development Rezoning from R-1-8 Single-Family Residence District to A (PD) Planned Development to allow up to 86 affordable multi-family attached residential units on a 2.19-acre site.

**Site Conditions and Context**

The project site consists of a long and narrow rectangular property oriented parallel to U.S. Highway 101 with public street access from San Antonio Court. The site is currently developed with a 6,000 square-foot, single-story warehouse, a two-story office, an approximately 2,000 square-foot awning structure and a parking lot. Abandoned cars, wooden pallets and miscellaneous items clutter the remainder of the site. A large billboard located at the southwest end of the property orients to the adjacent U.S. 101 Freeway. The site contains approximately 26 trees, 9 of which are ordinance size (i.e. having a trunk size of 56 inches in circumference or greater, measured at 2 feet above grade).

The site is located within the Gateway East Strong Neighborhood Initiative Area and is bordered on the north by a single-family residence, on the east by the Rancho Del Pueblo Golf Course with single-family residential uses beyond, on the south by a vacant lot, and on the west by U.S. Highway 101, with residential uses beyond.

Two primary bus lines serve the project area: the 22 line which provides service between Eastridge and Palo Alto and the 77 line which provides service between Milpitas and Evergreen College. The nearest bus stops for these lines are located approximately 2,000 feet from the project site.

**Project Description**

The project proposes a total of 86 multi-family residential apartment units affordable to low and very low-income households. The residential units are proposed in five, three-story buildings on a podium elevated five feet above grade with parking beneath. The buildings reach a maximum height of 41 feet. The unit mix

is currently proposed to include 30 three-bedroom units, 15 two-bedroom units, 28 one-bedroom units and 13 studio units. The proposed design includes a sound wall structure 36 feet in height (measured from the podium) and approximately 410 feet in length along the westerly edge of the project.

Private open space is provided in the form of balconies and patios. Proposed common open space includes five podium-level courtyards and an at-grade private park area of approximately one third of an acre located at the northerly end of the site. The private park is proposed to be maintained by the project but to remain open for public use. A 16-foot sound wall is proposed to extend for approximately 40 feet along the northerly boundary of the park and for approximately 220 feet along the westerly boundary.

Access to the structured parking is provided via a ramp at the northerly end of the proposed building. An emergency vehicle access extends along the easterly property line from the driveway entrance at the north end of the site to a hammerhead turnaround at its southerly boundary.

Two bioswales are proposed to treat on-site groundwater. The first extends along the westerly edge of the property and through the private park to the northwest corner of the site, providing drainage for the northerly portion of the property. The second, located at the northeast corner of the site, accommodates runoff from the easterly portion of the site and water pumped from the parking garage.

The project proposes the demolition of all existing structures on the site and the removal of all 26 existing trees. Off-site improvements include the extension of approximately 900 feet of 16-inch water line from San Antonio Street to the site to provide adequate fire flow.

## **PUBLIC OUTREACH**

Three community meetings were held over the course of project development and review, the last of which occurred on April 25, 2006. This meeting was attended by approximately 15 neighborhood residents. Those in attendance expressed concern regarding the proposed density in an already-overcrowded neighborhood, the narrowness of San Antonio Court and its adequacy for emergency vehicle access; the lack of continuous pedestrian sidewalks; and potential impacts of the project on the existing residential neighborhood, including increases in traffic and associated impacts on pedestrian safety, parking overflows onto San Antonio Court which is already parking deficient, and increases in crime. Community members suggested that an alternative or second access to the site be explored through the vacant property located to the south of the project site and suggested that the project could actually relieve overcrowding in the neighborhood if the proposed affordable housing units were made available to neighborhood residents.

A representative of the owner of the billboard expressed concern that the project not limit access to, or otherwise obstruct, the existing billboard on the site.

Following the community meeting, the Gateway East Strong Neighborhood Initiative (SNI) Neighborhood Action Council (NAC) discussed the project in the course of their monthly meeting. Concerns continued to include traffic, traffic safety, emergency access and parking. Additional concerns were articulated regarding the dangerous configuration of the intersection of San Antonio Street and San Antonio Court and the need to provide a traffic signal at the nearby intersection of East San Antonio and 33<sup>rd</sup> Streets. The NAC ultimately voted to endorse the project with the recommendation that the project traffic study assess and mitigate potential traffic, parking and pedestrian safety impacts.

Notices of the Draft Negative Declaration and the public hearings before the Planning Commission and City Council were published and distributed to the owners and tenants of all properties located within 1,000 feet

of the project site. Staff has been available to discuss the project with members of the public. This staff report is available for review on the City's web site.

## **ENVIRONMENTAL REVIEW**

An Initial Study and Negative Declaration prepared to address the potential environmental impacts of the project concluded that the project would not result in any significant environmental impact. Technical reports were prepared for the project to address cultural resources, hazardous materials, noise and traffic. During the construction phase, the applicant is proposing to monitor of all subsurface excavation to mitigate potential impacts to any prehistoric cultural resources that may exist on the site. The traffic analysis indicates that the project will not result in a significant level-of-service impact. See the Analysis section for a more complete discussion of the traffic report findings. The noise report identifies noise attenuation measures that have been incorporated into the project to reduce potentially significant noise impacts to a less than significant level. Noise attenuation for the project is discussed further in the Analysis section below. The Negative Declaration concludes that removal of the 26 trees does not constitute a significant environmental impact; nevertheless, the project will provide tree replacement in conformance with standard tree replacement ratios and in lieu fees.

## **GENERAL PLAN CONFORMANCE**

The San Jose 2020 General Plan Land Use Diagram designates the site Medium Density Residential (8-16 DU/AC). The subject rezoning, which proposes residential uses at a density of 39.27 units per acre, does not conform to this designation; however, staff believes that the project can be found to conform to the General Plan based on the Discretionary Alternate Use Policy for 100% Affordable Housing. This Policy allows housing projects affordable to very low-, or low- or moderate-income households to be developed at any density provided the project is located consistent with the housing distribution policies of the General Plan and is proposed for a site and density compatible with surrounding land use designations. See the analysis of the project's conformance with the housing distribution policies of the General Plan and compatibility with surrounding uses provided in the Analysis section below.

## **ANALYSIS**

The primary issues for this project are access and traffic, site compatibility, General Plan Conformance, architecture, parking and open space. These issues are discussed below.

### **Access and Traffic**

Public street access to the site is provided via San Antonio Court, which extends from San Antonio Street approximately 900 feet to the southwest, where it ends in a cul-de-sac at the project entrance. The traffic analysis indicates that due to the existing width of San Antonio Court, emergency vehicle access to the site would require removal of parking on one side of the street. Based on concern expressed at the community meeting regarding the dearth of parking in the area and the lack of adequate street width for emergency vehicle access, Public Works and Fire Department staff measured the pavement width available between parked cars along the length of the street. After examining the measurements, the Fire Marshall determined that the street is adequate for fire truck access without removal of parking.

The traffic analysis prepared for the proposed rezoning indicates that the project will generate approximately 645 average daily trips, ten percent of which will occur during each of the peak hours. The analysis examined the impact of these peak hour trips on six signalized intersections in the vicinity of the project site and concluded that project traffic conforms to the City of San Jose and Santa Clara County Congestion Management Agency (CMA) Level of Service Policies and would not result in any significant traffic impact.

An analysis of the unsignalized intersections of San Antonio Street with Bonita Avenue, San Antonio Court and 33<sup>rd</sup> Street, concluded that traffic signals were not warranted at these locations.

In response to concerns expressed at the community meetings regarding traffic safety, the traffic analysis examined the intersection of San Antonio Street and San Antonio Court and determined that line-of-sight distances were less than desirable. As a result, the Department of Transportation removed two parking spaces close to the intersection as a temporary measure to increase visibility for cars attempting to turn westbound onto San Antonio Street and identified the need for a four-way stop at the intersection of San Antonio Street and 33<sup>rd</sup> Streets to provide gaps in traffic flow for safer turning movements. Additionally, the Gateway East SNI has highlighted this segment of San Antonio Street as needing attention and the City Council has approved funding for a study of potential traffic calming measures. A condition has been included in the Draft Development Standards for the project requiring a contribution of \$20,000 towards future traffic improvements identified in the study. The applicant will also be required to complete a small segment of sidewalk immediately adjacent to the project site to provide a continuous sidewalk connection from the site to San Antonio Avenue.

### **Site Compatibility**

The project site is not an ideal location for high density housing. A ribbon of land sandwiched between an eight-lane freeway and a public golf course, the property is exposed to extremely high levels of noise and sustains regular intrusions of errant golf balls. The applicant's credible attempt to address these constraints through site design and extensive perimeter barriers is discussed below.

### Noise Attenuation

The existing average day/night noise level at the most impacted areas of the site is 83 db DNL. This noise level exceeds the General Plan's short-term noise goal for outdoor spaces (55 db DNL) by 23 decibels, the long-term goal (60 db DNL) by 27 decibels and the level at which health effects are expected for even short periods of exposure (76 db DNL) by 6 decibels.

As a result of this somewhat hostile environment, noise has been a key factor in shaping the design of the project. Although staff generally avoids the use of tall sound walls, the noise levels at this site necessitate their use in order to create a livable residential environment. The proposed site plan shows five residential buildings set perpendicular to Highway 101 and connected at their westerly end by a 36-foot-tall sound wall that runs parallel to the freeway. This wall reduces noise in four of the five podium courtyards to between 62 and 63 db DNL. The fifth courtyard, located at the southwest corner of the site, beyond the 36-foot sound wall, is proposed to be screened by a 16-foot sound wall that will reduce noise levels in this open space area to 68 db DNL. Most of the balconies are proposed to be oriented to the interior courtyards where they are shielded by the 36-foot sound wall; balconies located on the unshielded exterior facades at the northwest and southeast corners of the site require additional attenuation. The noise report recommends that these balcony openings be oriented towards the golf course and that solid floor-to-ceiling walls be installed on the sides exposed to freeway noise. This measure will need to be examined more closely at the Planned Development Permit stage to ensure that the balconies are useable and do not detract from the building design. The Draft Development Standards require that a minimum of 75 percent of the units include 60 square-feet of private open space to ensure flexibility for those units located at the north and south ends of the podium as well as the studio units which are not proposed to include balconies.

The private park location at the northwest corner of the site is subject to 75 db DNL, one decibel below the level expected to cause adverse health effects in humans for even short periods of exposure. Although the 75-decibel level is not considered a significant environmental impact, noise attenuation will be needed to

ensure that the proposed project includes a useable and safe recreation area. The applicant is proposing to provide a 16-foot tall sound wall along approximately 40 feet of the northerly property line and along the westerly property line beginning at the northwest corner and extending south to connect with the 36-foot building sound wall. This wall will reduce noise levels in the private park to 69 db DNL, a noise level that is still high, but which staff believes is acceptable.

Noise attenuation to bring interior noise levels into conformance with General Plan and Title 24 levels for interior spaces (45 db DNL) is proposed to be achieved through the use of sound-rated windows and doors.

### Golf Ball Nets

The site is currently protected from stray golf balls from the adjacent Rancho Del Pueblo Golf Course by 30-foot tall nets that extend along the westerly edge of the golf course adjacent to the project site. Despite this barrier, as many as 12 balls have landed on the project site on a daily basis. The golf course has recently ceased to use one of the golf tee locations for Hole 6, which has reduced the number of errant balls entering the site to 2 or 3 per day. City Parks staff have indicated that the current tee location may not be permanent. The Initial Study for the project concludes that the incursion of golf balls onto the site does not represent a significant environmental impact; nevertheless, to ensure that errant golf balls do not injure future residents of the site and to eliminate the potential for the proposed project to constrain operations on the City golf course, staff has included a condition requiring the applicant to replace the existing 30-foot barriers with new net barriers 60 feet in height. These nets would be installed along the westerly edge of the golf course site in roughly the location of the existing nets and are expected to protect the site from golf balls.

### Conclusion

Although the site has many drawbacks as a location for dense residential development, based on the site design and array of perimeter barriers discussed above, staff concludes that the proposed high density residential use can be found to be compatible with the characteristics of the project site.

### **General Plan Conformance.**

The General Plan Discretionary Alternate Use Policy for 100% Affordable Housing specifies that General Plan conformance can be based on this Policy only if the proposed affordable project is located consistent with the housing distribution policies of the General Plan and is proposed for a site and density compatible with the surrounding General Plan designations.

### Housing Distribution Policies

The housing distribution policies of the General Plan state that the City should encourage the dispersal of affordable housing throughout the City to facilitate the integration of economic strata and diversification of the housing stock. From a city-wide perspective, Council District 5 has not received a disproportionate amount of the affordable housing approved over the past five years. The General Plan further specifies that for affordable housing projects in census tracts with greater than 50 percent of households with low or very low incomes, especially in Districts 3 and 5, new affordable housing should be reviewed carefully on a case-by-case basis when considered for City funding. The project is located in a census tract where the incomes of greater than 50 percent (approximately 58 percent) of the households are below 80 percent of the County household median income; consequently, the Housing Department will need to consider this issue when the applicant seeks City funding for the project. Based on this analysis, staff concludes that the project is in conformance with the housing distribution policies of the General Plan.

### Land Use Compatibility

The properties surrounding the project site are developed with uses that are consistent with their respective General Plan designations with the exception of the adjacent property to the south, which is vacant. This site is designated *Medium Density Residential (8-16 DU/AC)*. Located to the north of the project site is a largely single-family neighborhood (with some duplexes and four-plexes) developed at a density that is consistent with the area's *Medium Density Residential (8-16 DU/AC)* designation. The golf course and adjacent single-family residential uses (developed at approximately 17 units per acre) are consistent with that site's General Plan designation of *Mixed Use With No Underlying Land Use*. The residential land uses to the west of the project site are located across Highway 101 and are too far removed to be relevant to this analysis.

The following analyses address compatibility with adjacent properties based on the standard issues of use and scale and in regard to traffic increases on the sole access to the site through the existing San Antonio Court neighborhood.

#### *Use and Scale*

The project proposes three-story buildings that rise to a maximum height of 41 feet and are considerably larger than the mostly-single-story, single-family residences located to the north of the project site. This difference in scale is mitigated by the 150-foot minimum setback proposed between the northern most building face and the northerly property line. The applicant proposes to develop the setback area with a private park that will include significant landscaping, enhancing the buffering effect of this open space area. The 16-foot sound wall proposed along a forty-foot segment of the northerly property line is not ideal adjacent to a single-family rear yard; however, this is a necessary component of residential open space located immediately adjacent to a freeway.

The 20-foot setback between the building and the easterly property line is proposed as an access drive and does not allow for perimeter landscaping; however, the intervening Rancho Del Pueblo Golf Course provides an ample buffer between the proposed project and the two-story residences to the east. Based on the requirement that the project raise the golf ball nets along the easterly property line from 30 to 60 feet, staff concludes that the project is also compatible with the golf course use; nevertheless, the lack of any proposed on-site landscaping to screen and soften views of the building from the golf course raises the ante in the need for high quality of design and materials on this visible facade. The proposed 50-foot setback from the southerly property line should provide ample buffering for the adjacent vacant property planned for future residential development.

The project is not expected to result in impacts on properties to the west of the project site due to the intervening freeway; consequently, the minimal 5.8-foot building setback from the westerly property line is not problematic for sensitive uses. The fact that this setback provides insufficient room for trees or other landscaping to screen and soften views of the 36-foot tall building sound wall, makes it doubly important that quality materials and detailing be used in execution of the wall to ensure acceptable views of the project from Highway 101. Staff will work with the applicant as this project moves forward to maintain the quality of the proposed design.

#### *Traffic on San Antonio Court*

Traffic is the most problematic issue in regard to compatibility of the proposed project with surrounding uses. Located at the terminus of San Antonio Court, the project is expected to add approximately 645 new average daily trips to this narrow residential street, quadrupling existing traffic volumes. At the community

meeting, existing residents of the street expressed serious concern regarding these traffic levels and requested that this issue be examined in the project traffic analysis. Subsequent to the community meeting, staff received a petition signed by 50 residents of San Antonio Court and adjacent streets expressing opposition to the project based on concern about traffic and other impacts on the neighborhood. Although the traffic analysis addresses traffic operations in the project area and recommends measures to alleviate existing and future operational problems, it does not identify the volume of traffic on San Antonio Court as a traffic concern because anticipated traffic volumes are within acceptable levels for a neighborhood street. Unfortunately, there is no other feasible access for the site and approval of the project will send traffic through this neighborhood at significantly increased levels that will be clearly noticeable to existing residents of the street. Based on the fact that the addition of project traffic results in volumes that are within generally acceptable levels for a residential street, staff concludes that increased traffic through this neighborhood is undesirable, but is not incompatible with the design of the street.

### Conclusion

Based on the above analysis, staff concludes that the proposed project is compatible with existing uses and General Plan land use designations of adjacent properties, and that the project will significantly increase traffic volumes on San Antonio Court, but that this increase is compatible with the characteristics of a neighborhood street.

### **Architecture**

The conceptual building architecture is of contemporary design with clean lines, repeating elements and materials that include stucco, metal siding and metal detailing. The primary building entrance, located at the north end of the building facing the San Antonio Court neighborhood, is accentuated by a dramatic porch feature flanked by expansive windows.

The undulating 36-foot sound wall, extending approximately 410 feet along the westerly side of the proposed project, stands as the dominant feature of the building design. This expanse of the wall is broken by changes in plane in a dramatic procession of irregular forms accentuated by vertical slot windows. When the building is lighted at night, these windows are designed to reflect an array of colors from the interior courtyards, creating dramatic vistas from the adjacent freeway. The wall is currently proposed to be sheathed in lapped metal siding, which has the potential to create a sleek finish that complements the contemporary design. Staff believes that the success of this creative feature will depend on the quality of materials and construction and the applicant's ability to maintain the wall free of graffiti. Staff has included a condition in the Draft Development Standards requiring that the wall be finished with metal siding or other high quality material to the satisfaction of the Director of Planning. Staff will work with the applicant at the Planned Development Permit stage to ensure the quality of the siding material, refine the wall design and address the maintenance issue.

The elevation facing the golf course, the one most visible from the neighborhood, reveals the ends of the five residential buildings and the open sides of the four intervening courtyards in a somewhat repetitive pattern that lacks appropriate architectural differentiation. Staff does not believe that color variation alone is sufficient to differentiate the individual courtyards and has asked the applicant to provide additional architectural differentiation in the building elements. Staff will continue to work with the applicant at the Planned Development Permit stage to address this issue.

Overall, the project design exhibits significant creativity in addressing complex site constraints and neighborhood concerns.

## **Parking**

The Draft Development Standards specify parking ratios in conformance with the recommendations of the Residential Design Guidelines (RDG) with the exception of the studio units, which are required to provide one space instead of the 1.5 spaces recommended by the RDG. Based on the bedroom counts and parking layout identified in the conceptual plans, the project would require a total of 142 parking spaces, and provides a total of 147 spaces, five spaces in excess of the required parking. One-hundred forty of these spaces are proposed within the garage and 7 are located along the entrance driveway at the front of the site. The current parking garage design is very tight, provides minimal area for garbage and recycling facilities, and it may be necessary to reduce the number of spaces to ensure that all spaces within the garage are useable. Staff will work with the applicant through the Planned Development Permit to refine the parking design and to ensure compliance with the requirements of the Planned Development Zoning.

## **Open Space**

The Residential Design Guidelines (RDG) require that podium cluster housing projects provide a minimum of 60 square feet of private open space per unit and 200 square feet of common open space per unit. The applicant's conceptual plans show common open space that exceeds these requirements. The proposed common open space is accommodated in the podium courtyards and in the private park located at the northerly end of the site. In response to input from the neighborhood, the applicant is proposing to include a water play feature and handball court in the park design. Staff will work with the applicant through the Planned Development Permit to ensure that the common open space areas include appropriate amenities and are adequately landscaped. Staff has included a condition in the Draft Development Standards requiring that 75 percent of the units provide private open space in conformance with the RDG recommendation. Given the ample common open space, staff believes that some units without private open space would be acceptable where noise levels require balconies with a significant degree of enclosure.

## **Conclusion**

Based on the above analysis, staff concludes that the proposed project is consistent with the General Plan based on the Discretionary Alternate Use Policy for Affordable Housing, includes extensive site barriers and other improvements to achieve a livable residential environment, is compatible with adjacent uses, and provides an opportunity for increasing the supply of affordable housing to serve San Jose's low and very low income households.

## **RECOMMENDATION**

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan based on the Discretionary Alternate Use Policy for housing affordable to low and very low income households.
2. The project furthers the goals and objectives of the City's infill housing strategies.
3. The proposed rezoning is compatible with existing uses on neighboring properties.
4. The project provides affordable housing to serve the housing needs of San Jose's low and very low income households.

Attachments

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Attachments

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The following notes are to be placed on the final General Development Plan upon City Council Approval.

**DEVELOPMENT STANDARDS**

1. Permitted Uses: Multi-family residential
2. Maximum Number of Residential Units: 86
3. Maximum Building Height: 50 feet
4. Maximum Podium Height: 5 feet above grade
5. Minimum Building Setbacks:
  - North - 150 feet
  - South - 50 feet from adjoining residential property line
  - East - 20 feet
  - West - 5 feet

Note: All building setbacks shall be measured from the building to the property line, unless otherwise indicated. Minor architectural projections, such as chimneys and bay windows, may project into the building setback by no more than 2'-0" for a horizontal distance not to exceed 10'-0" in length, no more than 20% of the building elevation length. Balconies may extend up to six feet into setback areas. Where the land use diagram and setbacks set forth in these development standards are not consistent, the development standards shall take precedence.

6. Parking Ratio Requirements:

Studio:	1.0 space per unit
One bedroom:	1.5 spaces per unit
Two bedroom:	1.8 spaces per unit
Three bedroom:	2.0 spaces per unit
More than 3 bedroom:	2.0 spaces per unit plus 0.15 per bedroom for each additional bedroom

Note: Tandem parking is allowed with a Planned Development Permit. Tandem pairs must be assigned to a single unit and any unit assigned a tandem pair shall have a parking requirement of 2 spaces.

Bicycle Parking Requirements: 1 space per four parking spaces  
Motorcycle Parking Requirement: 1 space per 10 parking spaces

7. Minimum Residential Lot Size: 2 acres
8. Minimum Private Residential Open Space: 60 square feet per unit for a minimum of 75 % of the units

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9. Minimum Common Residential Open Space: 200 square feet per unit

**GENERAL NOTES**

**PUBLIC WORKS REQUIREMENTS**

**Transportation:** Prior to the issuance of a Public Works Clearance the project shall contribute \$20,000 towards future improvements identified in the ongoing Traffic Study for this area.

**Sidewalks** – The applicant shall extend a pedestrian sidewalk from the northeast corner of the project site to connect with the existing sidewalk on the south side of San Antonio Court.

**Storm water 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 storm water treatment controls to minimize storm water pollutant discharges. Post-construction treatment control measures, shown on the project's Storm water Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.

**Street Improvements:**

- a) Construct curb, gutter, and sidewalk along San Antonio Court project frontage.
- b) Close unused driveway cut.
- a) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- 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.

**SNI:** This project is located within the Gateway East SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.

**WATER POLLUTION CONTROL PLANT NOTICE**

Pursuant to part 2.75 of chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the city manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water 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.

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**AFFORDABILITY RESTRICTION** – General Plan conformance for this project is based the applicant’s proposal to provide residential units affordable to low and very low income households. Prior to issuance of a Planned Development Permit, the applicant shall execute an agreement to the satisfaction of the Director of Housing to permanently reserve all proposed residential units for households of low and very low income.

**GOLF COURSE NETS** – The applicant shall replace the existing 30-foot nets along the westerly border of the Rancho Del Pueblo Golf Course with 60-foot nets to prevent golf balls from entering the residential site.

**TREE REMOVAL** -- All non-orchard trees that are to be removed shall be replaced at the following ratios:

Each tree less than 12 inches in diameter to be removed shall be replaced with one 15-gallon tree.

Each tree 12 inches to 17 inches in diameter to be removed shall be replaced with two 24-inch box trees.

Trees 18 inches in diameter or greater shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees; and each tree 18 inches in diameter or greater to be removed shall be replaced with four 24-inch box trees.

Any replacement trees that cannot be accommodated on the site shall require contribution of a \$300 per tree in-lieu payment to Our City Forest to provide for planting of trees elsewhere in the City.

**SOUNDWALL** -- The 36-foot tall sound wall shall be finished with a high quality material to the satisfaction of the Director of Planning. The wall shall be kept free of graffiti.

**AIR QUALITY** -- Project construction shall implement the Bay Area Air Quality Management District’s list of feasible construction dust control measures.

**BIOLOGICAL RESOURCES** – If removal of these trees is to take place between January and September, a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active nesting 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 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 these trees and 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 State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest until the end of the nesting activity.

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The applicant shall submit a report to the City's Environmental Principal Planner indicating the result of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement prior to the issuance of any grading or building permit.

**CULTURAL RESOURCES** -- There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.

- 1) If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.
- 2) If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)
- 3) In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
  - a) In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
  - b) A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

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**NOISE**

Balconies of units on the northeast corner of the building shall be shielded to reduce noise levels to a minimum of 59, 60, and 63 dBA DNL at the podium, second, and third floor units, respectively. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans to ensure noise levels in the balconies can be sufficiently attenuated to the satisfaction of the Director of Planning, Building, and Code Enforcement

Balconies of units on the southeast corner of the building shall be shielded to reduce noise levels to 61, 62, and 63 dBA DNL at the podium, second, and third floor units, respectively. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans to ensure noise levels in the balconies can be sufficiently attenuated to the satisfaction of the Director of Planning, Building, and Code Enforcement.

A 16-foot tall sound wall built atop the podium shall enclose the private open space area at the southwest corner of the building to reduce noise levels to 68 dBA DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans to ensure noise levels in the open space area at the southwest corner of the building can be sufficiently attenuated to the satisfaction of the Director of Planning, Building, and Code Enforcement.

A 16-foot sound wall shall be constructed along the westerly property line and a portion of the northerly property line to protect the private park from freeway noise in conformance with the recommendations of the project noise report.

All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 dBA DNL. 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 dBA DNL, to the satisfaction of the Director of Planning, Building, and Code Enforcement.

All windows and glass doors that are behind the project sound wall (the westernmost wall of the building), regardless of orientation, shall be rated at a minimum STC 28, with the exception of units facing east that do not have a view to US 101.

All windows and glass doors of units not behind the project sound wall with a view to US 101 shall be made of either a one-half inch thick single-pane of laminated glass or 42 STC sound-rated windows. The windows and doors of these units must provide at least 38 decibels of noise reduction in the unit when closed.

Prior to issuance of a certificate of occupancy, the applicant shall submit a report prepared by a qualified acoustical engineer verifying that the living unit interiors conform to the required noise attenuation.