



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 25, 2006

COUNCIL DISTRICT: 5
SNI: None

SUBJECT: PDC05-061/C05-079. PREZONING FROM UNINCORPORATED COUNTY TO A (PD) PLANNED DEVELOPMENT ZONING DISTRICT AND R-1-5 SINGLE-FAMILY RESIDENCE DISTRICT ON A 2.93 GROSS ACRE SITE LOCATED ON THE SOUTH SIDE OF FLEMING AVENUE, APPROXIMATELY 1,032 FEET SOUTHEAST OF ALUM ROCK AVENUE.

RECOMMENDATION

The Planning Commission motion to recommend that the City Council approve the project with 14 units and no park failed on a 3-2-1 vote (Campos and Zito opposed and Platten absent); consequently, the item moves forward to the City Council with no recommendation from the Planning Commission.

BACKGROUND

On May 24, 2006, the Planning Commission held a public hearing to consider a rezoning from unincorporated County to A(PD) Planned Development and R-1-5 Single-Family Residence Zoning Districts on a 2.93 gross acre site. The Director of Planning, recommended approval of the rezoning to R-1-5 Residence district and recommended approval of the rezoning to A (PD) Planned Development with a maximum of 14 units and no public park.

Staff Presentation

Staff made a brief staff presentation to update the Commission on the community meeting held on May 18, 2006. This meeting was held to discuss the applicant's alternative proposals of 14 single-family lots and a 0.35-acre park or 14 single-family lots and no park. Staff indicated that neighbors were generally opposed to any new development on the site, but were evenly split on the issue of a mini park. Staff reported that the neighborhood continued to express significant concern regarding existing traffic levels and to oppose any additional development that would generate commute traffic. Staff called the Commission's attention to a revised Fire Department memorandum and to revised Draft Development Standards for the *14 unit-no park alternative*.

Staff indicated that the rear setback for single-story elements had been adjusted for two of the lots, at the applicant's request. (the revised draft Development Standards are attached)

Applicant Presentation

Jim Sullivan, the developer, thanked staff and the neighbors for attendance at the recent community meeting, which he indicated had been noticed to a 500-foot radius. He reiterated that that the project had been reduced from 18 to 14 units, that the proposed units had not been increased in size and that the current house design would be retained, with or without the park.

Public Testimony

The pastor of the Korean Baptist Church explained that the purpose of the real estate transaction was to allow the church to relocate to Santa Clara, and commented that the church has already made an offer on a new property and that timing was an issue. He indicated that the church had reduced the purchase price to allow the developer to reduce the number of units.

A representative of the neighborhood requested that the Commission recommend denial of both of the alternative proposals as any new units would add traffic on Fleming Avenue.

Another speaker for the Korean Church asked that the project be allowed to move forward as 15 months had elapsed and the church needed to make decisions regarding its relocation plans. He indicated that 14 units would benefit the community and increase property values.

An area resident stated that more small projects are not a good solution to the housing problem and that existing streets are too narrow for more traffic. Another speaker explained that from the neighborhood perspective, the issue is not 14 versus 18 units, but the cumulative small developments on Fleming Avenue. In response to Commissioner Zito, the speaker explained the "last straw" nature of current opposition to the project. The next speaker provided photographs of the vehicle stacking issue and the sidewalk on only one side of Fleming Avenue and an exhibit of the locations of prior traffic accidents in the area. He also highlighted the lack of parks in the area.

In response to Commissioner Zito, the applicant explained that the elementary school property under consideration by parks staff is located approximately a quarter to a half-mile from the project site. Director Horwedel commented that a 14-unit project would not be required to dedicate land but would pay in-lieu fees. The applicant pointed out that the project is now at 6.6 units per acre and highlighted the sidewalks and street improvements that had resulted from other approved developments. He acknowledged that staff believes that the option with the park provides a park too small to be credible and that the neighbors are generally opposed to the project. He stated that if the Planning Commission recommends that a park should be provided on the site, it would only be financially feasible if it were a dedicated park that qualified for credit against park fees.

A final speaker acknowledged the willingness of the developer to work with the community, but asked the Commission to request traffic-calming improvements prior to additional development being considered.

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Jim Sullivan stated that to allow no new housing is like shutting down the City, and that a 14-unit project should not be expected to handle improvement of the full length of Fleming Road.

The Commission then closed the public hearing.

PUBLIC OUTREACH

A community meeting was held to discuss the project on May 18, 2006 at the project site. Approximately 30 people attended the meeting. Neighborhood residents who attended the meeting overwhelmingly opposed the project based on concern regarding traffic and traffic safety.

Notices of the public hearings were distributed to the owners and tenants of all properties located within 500 feet of the project site. A Draft Mitigated Negative Declaration for the project was also mailed to property owners and tenants within 500 feet of the project site and was posted on the City web site. Staff has been available to discuss the project with members of the public.

COORDINATION

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

CEQA

A Mitigated Negative Declaration was adopted for this project on December 5, 2006.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission

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

Attachment: Revised Development Standards

DATE: 05/24/06

TO: Hadasa Lev
FROM: Nadia Naum-Stoian

REVISED

Re: Plan Review Comments

PLANNING NO: PDC05-061
DESCRIPTION: Planned Development Rezoning from County Unincorporated to the A(PD) Residential District to allow 18 single-family detached residences on a 2.66 gross acres site
LOCATION: South side of Fleming Avenue, approximately 1,032 feet north of Alum Rock Avenue
ADDRESS: South side of Fleming Avenue, approximately 1,032 feet north of Alum Rock Avenue (139 FLEMING AV)
FOLDER #: 05 029148 ZN

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

This project has been approved for Fire flow based on San Jose Water Co. design and calculation letter dated 5/17/06 and access only based on Variance # 06-012098.

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

DRAFT (Revised 5-24-06)
GENERAL DEVELOPMENT PLAN NOTES
PDC05-061

Public Park and 14-Lot Alternative

The following development standards shall be placed on the General Development Plan as soon as the rezoning has been approved by the City Council. All other development standards shall be removed from the plan set.

Uses Allowed

Permitted uses of the R-1 Residential District as amended and public park. Conditional uses of the R-1 District, as amended, are allowed subject to a Planned Development Permit.

Development Standards

Maximum Number of Residential Units: 14 single-family residences are allowed on the property

Minimum Residential Lot Size: 3500 square feet

Minimum Building Setbacks

Front

First floor - 15 feet

Second floor (aggregate) – 19 feet

Side Interior – 4 feet

Side Corner – 10 feet

Rear

Lots 1-8, 10-12, and 14-18 - 20 feet

Lots 13 and 9 -

First floor - 15 feet

Second floor - 20 feet

Porches can extend 5 feet into the front setback.

Note: Minor Architectural projections, such as chimneys and bay windows, may project into any setback by no more than 2'-0" for a horizontal distance not to exceed 10'-0" in length, and no more than 20% of the building elevation length.

Building height

Building should be no more than 30 feet in height and not more than two stories.

Garage frontage – No more than 50% of the building frontage facing a street should be devoted to garages, carports, or open parking. This may be increased to 62.5% of the building frontage, if the garage is recessed a minimum of 5 feet behind the front face of the first story of the house.

Driveway Apron Length – The length of a driveway apron in front of a garage door must be either 18 feet or more or 10 feet or less.

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GENERAL DEVELOPMENT PLAN NOTES
PDC05-061
Public Park and 14-Lot Alternative

Fences Parking and Accessory Structures

Fences, parking and accessory structures shall conform to Title 20 of the San Jose Municipal Code.

Note: Where these development standards conflict with other information included on the Land Use Diagram, these standards shall take precedence.

General Notes

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.

Post-Construction Storm Water Treatment Controls

The city's national pollutant discharge system (NPDES) permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned development permit plans for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the director of planning.

Parkland Dedication Ordinance

This subdivision is subject to the requirements of the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code,) for the dedication of land or payment of fees in lieu of the dedication of land for park purposes, under the formula contained with that Chapter.

Tree Replacement

Approval shall be obtained for the removal of any tree with a diameter of 18 inches (56-inch circumference) or greater through a Planned Development Permit; and any such tree

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GENERAL DEVELOPMENT PLAN NOTES
PDC05-061
Public Park and 14-Lot Alternative

that is removed shall be replaced with a tree(s) as required by the San Jose Tree Ordinance.

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

In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented at the permit stage:

An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of Planning.

A donation of \$300.00 per mitigation tree shall be made to Our City Forest or San Jose Beautiful for in-lieu offsite tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for offsite tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

Environmental Mitigation

The following environmental mitigation shall be included in the project at the Planned Development Permit stage. Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

Mitigation for Impacts to Air Quality

The following construction practices shall be implemented during all phases of construction for the proposed project: 1) water all active construction areas at least twice daily or as often as needed to control dust emissions; 2) cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard; 3) apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas during construction of the site; 4) sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at

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construction sites to control dust; 5) sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material; 6) hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); 7) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust; 8) limit traffic speeds on unpaved roads to 15 mph; 9) install sandbags or other erosion control measures to prevent silt runoff to public roadways; and 10) replant vegetation in disturbed areas as quickly as possible.

Mitigation for Raptors

If possible, construction should be scheduled between September and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

Mitigation for Burrowing Owls and Roosting Bats

A pre-construction survey for burrowing owls shall be conducted by a qualified ornithologist within 30 days prior to any ground disturbance activities.

- A buffer zone of a minimum of 250 feet shall be established around active burrowing owl nesting sites if nesting burrowing owls are discovered during pre-construction surveys conducted between February 1st and August 31st, and no disturbance shall occur within the buffer zone until a qualified biologist has determined that the young birds have fledged.
- No disturbance shall occur within 160 feet of occupied burrows if over-wintering burrowing owls are discovered using the site during the non-breeding season (September 1st through January 31st).
- If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them.

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- The applicant shall submit a report indicating the results of the burrowing owl survey and any designated buffer zones to the satisfaction of the Environmental Principal Planner prior to the issuance of a PD permit.

Mitigation for Cultural resources

Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California: In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer 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 will 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 landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- Should evidence of prehistoric cultural resources be discovered during construction, work in the immediate area of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of Planning.
- Any Native American human remains that are discovered and would be subject to disturbance shall be removed and analyzed, a report shall be prepared, and the remains shall be reburied in consultation and agreement with the Native American Most Likely Descendant designated by the Native American Heritage Commission.

Mitigation for Geology and Soils

A Certificate of Geologic Hazard Clearance has been obtained from the Director of Public Works prior to any discretionary approval for all development in areas shown on the Geologic Hazards Ordinance map; and any Conditions of Clearance including, but not limited to, measures identified in the geologic evaluation, slope stabilization, surface and subsurface drainage control, offsite improvements, use restrictions, erosion control and/or maintenance guarantees for private improvements contained therein shall be implemented as specified. *A Certificate of Geologic Hazard Clearance was issued for the project on July 13, 2005.*

- The project shall be designed and constructed to incorporate wall bracing, mudsill anchors, tie downs, and/or hinge connectors to ensure structural stability as required by the earthquake design regulations of the Uniform Building Code.
- All earthwork and foundation plans and specifications shall comply with the recommendations of the geotechnical exploration by ENGEIO Incorporated. The geotechnical report lists approximately 20 recommendations that are included in the

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project for site grading, foundations, corrosive soils, secondary slabs-on-grade, retaining walls, pavement design, drainage and utility trenches, most of which reflect standard engineering practices that are not required to mitigate environmental impacts. The recommendations that specifically address potential geotechnical hazards found on the site are included below.

- Areas of undocumented fill shall be over-excavated and recompacted as engineered fill if improvements are planned where the fill is located.
- Post-tensioned or conventionally-reinforced floating mat foundation systems shall be utilized in any residences subjected to expansive soils movement.
- Drainage shall be controlled and directed away from all structures and pavements.
- A City approved Erosion Control Plan shall be developed and implemented with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences.

Mitigation for Hazards and Hazardous materials

- Septic system(s), if found on the site, shall be abandoned in accordance with the requirements of the Santa Clara County Sewage Disposal Ordinance.
- The structures to be removed shall be surveyed for the presence of asbestos-containing materials at the demolition permit stage; and if any suspect ACM are present, they shall be sampled prior to demolition in accordance with NESHAP guidelines, and all potentially friable ACM shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with NESHAP and Cal-OSHA requirements.
- The structures to be removed shall be surveyed for the presence of lead based paint at the demolition permit stage; and if any suspect LBP is present, it shall be sampled prior to demolition, and all potential LBP shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with EPA and OSHA requirements.
- The project site shall be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that may have been obscured by existing structures or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a mitigation program shall be developed, submitted to the City's Environmental principle Planner, and implemented with such measures as soil testing, removal and/or offsite disposal at a permitted facility.

Mitigation for impacts to Hydrology & Water Quality

- A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control

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measures, waste disposal controls, maintenance responsibilities and non-stormwater management controls, shall be submitted to the RWQCB and maintained onsite, respectively, to comply with the stormwater discharge requirements of the NPDES General Permit.

- Stormwater treatment control measures shall be hydraulically sized prior to the issuance of a Planned Development (PD) Permit in conformance with provisions of the City's Post-Construction Urban Runoff Management Policy and to adopted Santa Clara Valley Pollution Prevention Program NPDES Permit C.3 provisions to the satisfaction of the Director of Public Works.
- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMPs) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.
- The project shall incorporate the following site design, source control, and treatment measures to minimize the discharge of stormwater pollutants and limit the volume, velocity and duration of runoff:
 - Hydraulically-sized drainage swales shall be incorporated into the stormwater drainage design.
 - Landscaped slopes shall be provided.
 - Roof drains shall discharge onto splash blocks and drain into landscaped areas located away from the building foundations to an unpaved area wherever possible.

Mitigation for Noise

- Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.



COUNCIL AGENDA: 6-13-06

ITEM: 11.4

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: May 22, 2006

TRANSMITTAL MEMO

COUNCIL DISTRICT: 6

SNI AREA: None

SUBJECT: PDC05-061/C05-079. LOCATED ON THE SOUTH SIDE OF FLEMING AVENUE, APPROXIMATELY 1,032 FEET SOUTHEAST OF ALUM ROCK AVENUE.

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.

PLANNING COMMISSION
AGENDA: 5-24-06
ITEM: 4c.1 & 2



Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: May 17, 2006

COUNCIL DISTRICT: 5

SUPPLEMENTAL MEMO

SUBJECT: PDC05-061/C05-079, PREZONING FROM UNINCORPORATED COUNTY TO A (PD) PLANNED DEVELOPMENT ZONING DISTRICT AND R-1-5 SINGLE-FAMILY RESIDENCE DISTRICT ON A 2.93 GROSS ACRE SITE LOCATED ON THE SOUTH SIDE OF FLEMING AVENUE, APPROXIMATELY 1,032 FEET SOUTHEAST OF ALUM ROCK AVENUE.

BACKGROUND

This item was originally heard by the Planning Commission on January 11, 2006. After receiving public testimony, the Planning Commission deferred the proposal to April 12, 2006 to allow the developer to address community concerns regarding density and traffic issues and to address the Commission's concerns regarding fire access. In response to the requests from the applicant for additional time to negotiate with the property owner, the item was deferred to April 26, 2006. At that meeting, the applicant proposed to reduce the number of allowed units from 18 to 14 and to provide a small public park in the place of the four residential lots located closest to Fleming Avenue. The Commission deferred the item to May 24, 2006 to allow staff to respond to the park proposal and adjust the Development Standards to fit the revised project. Following the Planning Commission meeting, the applicant submitted two alternative General Development Plans for the site, the first proposing 14 lots and the second proposing 14 smaller lots and a 0.35-acre public park (see attached alternative plans). The applicant has also obtained a Fire Variance for the proposed standard public street cul-de-sac.

ANALYSIS

Proposed Park

The Department of Parks, Recreation and Neighborhood Services (PRNS) has indicated that it does not support the proposed 0.35-acre park. (See attached memorandum from David Mitchell,

the City's Parks Planning Manager.) The memo clarifies that PRNS has not requested dedication of a park as a requirement of the project, that the proposed park is less than the one-acre minimum size that PRNS finds acceptable due to maintenance concerns, and that staff is considering approximately 1.5 acres of the Joseph George Elementary School Site for a neighborhood park to serve this area. Planning staff concur that a 0.35-acre park at this location is too small to provide optimal recreation facilities or allow for efficient use of scarce maintenance resources.

Development Standards

Staff has prepared revised Draft Development Standards for both of the two alternative plans proposed by the applicant (see attached). The *14-lot with public park alternative* requires no changes in the Development Standards except the addition of "public park" to the allowed uses. For the *14-lot with no park alternative*, staff has increased the minimum lot size and the rear and side setbacks to reflect the larger lots.

Recommendation

Staff recommends that the Planning Commission recommend that the City Council approve the proposed rezoning to R-1-5 Single-Family Residence District on the 0.23 acre site as originally recommended, and approve the rezoning on the 2.7 gross acre site to A(PD) Planned Development with a maximum of 14 units and no public park.


JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

cc: Sue Dillion
Braddock and Logan
1700 The Alameda, #210
San Jose, CA 95126

Attachments

Location Map
Memorandum from David J. Mitchell, Parks Planning Manager
Revised Draft Development Standards for the 14-lot alternative with no park
Revised Draft Development Standards for the 14-lot alternative with park
Alternative General Development Plans

Memorandum

TO: Carol Hamilton

FROM: David J. Mitchell

SUBJECT: PDC05-061 APN 601-15-039

DATE: 5-10-06

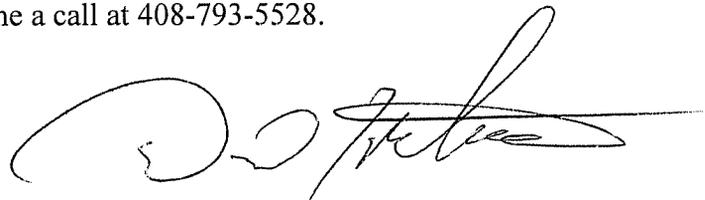
The above referenced project is a Planned Development Rezoning from County Unincorporated to A (PD) Planned Residential District to allow up to 18 single-family detached residences on a 2.66 gross acre site, located off of Fleming Drive, between Alum Rock Avenue and Neves Way. (APN 601-15-039).

Staff of the Parks, Recreation, and Neighborhood Services Department (PRNS) has reviewed the revised plans associated with this request. The revised plans indicate a development of 14 lots, a public street and a proposed public park of 0.35 acres to be dedicated to the City. Due to size of the proposed project being under 51 units, the City cannot condition the developer to dedicate a park to the City. In this case, PRNS staff has not requested the proposed park site being offered by the developer.

Unfortunately, the proposed size of the park is less than the one acre desire size for a neighborhood park by the City. Due to maintenance concerns, the City is looking at accepting neighborhood park sites of one acre or larger in the non-urban core. The City is currently looking at using approximately 1.5 acres of the Joseph George Elementary School Site for a neighborhood park to serve this area. Therefore, PRNS is not interested in accepting the proposed park site at the northwest corner of Fleming Avenue and the proposed new public street.

The developer could propose this site as a private recreational facility to serve the 14 lots in the proposed tract. The developer would be eligible to receive 0.07 acres of credit or half of the units, if the proposed park site was turned into a private recreational facility. The Developer is required to pay the associated in-lieu fees for the remaining units.

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



DAVID J. MITCHELL
Parks Planning Manager

DRAFT
GENERAL DEVELOPMENT PLAN NOTES
PDC05-061
Public Park and 14-Lot Alternative

Fences Parking and Accessory Structures

Fences, parking and accessory structures shall conform to Title 20 of the San Jose Municipal Code.

Note: Where these development standards conflict with other information included on the Land Use Diagram, these standards shall take precedence.

General Notes

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that is removed shall be replaced with a tree(s) as required by the San Jose Tree Ordinance.

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

In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented at the permit stage:

An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of Planning.

A donation of \$300.00 per mitigation tree shall be made to Our City Forest or San Jose Beautiful for in-lieu offsite tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for offsite tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

Environmental Mitigation

The following environmental mitigation shall be included in the project at the Planned Development Permit stage. Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

Mitigation for Impacts to Air Quality

The following construction practices shall be implemented during all phases of construction for the proposed project: 1) water all active construction areas at least twice daily or as often as needed to control dust emissions; 2) cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard; 3) apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas during construction of the site; 4) sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at

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construction sites to control dust; 5) sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material; 6) hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); 7) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust; 8) limit traffic speeds on unpaved roads to 15 mph; 9) install sandbags or other erosion control measures to prevent silt runoff to public roadways; and 10) replant vegetation in disturbed areas as quickly as possible.

Mitigation for Raptors

If possible, construction should be scheduled between September and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

Mitigation for Burrowing Owls and Roosting Bats

A pre-construction survey for burrowing owls shall be conducted by a qualified ornithologist within 30 days prior to any ground disturbance activities.

- A buffer zone of a minimum of 250 feet shall be established around active burrowing owl nesting sites if nesting burrowing owls are discovered during pre-construction surveys conducted between February 1st and August 31st, and no disturbance shall occur within the buffer zone until a qualified biologist has determined that the young birds have fledged.
- No disturbance shall occur within 160 feet of occupied burrows if over-wintering burrowing owls are discovered using the site during the non-breeding season (September 1st through January 31st).
- If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them.

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- The applicant shall submit a report indicating the results of the burrowing owl survey and any designated buffer zones to the satisfaction of the Environmental Principal Planner prior to the issuance of a PD permit.

Mitigation for Cultural resources

Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California: In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer 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 will 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 landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- Should evidence of prehistoric cultural resources be discovered during construction, work in the immediate area of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of Planning.
- Any Native American human remains that are discovered and would be subject to disturbance shall be removed and analyzed, a report shall be prepared, and the remains shall be reburied in consultation and agreement with the Native American Most Likely Descendant designated by the Native American Heritage Commission.

Mitigation for Geology and Soils

A Certificate of Geologic Hazard Clearance has been obtained from the Director of Public Works prior to any discretionary approval for all development in areas shown on the Geologic Hazards Ordinance map; and any Conditions of Clearance including, but not limited to, measures identified in the geologic evaluation, slope stabilization, surface and subsurface drainage control, offsite improvements, use restrictions, erosion control and/or maintenance guarantees for private improvements contained therein shall be implemented as specified. *A Certificate of Geologic Hazard Clearance was issued for the project on July 13, 2005.*

- The project shall be designed and constructed to incorporate wall bracing, mudsill anchors, tie downs, and/or hinge connectors to ensure structural stability as required by the earthquake design regulations of the Uniform Building Code.
- All earthwork and foundation plans and specifications shall comply with the recommendations of the geotechnical exploration by ENGEO Incorporated. The

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geotechnical report lists approximately 20 recommendations that are included in the project for site grading, foundations, corrosive soils, secondary slabs-on-grade, retaining walls, pavement design, drainage and utility trenches, most of which reflect standard engineering practices that are not required to mitigate environmental impacts. The recommendations that specifically address potential geotechnical hazards found on the site are included below.

- Areas of undocumented fill shall be over-excavated and recompacted as engineered fill if improvements are planned where the fill is located.
- Post-tensioned or conventionally-reinforced floating mat foundation systems shall be utilized in any residences subjected to expansive soils movement.
- Drainage shall be controlled and directed away from all structures and pavements.
- A City approved Erosion Control Plan shall be developed and implemented with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences.

Mitigation for Hazards and Hazardous materials

- Septic system(s), if found on the site, shall be abandoned in accordance with the requirements of the Santa Clara County Sewage Disposal Ordinance.
- The structures to be removed shall be surveyed for the presence of asbestos-containing materials at the demolition permit stage; and if any suspect ACM are present, they shall be sampled prior to demolition in accordance with NESHAP guidelines, and all potentially friable ACM shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with NESHAP and Cal-OSHA requirements.
- The structures to be removed shall be surveyed for the presence of lead based paint at the demolition permit stage; and if any suspect LBP is present, it shall be sampled prior to demolition, and all potential LBP shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with EPA and OSHA requirements.
- The project site shall be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that may have been obscured by existing structures or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a mitigation program shall be developed, submitted to the City's Environmental principle Planner, and implemented with such measures as soil testing, removal and/or offsite disposal at a permitted facility.

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on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.

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Mitigation for impacts to Hydrology & Water Quality

- A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control measures, waste disposal controls, maintenance responsibilities and non-stormwater management controls, shall be submitted to the RWQCB and maintained onsite, respectively, to comply with the stormwater discharge requirements of the NPDES General Permit.
- Stormwater treatment control measures shall be hydraulically sized prior to the issuance of a Planned Development (PD) Permit in conformance with provisions of the City's Post-Construction Urban Runoff Management Policy and to adopted Santa Clara Valley Pollution Prevention Program NPDES Permit C.3 provisions to the satisfaction of the Director of Public Works.
- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMPs) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.
- The project shall incorporate the following site design, source control, and treatment measures to minimize the discharge of stormwater pollutants and limit the volume, velocity and duration of runoff:
 - Hydraulically-sized drainage swales shall be incorporated into the stormwater drainage design.
 - Landscaped slopes shall be provided.
 - Roof drains shall discharge onto splash blocks and drain into landscaped areas located away from the building foundations to an unpaved area wherever possible.

Mitigation for Noise

- Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used

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The following development standards shall be placed on the General Development Plan as soon as the rezoning has been approved by the City Council. All other development standards shall be removed from the plan set.

Uses Allowed

Permitted uses of the R-1 Residential District as amended. Conditional uses of the R-1 District, as amended, are allowed subject to a Planned Development Permit.

Development Standards

Maximum Number of Residential Units: 14 single-family residences are allowed on the property

Minimum Residential Lot Size: 5445 square feet

Minimum Building Setbacks

Front

First floor - 15 feet

Second floor (aggregate) – 19 feet

Side Interior – 5 feet

Side Corner – 12.5 feet

Rear – 20 feet

Porches can extend 6 feet into the front setback.

Note: Minor Architectural projections, such as chimneys and bay windows, may project into any setback by no more than 2'-0" for a horizontal distance not to exceed 10'-0" in length, and no more than 20% of the building elevation length.

Building height

Building should be no more than 30 feet in height and not more than two stories.

Garage frontage – No more than 50% of the building frontage facing a street should be devoted to garages, carports, or open parking. This may be increased to 62.5% of the building frontage, if the garage is recessed a minimum of 5 feet behind the front face of the first story of the house.

Driveway Apron Length – The length of a driveway apron in front of a garage door must be either 18 feet or more or 10 feet or less.

Fences Parking and Accessory Structures

Fences, parking and accessory structures shall conform to Title 20 of the San Jose Municipal Code.

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Note: Where these development standards conflict with other information included on the Land Use Diagram, these standards shall take precedence.

General Notes

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.

Post-Construction Storm Water Treatment Controls

The city's national pollutant discharge system (NPDES) permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned development permit plans for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the director of planning.

Parkland Dedication Ordinance

This subdivision is subject to the requirements of the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code,) for the dedication of land or payment of fees in lieu of the dedication of land for park purposes, under the formula contained with that Chapter.

Tree Replacement

Approval shall be obtained for the removal of any tree with a diameter of 18 inches (56-inch circumference) or greater through a Planned Development Permit; and any such tree that is removed shall be replaced with a tree(s) as required by the San Jose Tree Ordinance.

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

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- . 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. The species and exact number of trees to be planted on the site shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented at the permit stage:

An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of Planning.

A donation of \$300.00 per mitigation tree shall be made to Our City Forest or San Jose Beautiful for in-lieu offsite tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for offsite tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

Environmental Mitigation

The following environmental mitigation shall be included in the project at the Planned Development Permit stage. Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

Mitigation for Impacts to Air Quality

The following construction practices shall be implemented during all phases of construction for the proposed project: 1) water all active construction areas at least twice daily or as often as needed to control dust emissions; 2) cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard; 3) apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas during construction of the site; 4) sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust; 5) sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material; 6) hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); 7) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent

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visible airborne dust; 8) limit traffic speeds on unpaved roads to 15 mph; 9) install sandbags or other erosion control measures to prevent silt runoff to public roadways; and 10) replant vegetation in disturbed areas as quickly as possible.

Mitigation for Raptors

If possible, construction should be scheduled between September and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

Mitigation for Burrowing Owls and Roosting Bats

- A pre-construction survey for burrowing owls shall be conducted by a qualified ornithologist within 30 days prior to any ground disturbance activities.
- A buffer zone of a minimum of 250 feet shall be established around active burrowing owl nesting sites if nesting burrowing owls are discovered during pre-construction surveys conducted between February 1st and August 31st, and no disturbance shall occur within the buffer zone until a qualified biologist has determined that the young birds have fledged.
 - No disturbance shall occur within 160 feet of occupied burrows if over-wintering burrowing owls are discovered using the site during the non-breeding season (September 1st through January 31st).
 - If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them.
 - The applicant shall submit a report indicating the results of the burrowing owl survey and any designated buffer zones to the satisfaction of the Environmental Principal Planner prior to the issuance of a PD permit.

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Mitigation for Cultural resources

Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California: In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer 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 will 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 landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- Should evidence of prehistoric cultural resources be discovered during construction, work in the immediate area of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of Planning.
- Any Native American human remains that are discovered and would be subject to disturbance shall be removed and analyzed, a report shall be prepared, and the remains shall be reburied in consultation and agreement with the Native American Most Likely Descendant designated by the Native American Heritage Commission.

Mitigation for Geology and Soils

A Certificate of Geologic Hazard Clearance has been obtained from the Director of Public Works prior to any discretionary approval for all development in areas shown on the Geologic Hazards Ordinance map; and any Conditions of Clearance including, but not limited to, measures identified in the geologic evaluation, slope stabilization, surface and subsurface drainage control, offsite improvements, use restrictions, erosion control and/or maintenance guarantees for private improvements contained therein shall be implemented as specified. *A Certificate of Geologic Hazard Clearance was issued for the project on July 13, 2005.*

- The project shall be designed and constructed to incorporate wall bracing, mudsill anchors, tie downs, and/or hinge connectors to ensure structural stability as required by the earthquake design regulations of the Uniform Building Code.
- All earthwork and foundation plans and specifications shall comply with the recommendations of the geotechnical exploration by ENGEO Incorporated. The geotechnical report lists approximately 20 recommendations that are included in the project for site grading, foundations, corrosive soils, secondary slabs-on-grade, retaining walls, pavement design, drainage and utility trenches, most of which reflect standard engineering practices that are not required to mitigate environmental

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impacts. The recommendations that specifically address potential geotechnical hazards found on the site are included below.

- Areas of undocumented fill shall be over-excavated and recompact as engineered fill if improvements are planned where the fill is located.
- Post-tensioned or conventionally-reinforced floating mat foundation systems shall be utilized in any residences subjected to expansive soils movement.
- Drainage shall be controlled and directed away from all structures and pavements.
- A City approved Erosion Control Plan shall be developed and implemented with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences.

Mitigation for Hazards and Hazardous materials

- Septic system(s), if found on the site, shall be abandoned in accordance with the requirements of the Santa Clara County Sewage Disposal Ordinance.
- The structures to be removed shall be surveyed for the presence of asbestos-containing materials at the demolition permit stage; and if any suspect ACM are present, they shall be sampled prior to demolition in accordance with NESHAP guidelines, and all potentially friable ACM shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with NESHAP and Cal-OSHA requirements.
- The structures to be removed shall be surveyed for the presence of lead based paint at the demolition permit stage; and if any suspect LBP is present, it shall be sampled prior to demolition, and all potential LBP shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with EPA and OSHA requirements.
- The project site shall be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that may have been obscured by existing structures or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a mitigation program shall be developed, submitted to the City's Environmental principle Planner, and implemented with such measures as soil testing, removal and/or offsite disposal at a permitted facility.

Mitigation for impacts to Hydrology & Water Quality

- A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control

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measures, waste disposal controls, maintenance responsibilities and non-stormwater management controls, shall be submitted to the RWQCB and maintained onsite, respectively, to comply with the stormwater discharge requirements of the NPDES General Permit.

- Stormwater treatment control measures shall be hydraulically sized prior to the issuance of a Planned Development (PD) Permit in conformance with provisions of the City's Post-Construction Urban Runoff Management Policy and to adopted Santa Clara Valley Pollution Prevention Program NPDES Permit C.3 provisions to the satisfaction of the Director of Public Works.
- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMPs) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.
- The project shall incorporate the following site design, source control, and treatment measures to minimize the discharge of stormwater pollutants and limit the volume, velocity and duration of runoff:
 - Hydraulically-sized drainage swales shall be incorporated into the stormwater drainage design.
 - Landscaped slopes shall be provided.
 - Roof drains shall discharge onto splash blocks and drain into landscaped areas located away from the building foundations to an unpaved area wherever possible.

Mitigation for Noise

- Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.

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The following development standards shall be placed on the General Development Plan as soon as the rezoning has been approved by the City Council. All other development standards shall be removed from the plan set.

Uses Allowed

Permitted uses of the R-1 Residential District as amended and public park. Conditional uses of the R-1 District, as amended, are allowed subject to a Planned Development Permit.

Development Standards

Maximum Number of Residential Units: 14 single-family residences are allowed on the property

Minimum Residential Lot Size: 3500 square feet

Minimum Building Setbacks

Front

First floor - 15 feet

Second floor (aggregate) – 19 feet

Side Interior – 4 feet

Side Corner – 10 feet

Rear

Lots 1-8, 10-12, and 14-18 - 20 feet

Lots 13 and 9 -

First floor - 15 feet

Second floor - 20 feet

Porches can extend 5 feet into the front setback.

Note: Minor Architectural projections, such as chimneys and bay windows, may project into any setback by no more than 2'-0" for a horizontal distance not to exceed 10'-0" in length, and no more than 20% of the building elevation length.

Building height

Building should be no more than 30 feet in height and not more than two stories.

Garage frontage – No more than 50% of the building frontage facing a street should be devoted to garages, carports, or open parking. This may be increased to 62.5% of the building frontage, if the garage is recessed a minimum of 5 feet behind the front face of the first story of the house.

Driveway Apron Length – The length of a driveway apron in front of a garage door must be either 18 feet or more or 10 feet or less.

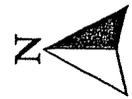


File No: PDC05-061

District: 05

Quad No: 52

Scale: 1"=130'



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06/01/2005