



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** May 4, 2006

---

**COUNCIL DISTRICT:** 4

**SUBJECT: PDC05-113. PLANNED DEVELOPMENT REZONING FROM IP INDUSTRIAL PARK ZONING DISTRICT TO A(PD) RESIDENTIAL ZONING DISTRICT TO ALLOW 53 SINGLE-FAMILY ATTACHED RESIDENCES ON A 2.82 GROSS ACRES SITE LOCATED ON THE WEST SIDE OF OAKLAND ROAD, APPROXIMATELY 550 FEET NORTH OF ROCK AVENUE**

## RECOMMENDATION

The Planning Commission voted 5-0-1, with Commissioner Platten absent, to recommend that the City Council approve the proposed rezoning as recommended by staff.

## BACKGROUND

On May 3, 2006, the Planning Commission held a public hearing to consider a Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Residential Zoning District to allow up to 53 single-family attached residences on a 2.82 gross acre site. The Director of Planning recommended approval of the proposed project.

The project was removed from the consent calendar at the request of Commissioner Zito.

The applicant's representative, Erik Schoennauer, requested the Commission support the project that builds the "final piece of neighborhood" in the area, and made himself available for questions. No other member of public provided testimony at the hearing.

Commissioner Zito expressed concern about "hybrid" projects that combine elements of garden town-homes and cluster housing and asked staff to clarify their support of the proposed setbacks and open space. Staff responded that the project has been reviewed for conformance with the Residential Design Guidelines and it was determined that the project met the intent of the Guidelines with respect to setbacks from adjoining uses and the amount of open space.

In response to Commissioner Zito regarding setback requirements for three-story structures from existing residential units, staff acknowledged that the Residential Design Guidelines, adopted in 1997, need to be updated to reflect the current housing products being developed. In response to Commissioner Zito's concern about the safety of children of the units that front on a busy street

like Oakland Road, staff clarified the front setbacks from Oakland Road, and indicated that additional work will be done at the Planned Development Permit stage to modify the design of the front patios. The applicant commented that the homes fronting on Old Oakland Road will create an attractive streetscape, will provide “eyes on the street” which will be beneficial for a “safe passage” of school children walking to Orchard School located approximately 1600 feet south of the project, and that the patios will be either fenced or edged with landscaping to distinguish the private space and add safety. In response to Commissioner Zito, the applicant indicated that 43 out of 53 units were proposed to have tandem garages.

Commissioner Zito concurred with staff’s concern regarding lack of park space in the immediate vicinity of the project. Staff responded that the lack of parks within the near vicinity and the issue of onsite parkland dedication was raised by staff during the approval of the first residential project in the Old Oakland/Rock area in 2003, proposed on a 13.7 acre property, on which on-site parkland was also supported by the Planning Commission. The project was subsequently approved by the Council without a requirement for on-site dedication.

The applicant stated that over \$2 million in park fees have been collected from the four recent residential projects in the area and indicated that approximately one-acre site located on Rock Avenue would be a good location for a park. Commissioner Zito commented that the four residential projects approved recently in the area, adding approximately 300 residential units, have generated a need for a 2.5-acre park in the neighborhood.

In concurrence with Commissioner Zito, Commissioners Levy and Dhillon expressed frustration regarding the lack of parks to serve this expanded residential area and stated that the Commission recommendation memorandum to the City Council should include the suggestion for the City to pursue acquisition of parkland in the area using fees paid to date.

## **PUBLIC OUTREACH**

Two community meetings were held by the applicant—one on December 14, 2005 and the other one on February 1, 2006. Both the meetings were held at the clubhouse of the Casa De Lago mobile home park, accessed from Oakland Road, approximately 2000 feet north of the subject site.

Notices for the public hearing were distributed to the owners and tenants of all properties located within 1000 feet of the project site. A notice of the rezoning was also published in the newspaper, in accordance with the City Council’s Public Outreach Policy. An on-site sign notice was placed on the site to provide information on the pending proposal.

Planning staff has received letters from Santa Clara County Housing Coalition, Silicon Valley Manufacturing Group, and several industrial neighbors in the general vicinity of the project expressing support for the project. Staff has also received a letter from Mobile Community Management Co., the managing agent for Casa De Lago Mobile Home Park, expressing objection to the proposed development due to concerns regarding high traffic and high crime which may be resulting from high density development. All the letters are included as attachments to the original staff report.

HONORABLE MAYOR AND CITY COUNCIL  
May 4, 2006  
**Subject: PDC05-113**  
Page 3

**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 on March 22, 2006.

  
*for* JOSEPH HORWEDEL, SECRETARY  
Planning Commission

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 East Santa Clara Street  
San José, California 95113

Hearing Date/Agenda Number  
P.C. 5/3/2006 Item # 3.e.  
C.C. 5/16/2006

File Number  
PDC05-113

Application Type  
Planned Development Rezoning

Council District  
4

Planning Area  
Berryessa

Assessor's Parcel Number(s)  
237-01-011

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Sanhita Mallick

Location: West side of Oakland Road, approximately 550 feet north of Rock Avenue

Gross Acreage: 2.82 ac

Net Acreage: 2.60 ac

Net Density: 21.2 dwelling units/acre

Existing Zoning: IP- Industrial Park

Existing Use: Office

Proposed Zoning: A (PD) Planned  
Development

Proposed Use: Up to 53 multi-family attached residential units.

### GENERAL PLAN

Completed by: SM

Land Use/Transportation Diagram Designation  
Medium Density Residential (12-25 DU/AC)

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: SM

North: Church

IP - Industrial Park

East: Industrial Uses and Vacant Land

HI-Heavy Industrial

South: Multi-Family Residential

Medium Density Residential (12-25 DU/AC)

West: Mobile Home Park

Medium Density Residential (8 - 16 DU/AC)

### ENVIRONMENTAL STATUS

Completed by: SM

Environmental Impact Report found complete (GP 2020 EIR certified  
8/16/1994)

Negative Declaration circulated on

Negative Declaration adopted on March 22, 2006

Exempt

Environmental Review Incomplete

### FILE HISTORY

Completed by: SM

Annexation Title: Orchard No. 91

Date: 3/9/1981

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date April 25, 2006

Approved by: *Susan Walton*  
 Action  
 Recommendation

### APPLICANT/OWNER/DEVELOPER

HMH ENGINEERS (RAY  
HASHIMOTO)  
1570 Oakland Road  
San Jose CA 95131

TAYLOR WODROW HOMES  
(KERYNN GIANOTTI)  
2300 Camino San Ramon, STE 100  
San Jose CA 94583

---

---

**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: SM

**Department of Public Works**

See attached memorandum

---

**Other Departments and Agencies**

See attached memoranda from the Fire Department, Environmental Services Division, Department of Parks and Neighborhood Services, Department of Transportation.

---

**GENERAL CORRESPONDENCE**

None received.

---

**ANALYSIS AND RECOMMENDATIONS**

---

---

**BACKGROUND**

The applicant, Taylor Woodrow Homes, is requesting to rezone the subject site from IP-Industrial Park to A(PD) Planned Development Zoning District to allow up to 53 multi-family attached residences, at a density of 20.4 dwelling units per acre (DU/AC). A Planned Development Permit (File No. PD05-089) is currently on file and under review, and will proceed subsequent to an approval of the subject rezoning by the City Council.

A General Plan Amendment (File No. GP05-04-07), was approved by the City Council on April 18, 2006, which changed the General Plan land use designation on this site from Industrial Park with a Mixed Industrial Overlay to Medium High Density Residential (12-25 DU/AC). Planning staff had recommended no change to the General Plan, and the Planning Commission's lack of a quorum to make a recommendation was deemed to be a recommendation for denial. This was the fourth General Plan Amendment (and fourth subsequent Planned Development rezoning) in the immediate vicinity near the Oakland & Rock intersection that have converted approximately 25.3 acres of industrial land to allow 297 residential units (including 53 units proposed for this project).

**Site and Surrounding Uses**

This project is essentially an expansion of a previously-approved 98 unit multi-family residential development (File No. PDC05-022) on the adjacent property to the south. The approved site plan has been attached as Exhibit A with this report. The project site is roughly trapezoidal in shape, totaling approximately 2.82 gross acres, and expands the previously-approved development linearly along Old Oakland Road. The site is relatively flat and currently developed with industrial buildings, associated parking and landscaping.

There is currently a mix of residential and industrial land uses surrounding the site. The site is bounded by industrial uses to the north, industrial uses and vacant land across Old Oakland Road to the east, multi-family attached residences currently under construction to the south, and a mobilehome park to the west. The church use to the north is zoned IP-Industrial Park, and the vacant land to the east across Oakland Road is zoned IP-Industrial Park. The existing industrial use to the east is zoned HI-Heavy Industrial. A General Plan Amendment (File No. GP05-04-03) is currently on file for this site across Old Oakland Road to change the Land

Use/Transportation Diagram designation of Heavy Industrial, to add the Mixed Industrial Overlay, to allow church use.

The multi-family attached residential development to the south (Phase I of the current proposal), approved in October 2005, is zoned A(PD) Planned Development (21DU/AC). These homes are currently under construction. The mobilehome park (Casa Del Lago Mobile Home Park) is zoned A(PD) Planned Development. Orchard Elementary School, located on Oakland Road, is situated at a walking distance of approximately 1600 feet to the south of the project site.

## **Project Description**

The proposed rezoning would allow up to 53 attached residential units. The conceptual site plan shows units clustered in 7 detached three-story buildings with each individual building having between 6 and 9 units. A majority (47) of these units are located on two sides of one linear 20-foot wide driveway. This driveway runs north-south, parallel to the Old Oakland Road, and connects this project to the Phase I. Half of these units are located along Oakland Road, while the rest of the units are located along a generous, landscaped setback at the back of the site. The driveway bends at a right angle to the west to provide access for another six-unit building located at a right angle to the previously-described linear arrangement.

The project proposes 10 four-bedroom units, 29 three-bedroom and 14 two-bedroom units. All the units are proposed to have two-car garages, either in a tandem or side-by-side configuration, accessed from internal driveways at the ground level. This is typical of a Garden Townhouse type of unit. The buildings are proposed to be 3 stories and to have a maximum height of 42 feet above grade. The conceptual architecture plans indicate that a portion of the third floor will be stepped back from the rear of the building. Private open space is provided in the form of patios and balconies, which range from 60 to 300 square feet per unit. The project proposes an approximately 8,000 square foot open space (approximately 150 square feet per unit), divided into three components. The major component, approximately 5,600 square feet in area, is located near the westerly property line, surrounded by residential buildings and a guest parking area to the north. The two other components, long and narrow and somewhat triangular in shape, are located between the westerly property line and the residential buildings.

Vehicular and pedestrian access to the site would be provided by means of a 26-foot wide landscaped driveway from Oakland Road. This driveway continues to the guest parking area located opposite to the entrance. Another major pedestrian access into the project is proposed approximately 180 feet southerly of the driveway entry. The common open spaces are linked to the residential units via a network of walkways. A 20-foot wide emergency vehicular access (EVA) for the Fire Department is provided within the phase I section of the development, located adjacent to the southern property line of the subject site. The EVA is accessible from Oakland Road.

The draft Development Standards propose an on-site parking ratio of 2.5 spaces per unit. The project provides a total of 133 on-site parking spaces that include 106 covered parking spaces within two-car garages, and 27 surface parking spaces.

## ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration adopted on March 22, 2006 indicates that the project will not result in a significant environmental impact when the identified mitigations are incorporated. A copy of the adopted MND is attached with this staff report. The Mitigated Negative Declaration addressed issues such as air quality, biological resources, geology and soils, noise, Traffic, Water Quality, Air Quality and Construction related impacts. With the implementation of the proposed mitigation measures, which include construction related mitigation for potential noise, urban runoff, air quality, and water quality impacts, the project will not have a significant impact on the environment.

## GENERAL PLAN CONFORMANCE

The proposed project site was recently designated Medium High Density Residential (12-25 DU/AC). On April 18, 2006, the City Council approved a General Plan Amendment on this site to change the General Plan Land Use designation of Light Industrial to the current designation. The proposed project density is 21.2 dwelling units per acre, which is within the density range of 12-25 DU/AC. Based on this analysis, staff concludes that the rezoning conforms to the San Jose 2020 General Plan.

### *Greenline/Urban Growth Boundary (UGB) and Housing Major Strategies*

The proposed project also furthers the closely related Greenline and Housing Major Strategies of the General Plan. The Greenline/Urban Growth Boundary Strategy specifies that urban development should only occur within the Urban Service Area where urban services can be efficiently provided. The Housing Strategy promotes higher density infill housing, especially close to transit facilities, to ensure the efficient use of land, to reduce the pressure to build more housing at the fringe of the City, to reduce traffic congestion and to promote an adequate supply of housing for existing and future residents. The Housing Strategy recognizes that continued economic growth in the City and region could be adversely affected by an inadequate supply of housing.

The subject site is situated within the existing urbanized area of the City of San Jose, with retail commercial centers located a half mile southerly of the site. Thus, the site provides an opportunity for infill development in support of the above-mentioned strategies. The current rezoning proposal has the potential to 1) increase the housing supply, 2) maximize the efficient use of existing infrastructure, and 3) reduce pressure for growth outside the UGB.

## ANALYSIS

The analysis section addresses the adequacy of the proposed project with respect to the proposed interface with adjoining uses and streets, site layout, building orientation and open space. The project was reviewed for compliance with the Residential Design Guidelines for both garden townhouses and cluster homes, as the proposed project exhibits characteristics of both types of residential units.

### Interface with Surrounding Uses

Staff believes the proposed project is oriented appropriately with respect to the surrounding uses. The buildings front onto Oakland Road, consistent with the project under construction immediately to the south. Staff believes this orientation is preferable to having the units backing up to the streets, with a sound wall along the street, which can impede the creation of a residential neighborhood. As part of the widening of Oakland Road, a landscaped median will be constructed on Oakland Road along the project frontage, which will increase the livability of the project which fronts onto this heavily traveled street. This median island will provide a visual buffer between the proposed residential development and the existing industrial uses on the opposite side of Oakland Road. The proposed 24-foot landscaped setback from back of sidewalk on Oakland Road to the residential unit also provides additional buffering.

The proposed project includes a minimum of a 25-foot setback (30–40 feet on average) between the residential buildings and the property line of the adjacent existing mobilehome park, for the majority of the buildings. The only exception is at the northwest corner of the site, where a minimum of a 9-foot setback is provided for a modest amount (50 feet) of building frontage in an area with existing dense trees, allowing the maximization of the open space area.

The proposed building setbacks are less than what the Residential Design Guidelines recommend for separation between single-family rear yards and 3-story structures of up to 84 feet. Staff acknowledges that this setback is less than what would be preferred; however, given the linear shape of the lot with a width of roughly 185 feet at its narrowest point, providing an 84-foot setback is not practicable. Landscaping is proposed along the westerly property line to limit visibility of the three-story structures from the adjoining residential project.

The project proposes a setback of 12 feet from the northerly property line, which is adjacent to the existing industrial park uses to the north. This is generally in conformance with the Residential Design Guidelines, which requires 15 feet setback for 3-story residential buildings from incompatible uses.

### Parking

There are 133 parking spaces proposed onsite at a ratio of 2.5 spaces per dwelling unit, 14 fewer than recommended by the Residential Design Guidelines for a project of this type, proposed mix of four-(10), three-(29) and two-bedroom (14) units. However, this ratio is slightly higher than was required for the neighboring project (2.4 spaces/unit), which had assumed some availability of some on-street parking on Oakland Road. Subsequent to the approval of the adjoining project, it was determined that street parking on Oakland Road would not be appropriate, given the proposed widening to a six-lane arterial street, although some parking will be available on the Rock Avenue frontage. As such, slightly more on-site parking is being required of this project in light of the confirmed unavailability of on-street parking along the project frontage.

### Open Space

Staff believes the project proposes a sufficient amount of both private and shared common open space to meet the needs of the future residents of the project. The Residential Design Guidelines indicate new residential developments comprised of townhomes should provide common open

space at the rate of 150 square feet per dwelling unit. The intent of the open space requirement is to provide a “usable open space requirement for recreation and social activities” of the residents. The project proposes a centralized common open space, approximately 8,000 square feet in area, (approximately 150 square feet/unit) that can be used for recreational and social activities and which meets the Guidelines requirements. In the absence of a park in the immediate vicinity, this open space will be an amenity to the residents of the development, especially for families with young children. However, as per the proposed conceptual site plan, the centrally-located guest parking lot disrupts the continuity of this space, and as a result, the usability and quality of the open space would be compromised. Staff will continue to work with the applicant at the planned development permit stage to find alternative locations for the guest parking spaces, so that the continuity of the main two components of the common open space can be maintained.

Approximately a quarter of the units are proposed to have 300 square feet of private open space, while another quarter are proposed to have approximately 160 square foot of open space. This space is divided between front patios on the first floor and balconies on the second floor, all of which are 14 feet wide. The rest of the units are proposed to have approximately 100 square foot open space divided into front or side balconies and patios, which are shown as 8 feet wide. The Guidelines recommend that garden townhomes provide private open space at the rate of 300 square feet per unit, which can occur in the form of a rear yard, patio, balcony and/or deck with a minimum width of 15 feet. However, the proposed townhome-style units are a more dense hybrid housing type than those of traditional townhouses and staff feels the provision of private open space at a rate between “garden town-homes” and “cluster housing” rates is appropriate. The recommended private open space for cluster housing is 60 square feet with a minimum width of 6 feet. Additionally, as discussed earlier, the project proposes a generous common open space that can be used for recreation and social activities, which can be considered as a valuable amenity for the development generally, and particularly families with children.

#### Conformance with the Parkland Dedication Ordinance (PDO)

Planning staff is concerned about the availability of park facilities for the future residents of the project. As per the memorandum of the Department of Parks, Recreation and Neighborhood Services (PRNS), the four residential projects approved recently in the area (adding approximately 300 residential units) have generated a need for a 2.5-acre park in the neighborhood. Land expected on the Orchard School site has not yet been available for development of a park. The closest park to the subject site is located in the City of Milpitas, 1.4 miles from the site. Townsend Park and Flickinger Park are the closest San José parks to the site, and each are approximately two miles from the site.

Given the small size of the subject site just over 2.5 acres, the Department of Parks, Recreation and Neighborhood Services (PRNS) has recommended that that the project submit payment of in-lieu fees instead of on-site dedication of parkland.

#### PUBLIC OUTREACH

Two community meetings were held by the applicant—one on December 14, 2005 and the other one on February 1, 2006. Both the meetings were held at the clubhouse of the Casa De Lago mobile home park, accessed from Oakland Road, approximately 2000 feet north of the subject site. Approximately 7 residents were present at the first meeting, an overwhelming majority of whom were residents of the mobile home park. The second meeting was arranged exclusively for the

members of the mobile home park, since the residents of the mobile home park were not noticed for the first meeting. Project-related comments included concerns regarding privacy of mobile home park residents, height and material of a wall between the mobile home park and the proposed project, concern about lack of on-site parking and a possible stacking problem at the left turn lane at Calle Artis from Oakland Road, the closest intersection to the north of the project, where future residents may need to do u-turns in order to enter the development.

Notices for the public hearing were distributed to the owners and tenants of all properties located within 1000 feet of the project site. A notice of the rezoning was also published in the newspaper, in accordance with the City Council's Public Outreach Policy. An on-site sign notice was placed on the site to provide information on the pending proposal.

Planning staff has received letters from Santa Clara County Housing Coalition, Silicon Valley Manufacturing Group, and several industrial neighbors in the general vicinity of the project expressing support for the project. Staff has also received a letter from Mobile Community Management Co., the managing agent for Casa De Lago Mobile Home Park, expressing objection to the proposed development due to concerns regarding high traffic and high crime which may be resulting from high density development. All the letters are included as attachment to this report.

### **CONCLUSION**

Planning staff supports the proposed Planned Development rezoning for development of up to 53 attached single-family residential units, as it will implement the San Jose 2020 General Plan by facilitating the use of the site which is consistent with the Medium High Density Residential (12-25 DU/AC) General Plan designation, and is compatible with the surrounding uses.

### **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend 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 Land Use/Transportation Diagram designation of Medium High Density Residential (12-25 DU/AC) and provides an opportunity to further important goals and strategies of the General Plan for high-density, infill development within the Urban Service Area.
2. The proposed project is in substantial conformance with the Residential Design Guidelines.
3. The proposed rezoning is compatible with existing uses on the adjacent and neighboring properties.

Attachments:

Location Map

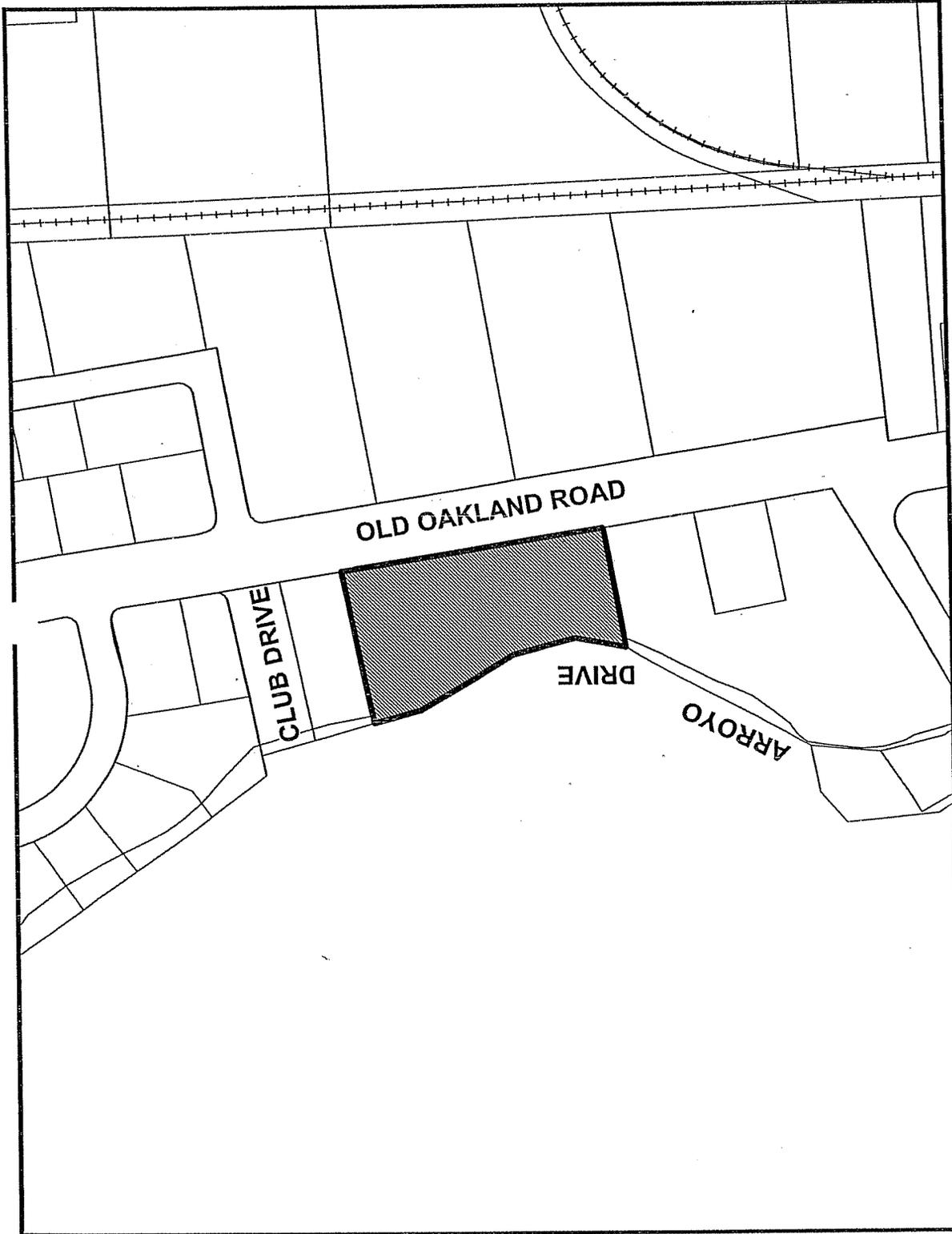
Memorandum from Department of Public Works, ESD, Police and Fire Department

Memorandum from Department of Transportation and PRNS

Mitigated Negative Declaration

Letters from Public

Planset

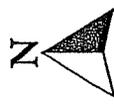


File No: PDC05-113

District: 4

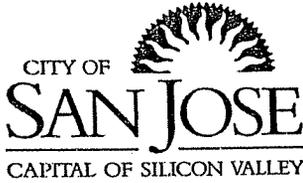
Quad No: 51

Scale: 1"= 250'  
Noticing Radius: 500 feet



Map Created On:  
11/16/2005





# Memorandum

**TO:** Sanhita Mallick  
Planning and Building

**FROM:** Ryan Do  
Public Works

**SUBJECT:** SEE BELOW

**DATE:** 02/24/06

Approved

Date

02/24/06

**SUBJECT:** DOLLINGER SITE RESIDENTIAL  
PW NO. 3-05843 (PDC05-113)

We have completed the review of the traffic analysis for the subject project. The project consists of replacing an existing 38,741 square-foot research and development building with 53 condominium/townhouse units. The proposed development is located along the west side of Oakland Road just north of Rock Avenue. The proposed development is projected to, overall, generate less traffic than the existing use on site (i.e. no increase in net AM and PM peak hour trips).

## ACCESS

Regional access to the site is provided by I-880 with interchanges at Brokaw Road and Montague Expressway and local access is provided by Oakland Road.

Vehicular access to the site will be provided via a new right in/right out driveway on Oakland Road and a proposed full access driveway on Rock Avenue through an internal shared private roadway connecting the project and the adjacent development to the south.

## ANALYSIS

Project traffic impacts and transportation level of service (LOS) have been calculated using Traffix, the City of San Jose and the Santa Clara County Congestion Management Program (CMP) approved software.

**City of San Jose Methodology:** Seven (7) signalized intersections were analyzed for the AM and PM peak commute hours using TRAFFIX and conforming to the City of San Jose Level-Of-Service (LOS) Policy impact criteria. The results indicate that none of the study intersections were significantly impacted by the addition of the project traffic. The results of the analysis are summarized in the attached Table ES-1.

Planning and Building

02/24/06

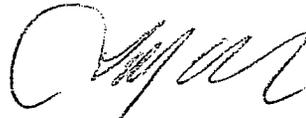
**Subject: Traffic Analysis for PDC05-113**

Page 2 of 2

RECOMMENDATION

We conclude that the subject project will be in conformance with both the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and the Santa Clara County Congestion Management Program. Therefore, a determination for a negative declaration can be made with respect to traffic impacts.

If you have any questions, please call me or Karen Mack at extension 56897.



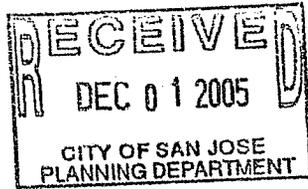
Ryan Do  
Project Engineer  
Transportation and Development Services Division

C: Karen Mack

**Table ES 1  
Intersection Level of Service Summary**

Study Number	Peak Hour	Count Date	Existing		Background		Project Conditions			
			Ave. Delay	LOS	Ave. Delay	LOS	Ave. Delay	LOS	Incr. In Crit. Delay	Incr. In Crit. V/C
1	AM	2/5/03	70	E	79	E	79	E	0.8	0.002
	PM	10/21/03	70	E	118	F	118	F	0.8	0.002
2	AM	10/27/04	40	D	66	E	67	E	1.5	0.004
	PM	10/27/04	45	D	51	D	51	D	0.0	0.000
3	AM	3/23/04	18	B	20	B	20	B	0.0	0.001
	PM	3/23/04	15	B	18	B	18	B	0.0	0.002
4	AM	10/14/04	31	C	25	C	25	C	0.1	0.001
	PM	10/14/04	19	B	18	B	19	B	0.1	0.004
5	AM	10/14/04	46	D	32	C	32	C	0.0	0.000
	PM	10/14/04	37	D	101	F	101	F	0.2	0.000
6	AM	3/5/02	13	B	13	B	13	B	0.0	0.002
	PM	3/5/02	14	B	14	B	14	B	0.3	0.007
7	AM	4/27/05	N/A	N/A	14	B	20	B	0.2	0.004
	PM	4/27/05	N/A	N/A	14	B	14	B	0.4	0.004

\* Denotes CMP Intersection



# Memorandum

**DATE:** 11/29/05

**TO:** Sanhita Mallick  
**FROM:** Nadia Naum-Stoian

Re: Plan Review Comments

**PLANNING NO:** PDC05-113  
**DESCRIPTION:** Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Residential Zoning District to allow 53 single-family attached residences on a 2.82 gross acres site  
**LOCATION:** west side of Oakland Road, approximately 550 feet north of Rock Avenue  
**ADDRESS:** west side of Oakland Road, approximately 550 feet north of Rock Avenue (2135 OAKLAND RD)  
**FOLDER #:** 05 060127 ZN

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

- These comments are based on the following information from drawings dated 11/14/05 by HMH, and 11/1/05 by KTG Y Gr.Arch.

Largest building: +/- 19,500 sq. ft.

Construction Type: V N

Occupancy Group: R1 (R3)

Number of stories: 3

1. The project plans as submitted, do not comply with the Fire Code. The following are discrepancies noted:

- a) Fire apparatus access roads are not shown to be in accordance with the requirements of the SJFC. Applicant to clarify EVA design at end of private driveway in excess of 150feet- see info required below.
- b) The plans do not indicate that the required fire flow of 3750GPM will be available at the project site. Please ask the applicant to immediately contact Jim Bariteau of San Jose Water Co. at 408-279-7874 to get the water flow information.
- c) The plans do not show location of hydrants. The required fire flow shall be provided through 4 hydrants.

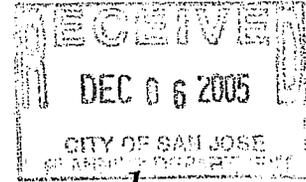
2. Please advise the applicant to submit plans to the Fire Department that provide the following information:

- a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:
  - be at least 20 feet wide;
  - have an unobstructed vertical clearance of not less than 14 feet;
  - be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds;
  - have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
  - be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet;
  - **Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)**
    - i) **Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked**
    - ii) **Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked**
- b) Location of fire hydrants. The average distance between hydrants shall not exceed 350 feet.  
All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections.
- c) Available fire flow. Provide a copy of the letter from San Jose Water Co. that indicates the water flow available.

**Note:** The plans shall be submitted to the Fire Department *by appointment only* (call Nadia Naum-Stoian) as soon as possible.

A handwritten signature in black ink, appearing to read 'Nadia Naum-Stoian', written in a cursive style.

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



# Memorandum

## ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

**TO:** Sanhita Mallick  
 Department of Planning,  
 Building, & Code Enforcement

**FROM:** Geoff Blair  
 Environmental Services Department

**SUBJECT:** Response to Development Application

**DATE:** Staff Review Agenda  
 December 1, 2005

**APPROVED:** *Geoff Blair*      **DATE:** 12-5-05

PLANNING NO. :	PDC05-113
LOCATION:	2135 Oakland Road. West side of Oakland Road, approximately 550 feet north of Rock Avenue.
DESCRIPTION:	Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Residential Zoning District to allow 53 single-family attached residences on a 2.82 gross acre site.
APN:	230701011

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 277-3828.

Stormwater Runoff	San Jose/ Santa Clara Water Pollution Control Plant (Plant)	Source Control	South Bay Water Recycling (SBWR)	Green Building	Integrated Waste Management (IWM)	Water Efficiency
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

### South Bay Water Recycling (SBWR)

#### *Landscape Irrigation*

The development has been identified as a recycled water customer and is required to comply with Chapters 15.10 and 15.11 of the San Jose Municipal Code. This states that all new and rehabilitated landscaping for projects requiring a development permit from the City, and containing over 10,000 ft<sup>2</sup> of landscaped area, must design and construct their facilities to receive recycled water.

The design and construction of the irrigation system must conform to SBWR Rules and Regulations and must be submitted to and approved by SBWR. Standard Details, Specifications and Notes are available to assist with the design and are available by calling (408) 277-3671. Questions regarding recycled water use or the approval process should be directed to SBWR staff at the above number.

## Integrated Waste Management (IWM)

### *Single Family Residential*

1. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. All residential projects must be designed<sup>1</sup> such that they will accommodate garbage and recycling collection vehicles and program setout guidelines. If vehicle access is limited due to clearance issues, street parking, or inaccessible private streets, some services (such as street sweeping or yard trimmings collection) may not be performed, or the property owner may be subject to additional charges. These additional charges may include monthly charges for on-premise (backyard) collection or yard trimmings cart collection. For questions regarding garbage and recycling collection issues, contact the Recycle Plus Program at (408) 535-3515.
2. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. For further information, contact the Commercial Solid Waste Program at (408) 535-3515.

## Water Efficiency

### *Residential*

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

- **High Efficiency Toilets** (1.0 gal/flush) and/or **Dual Flush Toilets** (0.8-1.1 gal/flush for liquids, 1.6 gal/flush for solids) maximize water efficiency. High Efficiency Toilets use at least 20% less water than standard Ultra-Low Flush Toilets (1.6 gal/flush) and Dual Flush Toilets save water by offering two separate flush settings.
- **Water Conserving Dishwashers** can save several gallons of water per load over conventional dishwashers and typically also save energy.
- **High Efficiency Clothes Washers** are more water-and energy-efficient, using from 35 to 50 percent less water and saving up to 50 percent in energy costs over conventional clothes washers.

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

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

---

<sup>1</sup> In accordance with the San Jose *Residential Design Guidelines*

**DRAFT  
MITIGATED NEGATIVE DECLARATION**

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

**NAME OF PROJECT:** Pestana II General Plan Amendment and Rezoning

**PROJECT FILE NUMBER:** GP05-04-07, PDC05-113 and subsequent permits

**PROJECT DESCRIPTION:** General Plan Amendment request to change Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Medium High Density Residential (12-25 DU/AC) and Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Residential Zoning District to allow up to 53 single-family attached residences on a 2.7-acre site and subsequent permits

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** West side of Oakland Road, approximately 550 feet north of Rock Avenue; 237-01-011

**COUNCIL DISTRICT:** 4

**APPLICANT CONTACT INFORMATION:** Kerynn Gianotti, TAYLOR WOODROW HOMES INC, 2300 San Ramon, #100, San Ramon, CA 94583.

**FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

1. **AESTHETICS** – General plan Amendment Mitigations: Urban Design Goal, Urban Design Policy 1, Urban Design Policy 2, Urban Design Policy 6, Urban Design Policy 7, Urban Design Policy 18, Urban Design Policy 22, Urban Design Policy 33, Urban Design Policy 34, Energy Policy 6.

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

3. **AIR QUALITY** –

- a. Mitigation Measure 3-1: The following controls shall be implemented during all construction phases of the project:
- i. Water all active construction sites at least twice daily, and more often during windy periods;
  - ii. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard;
  - iii. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
  - iv. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
  - v. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- b. General Plan Mitigation Measures: Growth Management Major Strategy. Housing Major Strategy, Residential Land Use Policies 1, Residential Land Use Policy 24, Air Quality Policy 1.

4. **BIOLOGICAL RESOURCES** –

- a. Mitigation Measure 4-1. If possible, construction should be scheduled between October 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 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 to the City's Environmental Principal Planner 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.
- b. Mitigation Measure 4-2: The following tree protection measures will also be included in the project in order to protect trees to be retained during and after construction.
- i. Pre-construction treatments:

1. The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
2. Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

ii. During construction:

1. No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
3. Supplemental irrigation shall be applied as determined by the consulting arborist.
4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
6. Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

- c. General plan Mitigation Measures: Urban Forest Policy 2, Urban Forest Policy 3, Urban Forest Policy 5, Urban Forest Policy 6, Urban Design Policy 2, Urban Design Policy 7, Urban Design Policy 15, Urban Design Policy 24.

5. **CULTURAL RESOURCES** – General Plan Mitigation Measures: Historic, Archaeological, and Cultural Resources Policy 1, Policy 8. Policy 9
6. **GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
7. **HAZARDS AND HAZARDOUS MATERIALS** –

- a. Mitigation Measure 7-1. As part of the grading clearance, at least two feet of clean top soil will be used in areas where exposed soil are planned (such as landscaped areas and

yards) to further limit the likelihood of future exposure to impacted soil, to the satisfaction of the Environmental Services Department's Municipal Environmental Compliance Officer and the Director of Public Works.

- b. General Plan Mitigation Measures: Hazards Policy 1, Hazardous Materials Policy 1, Hazardous Materials Policy 3, Water Resources Policy 7, Soils and Geologic Conditions Policy 9.

## **8. HYDROLOGY AND WATER QUALITY –**

- a. Mitigation Measure 8-1: The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication Blueprint for a Clean Bay. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, Room 308, 801 North First Street, San Jose, California 95110-1795. The Erosion Control Plan may include BMPs as specified in ABAG's Manual of Standards Erosion & Sediment Control Measures for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535 7800.
- b. Mitigation Measure 8-2: Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:
  - i. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
  - ii. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
- c. Mitigation Measure 8-3: The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:
  - i. Restriction of grading to the dry season (April 15 through October 15);
  - ii. Utilize on-site sediment control BMPs to retain sediment on the project site;
  - iii. Utilize stabilized construction entrances and/or wash racks;
  - iv. Implement damp street sweeping;
  - v. Provide temporary cover of disturbed surfaces to help control erosion during construction;
  - vi. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
- d. General plan Amendment Mitigation Measures: Level of Service Goal 2, Level of Service Policy 2, Level of Service Policy 12, Storm Drainage and Flood Control Policy 12, Flooding Policy 7, Bay and Baylands Policy 5, Water Resources Policy 8, Water Resources Policy 9, Water Resources Policy 12.

9. **LAND USE AND PLANNING** – General plan Mitigations: Urban Design Policy 1, Urban Design Policy 22.

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

11. **NOISE** –

a. Mitigation Measure 11-1: The project shall be constructed in conformance with the sound barrier requirements and STC rating recommendations for windows and doors, as contained in the report entitled Dollinger Site – San Jose, California, Environmental Noise Study prepared by Charles M. Salter Associates, Inc., dated July 1, 2005. Minimum STC ratings of 28 are required for all building facades fronting on Oakland Road (within 100 feet of centerline), including northern and southern facades of corner rooms of end units perpendicular to Oakland Road. All units fronting Oakland Road and the northernmost and southernmost block of units at the second row of buildings shall have forced air ventilation systems to allow the windows to remain closed so that an interior noise level of 45 dBA can be achieved.

b. Mitigation Measure 11-2: The following measures shall be implemented by the project developer and/or construction site supervisor to reduce potential construction noise impacts to surrounding neighbors:

- a. Notify neighbors of the schedule and type of equipment used for each phase of construction;
- b. Limit hours of construction to between 7:00 a.m. and 7:00 p.m. on weekdays, when construction occurs within 500 feet of existing residences, in conformance with City standards;
- c. Locate noisy stationary equipment (i.e., generators or compressors) away from neighboring residences;
- d. Require that all construction equipment be in good working order and that mufflers be inspected for proper functioning;
- e. Require that vehicles and compressors turn off engines when not in use;
- f. Utilize available noise suppression devices and techniques as appropriate, in conformance with General Plan policy; and
- g. Designate a construction noise coordinator who would be available to respond to complaints from neighbors and take appropriate measures to reduce noise.

c. General plan Amendment Mitigations: Noise Policy 9, Noise Policy 12, Urban Design Policy 18.

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

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

- 14. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- 15. TRANSPORTATION / TRAFFIC** –General Plan Mitigation Measures: Level of Service Goal 2, Level of Service Policy 2, Level of Service Policy 5, Transportation Policy 7, Transportation Policy 28, Transportation Policy 33.
- 16. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- 17. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **Wednesday, March 22, 2006**, any person may:

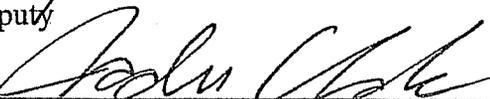
- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José CA 95113-1905 and include a \$100 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

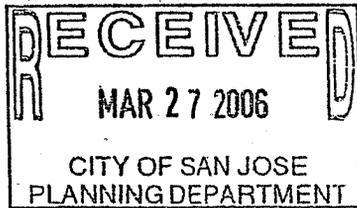
Joseph Horwedel, Acting Director  
Planning, Building and Code Enforcement

Circulated on: 3/2/06

  
Deputy

Adopted on: 3/22/06

  
Deputy



*Copy*  
*- Saubita for file*

March 15, 2006

City of San Jose  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
City Council Chambers, Wing 2<sup>nd</sup> Floor  
San Jose, CA 95113  
Attn: Meera Nagaraj

RE: The General Plan Amendments (File GP 05-04-06 and GP 05-04-07)  
Planning Commission: March 22, 2006.

Dear Meera Nagaraj:

I am the Regional Manager of Mobile Community Management CO., the managing agent for San Jose Investments, Ltd., dba Casa Del Lago Mobilehome Park, located at 2151 Old Oakland Road, San Jose, California 95131.

We are in receipt of Notice Of Public Hearing regarding File No. GP 05-04-06 concerning the proposal to amend the General Plan land use designation from Industrial to Medium Density Residential (8-16 dwelling units per acre) on an approximately 4.08 acre site located on the south side of Rock Avenue, approximately 800 feet westerly of Oakland Road (1040 Rock Avenue). We object to the high density.

We are also in receipt of the Public Notice for Intent to Adopt a Mitigated Negative Declaration regarding PDC05-105 and have no objections.

We have also received the notice of Public Hearings regarding File No. GP 05-04-07 which proposes to amend the General Plan land use designation on an approximately 2.82 acre site located on the west side of Oakland Road, approximately 550 feet north of Rock Avenue (2119-2135 Oakland Road) to allow for a change from Industrial Park with Mixed Industrial Overlay to Medium High Density Residential (12-25 dwelling units per acre). We object to this proposal due to the high density.

Furthermore, we object to GP05-04-07, PDC05-113 regarding the Intent to Adopt a Mitigated Negative Declaration to allow up to 53 single-family attached residences on a 2.7-acre site.

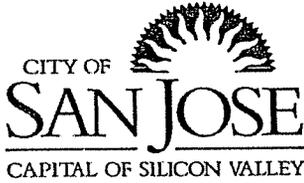
The high density ultimately yields high traffic and higher crime. Thank you for your time in this matter. We can be reached at 714-480-1120.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natalie Costaglio', with a long horizontal flourish extending to the right.

Natalie Costaglio  
Regional Manager

Cc: San Jose Investments, Ltd.  
MCM President  
Diane Medina, General Council  
Community Manager



# Memorandum

---

**TO: Rich Buikema**

**FROM: David J. Mitchell**

**SUBJECT: PDC05-113**

**DATE: 3-20-06**

---

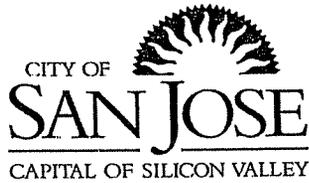
The above referenced project is a Planned Development Rezoning to permit the development of 53 single-family attached residential units on 2.82 gross acre site located on the west side of Oakland Road, approximately 550 feet north of Rock Avenue. (APN 237-01-011)

Staff of the Parks, Recreation, and Neighborhood Services Department (PRNS) has reviewed the proposed project and due to its size under the Parkland Dedication Ordinance of not creating at least a one acre park site through dedication, the only requirement is the payment of the associated in-lieu fees.

PRNS is concerned with the residential development taking place around the intersection of Rock Avenue and Oakland Road. The four projects by Woodrow Taylor in this area generate a need for a 2.5 acres park site. To date the adjacent school has not made its land available for the development of a public play area and picnic facilities.

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

DAVID J. MITCHELL  
Parks Planning Manager



# Memorandum

**TO:** Sanhita Mallick  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 04/03/06

---

**PLANNING NO.:** PDC05-113  
**DESCRIPTION:** Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Residential Zoning District to allow 53 single-family attached residences on a 2.82 gross acres site  
**LOCATION:** west side of Oakland Road, approximately 550 feet north of Rock Avenue  
**P.W. NUMBER:** 3-05843

Public Works received the subject project on 03/01/06 and submits the following comments and requirements.

## Project Conditions:

**Public Works Clearance for Building Permit(s):** Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

**Public Works Approval of Parcel Map or Tract Map:** Prior to the approval of the tract or parcel map by the Director of Public Works, the applicant will be required to have satisfied all of the following Public Works conditions.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:**
  - a) Staff has completed the review of the project traffic report. We conclude that the subject project will be in conformance with both the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and the Santa Clara County Congestion Management Program. Therefore, a determination for a negative declaration can be made with respect to traffic impacts.
  - b) This project is located within the new North San Jose Policy Area and must participate in the payment of the Traffic Impact Fee. Current fee is \$6,994 per

single-family residential unit and \$5,596 per multi-family unit. Fee is subject to future inflation adjustment and increases.

3. **Grading/Geology:**

- a) A grading permit is required prior to the issuance of a Public Works Clearance.
- b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- d) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

8. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.

- a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed. **Additional numeric sizing calculations are required, especially for the front-on units. At the PD stage, submit the final Stormwater Control Plan and numeric sizing calculations.**
- b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.

4. **Flood, Zone D:** The project is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.

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

6. **Reimbursement:** The City of San Jose plans to construct street improvements along the frontage as part of the City's capital improvement program. If the City project proceeds prior to the development of this site, then the owner will be required to reimburse the City for the cost of right-of-way, engineering, construction, and inspection. Reimbursement will be required prior to the issuance of a Public Works Clearance.
7. **Parking:** On-street parking along Oakland Road is not permitted.
8. **Street Improvements:**
  - a) Remove and replace curb, gutter, and sidewalk along project frontage. Provide a City standard detached sidewalk with parkstrips.
  - b) Close unused driveway cut(s).
  - c) Dedicate approximately 20 feet along Oakland Road.
  - d) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works is required.
  - e) Repair, overlay, or reconstruction of asphalt pavement will 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.
9. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project and as such is subject to established criteria. The public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.
10. **Sanitary:** Submit a conceptual sanitary sewer plan at the PD permit stage.
11. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any streetlight requirements will be included as part of the public improvement plans.
12. **Landscape:**
  - a) Install street trees within the public right-of-way along the entire street frontage per City standards.
  - b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
  - c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in parkstrips. Obtain a DOT street tree planting permit for any proposed street tree plantings.
13. **Private Streets:**
  - a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.

b) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.

14. **Median Island:** Developer is required to construct landscaped median on Oakland Road along project frontage. Upon successful completion of the median island, the City will reimburse, as fund becomes available, the developer for the cost of the construction pursuant to the Residential Construction Tax Contribution Fund Program, in accordance with Section 4.64.100 of the Municipal Code.

Please contact the Project Engineer, Ryan Do, at (408) 535-6897 if you have any questions.



Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division

RTD  
ES:rd:gf

6000\_10581957097.DOC

General Development Plan Notes  
PDC05-113

The following Development Standards are to be placed on the Land Use Plan for this Planned Development Zoning once the Zoning is approved by the City Council.

**PLANNED DEVELOPMENT ZONING PDC 05-022**

**EXHIBIT C: LAND USE PLAN AND DRAFT DEVELOPMENT STANDARDS**

**PERMITTED USES:**

Up to 53 attached residences.

**DEVELOPMENT STANDARDS:**

**Maximum Height:** 42 feet

**Number of stories:** Three

**Perimeter Setbacks:**

Oakland Road Frontage  
(From Property Line): Living Area of interior units 27-feet  
Corner units on both sides of each building can encroach into this setback by a maximum of 4 feet.  
Porches/covered entries: 15-feet

Westerly Property Line:  
(From Property Line): Living Area of interior units 25 feet  
Corner units on both sides of each building can encroach into this setback by a maximum of 4 feet.  
Porches/covered entries: 7-feet  
*Exception: 9 foot setback from westerly property line to the side wall of unit no. 53, for a maximum of 50 feet of building length, as shown on conceptual site plan of PDC05-113.*

Northerly property line: First Floor Garages, 31-feet,  
From Side of building, 12 feet

Southerly Property Line: 7 feet

**Minimum Building Separation (wall to wall)**

**Side to side** 12 feet minimum. The side-to-side separation in all instances shall be provided to the satisfaction of the Director of Planning at the development permit stage.

**Rear to rear** 32 feet, First Floor Garages  
26 feet, Second Floor and above

General Development Plan Notes  
PDC05-113

Front to Front 30 feet, First Floor  
Front to side 8 Feet minimum on First Floor.

**Setback Encroachments:**

Minor architectural projections, such as chimneys, sills, eaves, canopies, bay windows may project into any setback area or building area by no more than 2 feet for a horizontal distance not to exceed 10 feet in length, nor more than 20 percent of the building elevation length.

**Parking** 2.5 spaces unit, minimum. Two enclosed spaces shall be provided per unit.

**Private Open Space:** A minimum of 200 square feet per unit for Plan Types 3 & 4  
A Minimum of 60 Square Feet for Plan Type 2  
A Minimum of 110 Square Feet for Plan Type 1

Passeos or areas with decorative landscaping are not considered as usable common space and cannot be counted toward the common open space requirements.

**Common Open Space:** Private open space shall be at least 150 square feet per unit.

**Fences:** All fences shall be subject to approval of the Director of Planning.

**LANDSCAPING**

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

**EASEMENT**

At the development permit stage, the applicant shall record an easement, to the satisfaction of the Director of Planning, Fire Chief and Director of Public Works, to provide ingress, egress, circulation, parking and emergency vehicular access on the parcel adjacent to the south of the current development (File No. PDC05-022/PD05-044).

**AIR QUALITY**

The following controls shall be implemented during all construction phases of the project:

- Water all active construction sites at least twice daily;

- Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;

### **BIOLOGICAL RESOURCES**

**Nesting Raptors.** If possible, construction should be scheduled between October 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 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 City's Environmental Principal Planner prior to the issuance of any grading or building permit.

**Tree protection:** The following tree protection measures will also be included in the project in order to protect trees to be retained during and after construction.

- Pre-construction treatments:
  - i. The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
  - ii. Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
  - iii. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.
- During construction:

- iv. No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
- v. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
- vi. Supplemental irrigation shall be applied as determined by the consulting arborist.
- vii. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
- viii. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
- ix. Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
- x. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

### CULTURAL RESOURCES

Construction workers will be alerted of the potential that site clearing and trenching may uncover buried archaeological materials. Indicators of buried materials are: darker than surrounding soils, concentration of bones, stone or shell fish, artifacts of these materials, evidence of fires such as ash, charcoal, fire affected rock or earth and human and/or animal burials. If evidence of any archaeological, cultural, and/or historical deposits is found, the following measures shall be taken:

- A qualified professional archaeologist will be notified and all further excavation activity shall be monitored. There shall be no excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains, until archaeological monitoring by the qualified archeologist begins.
- 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.)
- 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:
  - 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.

- 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.

### **STORMWATER MANAGEMENT**

The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San Jose, California 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.

**Construction Phase.** Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:

- The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
- The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

General Development Plan Notes  
PDC05-113

- Restriction of grading to the dry season (April 15 through October 15);
- Utilize on-site sediment control BMPs to retain sediment on the project site;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction;
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

**Post-Construction Phase.** The project shall incorporate post-construction BMPs and treatment control measures in conformance with the provisions of the City's Post-Construction Urban Runoff Management Policy, including numerically sized vegetative swales, disconnected roof leaders and bubble-up drainage emitters, and pervious paving materials.

### NOISE

The project shall be constructed in conformance with the sound barrier requirements and STC rating recommendations for windows and doors, as contained in the report entitled Dollinger Site – San Jose, California, Environmental Noise Study prepared by Charles M. Salter Associates, Inc., dated July 1, 2005. Minimum STC ratings of 28 are required for all building facades fronting on Oakland Road (within 100 feet of centerline), including northern and southern facades of corner rooms of end units perpendicular to Oakland Road. All units fronting Oakland Road and the northernmost and southernmost block of units at the second row of buildings shall have forced air ventilation systems to allow the windows to remain closed so that an interior noise level of 45 dBA can be achieved.

**Construction Noise:** The following measures shall be implemented by the project developer and/or construction site supervisor to reduce potential construction noise impacts to surrounding neighbors:

- Notify neighbors of the schedule and type of equipment used for each phase of construction;
- Limit hours of construction to between 7:00 a.m. and 7:00 p.m. on weekdays, when construction occurs within 500 feet of existing residences, in conformance with City standards;
- Locate noisy stationary equipment (i.e., generators or compressors) away from neighboring residences;
- Require that all construction equipment be in good working order and that mufflers be inspected for proper functioning;
- Require that vehicles and compressors turn off engines when not in use;
- Utilize available noise suppression devices and techniques as appropriate, in conformance with General Plan policy; and
- Designate a construction noise coordinator who would be available to respond to complaints from neighbors and take appropriate measures to reduce noise.