COUNCL AGENDA: 8-28-07
ITEM: 11.4

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: July 23, 2007

COUNCIL DISTRICT: 6
SNI AREA: None

PDC05-122. PLANNED DEVELOPMENT REZONING PERMIT TO ALLOW THE REZONING OF A PROPERTY FROM THE R-M MULTI-FAMILY RESIDENCE ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW ONE SINGLE FAMILY DETACHED RESIDENCE AND UP TO 13 SINGLE-FAMILY ATTACHED RESIDENCES ON A 0.74 GROSS ACRE SITE LOCATED ON THE EAST SIDE OF RADIO AVENUE, APPROXIMATELY 160 FEET NORTH OF LINCOLN COURT, (2102 RADIO AVENUE) (WILLOW VILLAGE SQUARE, LLC PAUL MAJOULET, OWNER).

RECOMMENDATION

The Planning Commission voted 6-0-1, Commissioner Platten absent, to recommend the City Council approve the proposed Planned Development Rezoning from the RM – Multiple Residence Zoning District to the A (PD) Planned Development District to allow up to one single-family detached residential unit and up to 13 attached residential units on a 0.71 gross acre site with the following conditions (revised Development Standards attached):

- At least fifty percent (50%) or more of the attached units shall provide a two-car, side-by-side garage.
- A minimum 10-foot (10') setback is required for all one-story elements from the southern property line/adjacent to single family detached residential properties.
- A minimum of 400 square feet of private open space is required per unit.
- A minimum of 1,000 square feet of common open space shall be provided for the benefit of all residents.

OUTCOME

Should the City Council approve the Planned Development Rezoning and revised Development Standards as recommended by the Planning Commission, up to one single family detached residence and up to 13 attached residential units may be built on the subject 0.71 gross acre site provided the project meets the revised Development Standards. This future development would be subject to a Planned Development Permit.

BACKGROUND

On June 18, 2007 the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. The contact for the applicant, Dave Dolter, was present to answer questions regarding the project.

Dave Dolter provided some general background regarding the project. Commissioner Kamkar expressed concern that there is not an abundance of available street parking in the area and questioned the appropriateness of allowing tandem garages. He asked the applicant what considerations were made to incorporate two-car, side-by-side garages into the design. The applicant stated that the project had undergone a number of revisions, but that two-car, side-by-side garages could not be accommodated on the site without reducing the number of units. He pointed out that the proposal does include one extra open parking space on the site, and suggested that the future Homeowners Association's (HOA) Covenant Conditions & Restrictions (CC&R) contract be drafted to include requirements that future residents park on the site. Commissioner Campos stated that including this requirement in the CC&R's would be ineffective and would not likely solve the neighborhood parking problem.

Commissioner Kinman inquired about the location of the trash and recycling enclosure and containers. She asked if the trash and recycling containers will be serviced on the site or pushed to the street, if the units would be owner occupied, and if laundry rooms were provided in the units. The applicant stated that waste management services would occur on the site. He stated the units will be owner occupied, and laundry rooms are proposed on the second level of each unit.

Commissioner Kinman asked about the divergence from the Residential Design Guidelines recommendation of 400 square feet of private open area, down to 300 square feet of proposed private open space per each attached unit. Staff explained that additional open space might not be able to be provided on the site without decreasing the number of proposed units. Staff explained that while the project is not required to provide common open space, 1,000 square feet of common open space is proposed in the southwestern corner of the site.

Commissioner Kamkar stated that this project is proposing too high a density level, and that as a result, sufficient parking, open space and setbacks cannot be incorporated into the design. He made a motion to deny the proposal. Commissioner Zito seconded the motion for discussion purposes.

Commissioner Zito asked why a five-foot setback is proposed from the southern property line that borders the rear yards of adjacent single-family detached residences. Staff explained that the two- and three-story living elements are required to be set back approximately 20 feet from the southern property line, and the proposed five-foot setback is only for one-story tandem garages. Staff stated this was considered because a detached garage could be built at the rear property line in the conventional R-1 Residence Zoning district.

Commissioner Jensen asked for clarification regarding the noise and construction mitigation measures included in the Draft Mitigated Negative Declaration. Staff explained that all mitigation measures would become enforceable conditions of the Planned Development Permit during the next stage.

Commissioner Kalra reminded the Planning Commission that they have the option to recommend that the number of units be decreased as opposed to recommending denial of the project. He requested that the project be allowed to move forward with a reduced number of units. He suggested that ten units might be an appropriate number for the site.

Commissioner Kamkar asked if four units, numbered six, seven, eight and nine on the plans, could be eliminated to allow additional room on the site to accommodate additional parking spaces and to increase the overall size of the units. He stated he understood that this is not to the developer's favor, but that in this case, the limits were pushed too far. He stated that there are too many proposed units on the site, that the inclusion of the 1,000 square-foot common open space area does not compensate for the minimal amount of private open space, that the driveway is too narrow for the number of units, and even for this difficult site, it is just not a good design.

The Acting Deputy Director of Planning recommended that the Planning Commission consider alternative Development Standards that would include minimum standards, such as required two-car side-by-side garages, or minimum square footage of private open space, and as a result, the appropriate number of units would result on the site. Commissioner Campos agreed and asked for revised Development Standards. Commissioner Kamkar withdrew his motion to deny the rezoning, and Commissioner Zito seconded.

Commissioner Kinman stated that the proposed density level exacerbated an already dense area. Commissioner Zito suggested that at least 70% of the attached units be required to provide two-car side-by-side garages, that all units be required to provide a minimum of 400 square feet of private open space, and to increase the setback requirement from the southern property line adjacent to the single-family residences. The Acting Deputy Director of Planning asked for a specific setback, and Commissioner Zito stated that ten feet would be sufficient. Commissioner Kalra recommended that only 30% of the attached units be allowed to have tandem garages, and Commissioner Zito concurred. Commissioner Kinman said that this requirement was too harsh, and she could not support it and recommended that only 50% of the units be limited to tandem garages. Commissioner Karla stated he wanted to provide the applicant with some flexibility and concurred with Commissioner Kinman. Commissioners Kamkar and Zito requested an amendment to the motion, with Commissioner Campos agreeing, that the Planning Commission

should recommend approval of the project as proposed with the following revisions to the Development Standards:

- Up to one single-family detached residence
- Up to 13 single-family attached residences
- At least 50%, or more, of the attached units shall have a two-car side-by-side garage
- A minimum of 400 square feet of private open space is required for each unit
- A minimum of 1,000 square feet of common open space is required.

The Planning Commission voted 6-0-1, Commissioner Platten absent, to recommend approval of the rezoning of the subject property to A(PD) Planned Development as recommended by staff, with the revised Development Standards as recommended by the Planning Commission (attached).

ANALYSIS

The subject site has a land use designation of Medium High Density Residential (12-25 DU/AC) on the City of San Jose 2020 General Plan Land Use / Transportation Diagram. The proposed development, at 19.7 DU/AC is consistent with this designation, and is in the middle of the range.

The project also conforms to the General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, and the Growth Management Major Strategy, which encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services.

EVALUATION AND FOLLOW-UP

Planning staff has revised the proposed Development Standards per the recommendations of the Planning Commission. A copy of these revised standards is attached.

PUBLIC OUTREACH/INTEREST

☐ **Criterion 1**: Requires Council action on the use of public funds equal to $1 million or greater.
(Required: Website Posting)

☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. On April 10, 2006, approximately 20 people attended a community meeting regarding this proposal. The majority of the attendees were residents who live along Radio Avenue and Lincoln Court. The attendees expressed several objections to the project, including that the proposed number of units creates too high a density level for the site and for the neighborhood, that the surrounding area is already highly populated with many multi-family apartment buildings, and that this project would negatively impact an already impacted/over populated area. They further pointed out that Radio Avenue has high levels of traffic due to its proximity to the public school and that Radio Avenue is a shortcut used to bypass Lincoln Avenue, and that the traffic levels associated with the number of units proposed would exacerbate an already frustrating traffic situation. They stated there is a shortage of available on street parking and expressed concern that sufficient guest parking will not be provided on the site. Several attendees, however, demonstrated appreciation that the existing dilapidated site would be cleaned up and suggested that new development would improve the neighborhood. They expressed a desire for additional neighborhood amenities such as street trees, pedestrian street lighting and extra on-site parking spaces. Additional issues discussed included the compatibility of the proposed three-story units and the architectural style with the surrounding area, questions about the amounts of private open space areas offered, and concern for appropriate fencing on the site.

The applicant posted a notification sign at the site in conformance with the Public Outreach Council Policy. Notices of the community meeting, the public hearings, and the Draft Mitigated Negative Declaration were distributed to the owners and tenants of all properties located within 1,000 feet of the project site and is posted on the City website. The notice of hearings for the rezoning was also published in a local newspaper. The Planning Commission's agenda is posted on the City of San Jose's website along with this staff report. Staff has been available to answer questions and discuss the proposal with members of public. Staff has received three letters of objection (attached) and many phone calls from the community expressing concerns regarding this proposal.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

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

CEQA

CEQA: Mitigated Negative Declaration (MND) adopted on July 18, 2007, under File No. PDC05-122.

Andrew Crabtree
JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Acting Deputy Director of Planning,
Jean Hamilton at 408-535-7850.

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

PDC05-122
DEVELOPMENT STANDARDS

PLANNED DEVELOPMENT PERMIT REQUIRED:

- A Planned Development Permit is required in accordance with Section 20.100.910 of Title 20, as amended.

PERMITTED USES:

- Permitted uses of the R-1-8 Single-Family Residence District, as amended. Uses identified as "conditional uses" may be considered for approval through the Planned Development Permit or Amendment process.

MINIMUM LOT SIZE:

- 1,100 square feet

MAXIUMUM NUMBER OF UNITS:

- Up to one single-family detached residential unit
- Up to 13 single-family attached residential units

MAXIMUM NUMBER OF BEDROOMS:

- Each unit is limited to three bedrooms. Conversion of open areas and dens to bedrooms is prohibited.

BUILDING HEIGHT:

- The maximum building height shall not exceed thirty-five feet (35').
- No more than three stories shall be permitted.
- Chimneys may project past the height limit up to a total height of 40 feet.

BUILDING SETBACKS:

Single Family Detached Residence:

- Front Setback (from Radio Avenue): 20 feet
- Side Interior Setback (northern): 5 feet
- Interior Setback (southern): 22 feet
- Rear Setback: 10 feet (from the open parking area)
- Minimum Back out area for side entry garage: 24 feet
- Private Open Space: 400 square feet

Attached Residential Units:

- Minimum Building Side Separation Between Sets of Units: 6 feet (3 feet from each lot line)
- Minimum Building Separation Between Front Facades: 26 feet
- Minimum Back Out Area Between Garages: 24 feet
- Minimum Building Rear Setbacks from the northern and southern property lines:
  - **one-story tandem garages: ~~5 feet~~ 10 feet**
  - one-story living areas: 15 feet
  - two-story living areas: 17.5 feet
  - three-story living areas: 20 feet
- Minimum Building Setback from eastern property line: 5 feet

- Building Setback from the Western Property line that Abuts the Rear of APN: 439-08-013: 26 feet

PROJECTIONS INTO SETBACK AREAS

- All architectural and building features must meet Building and Fire Code Requirements.
- Except as otherwise expressly and specifically provided, every part of every setback area shall be kept open, unobstructed, and unoccupied on the surface of the ground above the surface of the ground and below the surface of the ground by all buildings or structures, except as follows:
    - Architectural elements not containing living space may project up to 2 feet into setback areas.
    - Bay windows, on a foundation or cantilevered, not occupying the aggregate more than twenty (20%) of the length of the side of the building one which they are located, may project horizontally for a distance of not more than two (2') feet into any setback area, provided that such extensions maintain a minimum side building separation setbacks of three (3') feet, a rear setback of fifteen (15') feet and does not decrease the amount of vehicular back out area from the garages.

PRIVATE OPEN SPACE AREAS

- A minimum of ~~300~~ 400 square feet of Private Open Space is required at the ground level for all units.
- Private open space areas shall have at least one minimum dimension of fifteen (15') feet and a minimum depth of five feet (5').
- Additional private open space may be provided in second or third level balconies provided the balconies that they are oriented toward the interior of the lot. Second or third level balconies that face the surrounding residential uses are prohibited.

COMMON OPEN SPACE AREA

- A minimum of 1,000 square feet of Common Open Space is required.

SHARED DRIVEWAY:

- Maximum Twenty-foot width (20').
- Two feet of landscaping is required along the southern property line along the neck of the driveway.
- Landscape pockets at least 6 feet in width are required in front of each unit located at the rear of the site.
- Parking is not permitted at the end of the eastern end of the driveway.

PRIVATE GARAGE APRONS

- Private driveways/garage aprons shall be ten feet or less [10'] or eighteen feet or more [18'].

PEDESTRIAN PATHS

- A four foot pedestrian path is required along the northern side of the neck of the driveway
- All pedestrian paths shall meet ADA requirements.

PARKING REQUIREMENT:

At least fifty percent (50%) of the attached units are required to have a two-car side-by-side garage.
Note: Each unit is limited to three bedrooms. Conversion of open areas and dens to bedrooms is prohibited.

UNITS WITH A TWO-CAR TANDEM GARAGE

- Three bedroom units: 2.8 Parking Spaces per unit
- Two bedroom units: 2.7 Parking Spaces per unit
- One bedroom units: 2.5 Parking Spaces per unit
- Studio units: 2.4 Parking Spaces per unit

UNITS WITH A TWO-CAR 'SIDE BY SIDE" GARAGE

- Three bedroom units: 2.6 Parking Spaces per unit
- Two bedroom units: 2.5 Parking Spaces per unit
- One bedroom units: 2.3 Parking Spaces per unit
- Studio units: 2.2 Parking Spaces per unit

* All units shall provide an enclosed attached two-car garage.

* At least one large canopy tree shall be planted for every four open parking spaces in a seven-foot wide landscaped area located in front of the open parking spaces located along the neck of the driveway.

GUEST PARKING:

- At least 10% of the total number of required open on-site parking spaces shall be available for guest use.
- All guest parking spaces shall be clearly labeled.

FENCING:

- All fencing and walls meets the fencing standards of Title 20 of the Municipal Code as amended.

GATES:

- Gates that limit/restrict vehicular access to the site are prohibited.

COMMON IMPROVEMENTS:

- The driveways, guest parking spaces, common landscaped areas, paseos, easement areas, perimeter fencing and stormwater control measures shall be under common ownership and shall be maintained by a Home Owner's Association (HOA).

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. The approving authority may impose substantive conditions designed to decrease sanitary sewage associated with any land use approval.

PUBLIC OFF-SITE IMPROVEMENTS:

- All public off-site improvements shall be implemented to the satisfaction of the Director of Public Works. Prior to the issuance of building permit(s), the applicant shall be required to obtain a Public Works clearance. Said clearance will require the execution of a Construction Agreement that guarantees the completion of the public improvements.

STORMWATER RUNOFF POLLUTION CONTROL MEASURES:

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

WATER QUALITY:

- Prior to commencement of construction activities, including, but not limited to grading, the project developer shall file for and obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the State Water Resource Control Board.

STREET TREES:

- The Public right-of-way shall be planted with street trees as directed by the City Arborist.

PARK IMPACT FEES & PARKLAND DEDICATION ORDINANCE:

- The applicant shall comply with the requirements of the Park Impact Ordinances, pursuant to Ordinance 24172 (Chapter 14.25 of Title 14 of the San Jose, Municipal Code) and the project shall comply with the Parkland Dedication Ordinance.

ENVIRONMENTAL MITIGATION

- Mitigation shall be implemented as identified in the Negative Declaration prepared for the project (PDC05-122). Alternative mitigation may be approved by the Director of Planning based on a finding that the alternative measures reduce the impacts of the project to a non-significant level.

TREE REMOVALS

- Any tree proposed for removal that is 18 inches or greater in diameter as measured from two feet above grade requires approval of a Planned Development Permit Amendment to the satisfaction of the Director of Planning.
- All trees that are to be removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio

Note: Trees greater that 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

- The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:

- An alternative site(s) will 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 the Department of Planning, Building, and Code Enforcement. Contact Todd Capurso, PRNS Landscape Maintenance Manager, at 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.

- A donation of $300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted

trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

CITY OF SAN JOSÉ, CALIFORNIA Planning, Building and Code Enforcement 200 East Santa Clara Street, San Jose, CA 95113-1905	Hearing Date/Agenda Number PC: 7/18/2007 Item: CC: 8/14/2007 Item:
	File Number: PDC05-122
STAFF REPORT	Application Type: Planned Development Prezoning
	Council District: 6 / SNI: None
	Planning Area: Willow Glen
	Assessor's Parcel Number: 439-08-014

PROJECT DESCRIPTION — Completed by: Rebekah Ross

Location: East side of Radio Avenue, approximately 220 feet north of Lincoln Court (2102 Radio Avenue)

Gross Acreage: 0.71	Net Acreage: 0.71 Net Density: 19.72 DU/AC
Existing Zoning: R-M Multiple Residence	Existing Use: Single-family detached residence
Proposed Zoning: A(PD) Planned Development	Proposed Use: Up to one single-family detached residence and up to 13 attached residential units arranged in sets of two or three units

GENERAL PLAN

Existing Land Use/Transportation Diagram Designations: Medium High Density Residential (12-25 DU/AC)	Project Conformance: [X] Yes [ ] No [X] See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Multi-family attached residences	R-M Multiple Residence
East: Commercial and office	CP – Commercial Pedestrian
South: Single-family detached residences	R-1-8 Single Family Residence, A(PD) Planned Development
West: Multi-family attached residences	R-M Multiple Residence

ENVIRONMENTAL STATUS

[ ] Environmental Impact Report found complete	[ ] Exempt
[X] Negative Declaration circulated on June 27, 2007	[ ] Environmental Review Incomplete

FILE HISTORY — Date Application Filed: December 12, 2005

Annexation Title: So. Willow Glen No_5 — Date: 7/15/1949

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

[X] Recommend Approval [ ] Recommend Conditions [ ] Recommend Denial	Date July 10, 2007	Approved by: Susan Walton [ ] Action [x] Recommendation

OWNER/ DEVELOPER	ARCHITECT	CONTACT
Willow Village Square, LLC Attention: Paul Majoulet 1687 Via Campo Verde San Jose, CA 95120 (408) 422-4000	Mark H. Snow & Associates Attention: Mark Snow 385 Vista Roma Way, Unit 224 San Jose, CA 95136 (408) 884-3884	Legacy Land Strategies, Inc. Attention: Dave Dolter, AICP 3068 Oakraider Alamo, CA 94507 (925) 837-0216

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: RR

Public Works: See attached Memo

Other Departments and Agencies: None

GENERAL CORRESPONDENCE

- Email from Jim and Judith Enright
- Email from Bora Akyol
- Email from Jim Wright

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Willow Village Square, LLC, is requesting a Planned Development rezoning of the subject property from RM – Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow the development of one single-family detached residence and up to 13 attached residential units, arranged in sets of two or three, on a 0.71 gross acre site.

Site Conditions and Context

The subject site is located on the east side of Radio Avenue, approximately 220 feet north of Lincoln Court. The site is composed of two rectangular areas; a small 50-foot wide by 166-foot deep portion that fronts onto Radio Avenue, and a larger 119-foot wide by 200-foot deep portion at the rear of the property.

The surrounding land uses to the north of both the large and small rectangular portions of the site and to the south of the smaller rectangle are two-story multi-family attached residences (apartment buildings). Single-story single-family detached residences are adjacent to the southern property line of the larger rectangular portion of the subject site. Commercial and office uses that front onto Lincoln Avenue share the subject site's eastern property line.

The subject site is currently developed with one single-family detached residence, constructed in 1941, and with a two-car detached garage and associated storage building constructed in 1949. A historic analysis of the property indicates that the property, the associated residence, accessory buildings and accessory structures do not qualify for listing in the California Register of Historic Resources or the City of San Jose's Historic Inventory List.

Project Description

The proposed zoning would facilitate the development of the subject 0.71-acre site with up to one single-family detached residence and 13 single-family attached residences.

The single-family detached unit is proposed to front onto Radio Avenue. The single-family attached units will be located at the larger rear portion of the site oriented toward a common driveway.

Parking is provided on site with 12 open parking spaces and 2-car garages for each unit. The detached unit has a 2-car side-by-side garage and the attached units have 2-car tandem garages.

The units have up to three bedrooms and range in size from 1,700 to 1,900 square feet (including garage). All units are three stories and approximately 35-feet in height, with the garage projections at a single story. An average of 300 square feet of private open space, in the form of enclosed rear yards, is provided for each unit.

COMMUNITY OUTREACH

On April 10, 2006, approximately 20 people attended a community meeting regarding this proposal. The majority of the attendees were residents who live along Radio Avenue and Lincoln Court. The attendees expressed several objections to the project, including that the proposed number of units creates too high a density level for the site and for the neighborhood, that the surrounding area is already highly populated with many multi-family apartment buildings, and that this project would negatively impact an already impacted/over populated area. They further pointed out that Radio Avenue has high levels of traffic due to its proximity to the public school and that Radio Avenue is a shortcut used to bypass Lincoln Avenue, and that the traffic levels associated with the number of units proposed would exacerbate an already frustrating traffic situation. They stated there is a shortage of available on-street parking and expressed concern that sufficient guest parking will not be provided on the site. Several attendees, however, demonstrated appreciation that the existing dilapidated site would be cleaned up and suggested that new development would improve the neighborhood. They expressed a desire for additional neighborhood amenities such as street trees, pedestrian street lighting and extra on-site parking spaces. Additional issues discussed included the compatibility of the proposed three-story units and the architectural style with the surrounding area, questions about the amounts of private open space areas offered, and concern for appropriate fencing on the site.

The applicant posted a notification sign at the site in conformance with the Public Outreach Council Policy. Notices of the community meeting, the public hearings, and the Draft Mitigated Negative Declaration were distributed to the owners and tenants of all properties located within 1,000 feet of the project site and is posted on the City website. The notice of hearings for the rezoning was also published in a local newspaper. The Planning Commission's agenda is posted on the City of San Jose's website along with this staff report. Staff has been available to answer questions and discuss the proposal with members of public. Staff has received three letters of objection (attached) and many phone calls from the community expressing concerns regarding this proposal.

ENVIRONMENTAL REVIEW

Based on an Initial Study prepared for this project, a Draft Mitigated Negative Declaration was circulated on June 27, 2007, for public review, which concluded that the project would not result in a significant environmental impact. Adoption of the Mitigated Negative Declaration is anticipated on July 18, 2007.

The key issues addressed in the Initial Study included the impacts of noise, the excavation and treatment of hazardous soils, and an historic analysis of the property and existing structures. The environmental review includes specific design measures that can be addressed at the Planned Development Permit stage to sufficiently mitigate and reduce any potentially significant impacts to a less than significant level.

For the purposes of the California Environmental Quality Act, the City considers historic resources eligible for or designated as City Landmarks as well as those resources eligible for or listed in the California Register of Historical Resources as the threshold of significance. Because none of the structures on the site qualify as a City Landmark or for the California Register of Historical Resources, the project, with demolition of existing structures, will result in a less than significant impact to cultural resources.

GENERAL PLAN CONFORMANCE

The subject site has a land use designation of Medium High Density Residential (12-25 DU/AC) on the City of San Jose 2020 General Plan Land Use / Transportation Diagram. The proposed development, at 19.7 DU/AC is consistent with this designation, and in the middle of the range.

The project also conforms to the General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, and the Growth Management Major Strategy, which encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services.

ANALYSIS

The primary issues associated with the proposal are related to conformance with the *Residential Design Guidelines* (Guidelines). Although the units contemplated with this proposal do not meet the definition for any one specific housing type described in the Guidelines, there are general guidelines related to a project's relationship to surrounding uses and internal organization that are applicable to this proposal.

Relationship to Surrounding Uses

The Guidelines address how new residential development should be designed to sensitively integrate with an existing neighborhood and surrounding uses, including in terms of street frontage and perimeter setbacks.

Street Frontage

The proposed project has good street presence with a single-family detached unit oriented toward Radio Avenue. To further strengthen building presence along the street, the proposed driveway is 20-feet wide, which is less than half of the width of the street frontage. Additionally, the garage for the unit facing the street is accessed off of the side from the common driveway, not from Radio Avenue, so garage doors are not visible from Radio Avenue.

Perimeter Setbacks

For appropriate building setbacks for the interface with Radio Avenue, the Guidelines suggest a minimum front setback of 20 feet for one-story and two-story elements, and 35 feet for three-story elements. The proposed single-family detached unit would have a minimum 20-foot first-story and second-story setback and a 35-foot setback for the third-story. A single-story covered front porch would be allowed to extend five feet into the front setback, consistent with the Guidelines. The front setback for the proposed detached unit is consistent with the existing pattern of development along Radio Avenue, which has an approximate average front setback of 14.5-feet.

The project is consistent with the setback recommendations of the Guidelines where the units are adjacent to existing multi-family developments. The detached unit that faces Radio Avenue has a 5-foot side setback that matches the side setback of the adjacent apartment building, and is consistent with setback requirements in R-1 Residential districts. The attached units on the northern side of the proposed driveway are adjacent to a carport structure for another apartment complex. The Guidelines suggest that a 5-foot setback would be appropriate for three-story residential elements, when adjacent to garages or carports. The one-story tandem garages of the attached units are shown as having a 5-foot setback. The second and third stories are set back further.

The setback recommendation for one-story and two-story elements that are adjacent to single-family rear yards is 20 feet. For three-story elements, the setback the Guidelines recommend is two feet for every one foot of building height. The project proposes one-story garages five feet from the adjacent property lines. Although these garages are attached, if they were detached, they would be allowed to be built on property line. The proposed first-story and second-story living spaces are shown as being setback approximately 17.5 feet, with the third-story approximately 20 feet from the rear property line. This third-story setback is considerably less than the Guidelines recommend, although staff notes that the units are small, less than 2000 square feet in size including almost 400 square feet of garage. In order to come closer to meeting the setbacks recommended by the Guidelines, it is likely the number and/or size of the proposed units would need to be reduced. The project would need a minimum of 9 units to conform with the General Plan density range of 12-25 dwelling units per acre.

Project Site Layout

The Guidelines also deal with the way in which building design and site planning affect the quality of life for future residents. Site planning, in terms of the arrangement of parking and open space are the key issues at this stage of the proposed project. The conceptual building designs will be further developed at the Planned Development Permit stage.

Parking

In addition to each attached unit having a two-car tandem garage, the project also includes 12 open parking spaces located in the narrow portion of the property between the detached unit and the attached units.

The parking requirement for this project is based on proposed bedroom count and the type of parking provided. The project proposes one, three-bedroom single-family detached unit with a 2-car side-by-side garage, and 13 three-bedroom attached units with two-car tandem garages. Based on the Guidelines, 39 spaces would be required; 40 spaces are provided. At the community meeting, several neighbors expressed concern regarding a lack of sufficient street parking on Radio Avenue, particularly given proximate apartments, and suggested the project could provide "extra" on-site guest parking to address this situation. Staff believes that provision of additional parking beyond the Guidelines' requirements would likely necessitate a reduction of one to two units on the site.

Open Space

The conceptual plans for this proposal show an average of approximately 300 square feet of useable private open space for each unit. The Guidelines recommend a minimum of 400 square feet of private open space per unit. As designed, the project could not provide additional private open space without reducing the total number of units or making each of the units smaller. Projects with 20 or fewer units are not required to provide common open space areas.

Conclusion

Staff has worked with the applicant for some time to bring forward an infill project on this small awkward site, in the middle of the General Plan density range. While further reduction in the number of units could allow more guest parking on site and more private open space, the project design was revised to include placement of a single-family detached residence as the visible interface element from Radio Avenue. Two-thirds of the site is surrounded by lands designated for higher density or commercial uses, providing a reasonable context for use of some three-story elements for the attached units.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend that the City Council approve the subject prezonings 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).

2. The rezoning will allow development that is substantially compatible with the surrounding land uses.

Attachments:
Location Map
Draft Development Standards
Draft Mitigated Negative Declaration
Department of Public Works Final Memo
Email from Department of Transportation
Public Correspondences
Plans

N

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

Map Created On:
12/12/2005

File No: PDC05-122

District: 6

Quad No: 99

eOrtho

Panel 99 (2001)

Public Works, GIS-Infrastructure Section

2001 images (3 in pixel res) [Viewing]

Choose Another Panel:

Select

eOrtho Home inside.Public.Works

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

PDC05-122
DEVELOPMENT STANDARDS

PLANNED DEVELOPMENT PERMIT REQUIRED:

- A Planned Development Permit is required in accordance with Section 20.100.910 of Title 20, as amended.

PERMITTED USES:

- Permitted uses of the R-1-8 Single-Family Residence District, as amended. Uses identified as "conditional uses" may be considered for approval through the Planned Development Permit or Amendment process.

MINIMUM LOT SIZE:

- 1,100 square feet

MAXIUMUM NUMBER OF UNITS:

- Up to one single-family detached residential unit
- Up to 13 single-family attached residential units

MAXIMUM NUMBER OF BEDROOMS:

- Each unit is limited to three bedrooms. Conversion of open areas and dens to bedrooms is prohibited.

BUILDING HEIGHT:

- The maximum building height shall not exceed thirty-five feet (35').
- No more than three stories shall be permitted.
- Chimneys may project past the height limit up to a total height of 40 feet.

BUILDING SETBACKS:

Single Family Detached Residence:

- Front Setback (from Radio Avenue): 20 feet
- Side Interior Setback (northern): 5 feet
- Interior Setback (southern): 22 feet
- Rear Setback: 10 feet (from the open parking area)
- Minimum Back out area for side entry garage: 24 feet
- Private Open Space: 400 square feet

Attached Residential Units:

- Minimum Building Side Separation Between Sets of Units: 6 feet (3 feet from each lot line)
- Minimum Building Separation Between Front Facades: 26 feet
- Minimum Back Out Area Between Garages: 24 feet
- Minimum Building Rear Setbacks from the northern and southern property lines:
    - one-story tandem garages: 5 feet
    - one-story living areas: 15 feet
    - two-story living areas: 17.5 feet
    - three-story living areas: 20 feet
- Minimum Building Setback from eastern property line: 5 feet

- Building Setback from the Western Property line that Abuts the Rear of APN: 439-08-013: 26 feet

PROJECTIONS INTO SETBACK AREAS

- All architectural and building features must meet Building and Fire Code Requirements.
- Except as otherwise expressly and specifically provided, every part of every setback area shall be kept open, unobstructed, and unoccupied on the surface of the ground above the surface of the ground and below the surface of the ground by all buildings or structures, except as follows:
    - Architectural elements not containing living space may project up to 2 feet into setback areas.
    - Bay windows, on a foundation or cantilevered, not occupying the aggregate more than twenty (20%) of the length of the side of the building one which they are located, may project horizontally for a distance of not more than two (2') feet into any setback area, provided that such extensions maintain a minimum side building separation setbacks of three (3') feet, a rear setback of fifteen (15') feet and does not decrease the amount of vehicular back out area from the garages.

PRIVATE OPEN SPACE AREAS

- A minimum of 300 square feet of Private Open Space is required at the ground level for all units.
- Private open space areas shall have at least one minimum dimension of fifteen (15') feet and a minimum depth of five feet (5').
- Additional private open space may be provided in second or third level balconies provided the balconies that they are oriented toward the interior of the lot. Second or third level balconies that face the surrounding residential uses are prohibited.

COMMON OPEN SPACE AREA

- A minimum of 1,000 square feet of Common Open Space is required.

SHARED DRIVEWAY:

- Maximum Twenty-foot width (20').
- Two feet of landscaping is required along the southern property line along the neck of the driveway.
- Landscape pockets at least 6 feet in width are required in front of each unit located at the rear of the site.
- Parking is not permitted at the end of the eastern end of the driveway.

PRIVATE GARAGE APRONS

- Private driveways/garage aprons shall be ten feet or less [10'] or eighteen feet or more [18'].

PEDESTRIAN PATHS

- A four foot pedestrian path is required along the northern side of the neck of the driveway
- All pedestrian paths shall meet ADA requirements.

PARKING REQUIREMENT:

Note: Each unit is limited to three bedrooms. Conversion of open areas and dens to bedrooms is prohibited.

UNITS WITH A TWO-CAR TANDEM GARAGE

- Three bedroom units: 2.8 Parking Spaces per unit
- Two bedroom units: 2.7 Parking Spaces per unit
- One bedroom units: 2.5 Parking Spaces per unit
- Studio units: 2.4 Parking Spaces per unit

UNIT WITH A TWO-CAR 'SIDE BY SIDE" GARAGE

- Three bedroom units: 2.6 Parking Spaces per unit
- Two bedroom units: 2.5 Parking Spaces per unit
- One bedroom units: 2.3 Parking Spaces per unit
- Studio units: 2.2 Parking Spaces per unit

* All units shall provide an enclosed attached two-car garage.

* At least one large canopy tree shall be planted for every four open parking spaces in a seven-foot wide landscaped area located in front of the open parking spaces located along the neck of the driveway.

GUEST PARKING:

- At least 10% of the total number of required open on-site parking spaces shall be available for guest use.
- All guest parking spaces shall be clearly labeled.

FENCING:

- All fencing and walls meets the fencing standards of Title 20 of the Municipal Code as amended.

GATES:

- Gates that limit/restrict vehicular access to the site are prohibited.

COMMON IMPROVEMENTS:

- The driveways, guest parking spaces, common landscaped areas, paseos, easement areas, perimeter fencing and stormwater control measures shall be under common ownership and shall be maintained by a Home Owner's Association (HOA).

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. The approving authority may impose substantive conditions designed to decrease sanitary sewage associated with any land use approval.

PUBLIC OFF-SITE IMPROVEMENTS:

- All public off-site improvements shall be implemented to the satisfaction of the Director of Public Works. Prior to the issuance of building permit(s), the applicant shall be required to obtain a Public Works clearance. Said clearance will require the execution of a Construction Agreement that guarantees the completion of the public improvements.

STORMWATER RUNOFF POLLUTION CONTROL MEASURES:

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

WATER QUALITY:

- Prior to commencement of construction activities, including, but not limited to grading, the project developer shall file for and obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the State Water Resource Control Board.

STREET TREES:

- The Public right-of-way shall be planted with street trees as directed by the City Arborist.

PARK IMPACT FEES & PARKLAND DEDICATION ORDINANCE:

- The applicant shall comply with the requirements of the Park Impact Ordinances, pursuant to Ordinance 24172 (Chapter 14.25 of Title 14 of the San Jose, Municipal Code) and the project shall comply with the Parkland Dedication Ordinance.

ENVIRONMENTAL MITIGATION

- Mitigation shall be implemented as identified in the Negative Declaration prepared for the project (PDC05-122). Alternative mitigation may be approved by the Director of Planning based on a finding that the alternative measures reduce the impacts of the project to a non-significant level.

TREE REMOVALS

- Any tree proposed for removal that is 18 inches or greater in diameter as measured from two feet above grade requires approval of a Planned Development Permit Amendment to the satisfaction of the Director of Planning.
- All trees that are to be removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio

Note: Trees greater that 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

- The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:

- An alternative site(s) will 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 the Department of Planning, Building, and Code Enforcement. Contact Todd Capurso, PRNS Landscape Maintenance Manager, at 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.

- A donation of $300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

ENDORSED

JUN 26 2007

REGINA ALCOMENDRAS, County Clerk-Recorder
Santa Clara County
By _____ Deputy

POSTED ON 6/26/07 THROUGH 7/16/07
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
BY _____ DEPUTY

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

PDC05-122. Planned Development Rezoning from the R-M Multi-Family Residence Zoning District to the A(PD) Planned Development Zoning District and subsequent permits to allow the development of one single-family detached residence and up to 13 single-family attached residences on a 0.74 gross acre site. Willow Village Square on Radio Avenue located on the east side of Radio Avenue, approximately 160 feet north of Lincoln Court. (2102 Radio Avenue: APN 439-08-014).

Owner/Developer Willow Village Square: Developer Council District: Council District 6.

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **Tuesday, July 18, 2007**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **Thursday, June 27, 2007** and ends at 5:00 p.m. on **Tuesday, July 18, 2007.**

A public hearing on the project described above is tentatively scheduled for **July 18, 2007 at 6:30 before the Planning Commission** in the City of San Jose Council Chambers, 200 East Santa Clara Street (City Hall), San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Bibloteca Latino- Americana Branch Library, San José, CA, and online at http://www.sanjoseca.gov/planning/eir/MND.asp Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Rebekah Ross** at (408) 535-7842.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 6/27/07

Deputy

N

Scale: 1"= 300'
Noticing Radius: 500 feet

File No: PT07-017

Council District: 6

Quad No: 99

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

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

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: Willow Village Square on Radio Avenue (2102 Radio Avenue)

PROJECT FILE NUMBER: PDC05-122

PROJECT DESCRIPTION: Planned Development Rezoning from the R-M Multi-Family Residence Zoning District to the A(PD) Planned Development Zoning District and subsequent permits to allow the development of one single-family detached residence and up to 13 single-family attached residences on a 0.74 gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: East side of Radio Avenue, approximately 250 feet north of Lincoln Court (2102 Radio Avenue; APN: 439-08-014)

COUNCIL DISTRICT: 6

APPLICANT CONTACT INFORMATION: Willow Village Square, LLC,
Attention: Paul Majoulet, Managing Member
1687 Via Campo Verde
San Jose, CA 95120

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

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

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

III. **AIR QUALITY** – The following mitigation measures shall reduce potentially significant effects to a less than significant level:

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; and
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
- Suspend excavation and grading activities when instantaneous wind gusts exceed 25 mph; and
- Limit the area subject to excavation grading, and other construction activity at any one time

IV. **BIOLOGICAL RESOURCES** – The following mitigation measures shall reduce potentially significant effects to a less than significant level:

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

Diameter of Tree To be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	None	24-inch box
Less than 12 inches	1:1	1:1	None	15-gallon container

xx = tree replacement to tree loss ratio

Note: Trees greater that 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

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

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- An alternative site(s) will 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 the Department of Planning, Building, and Code Enforcement. Contact Todd Capurso, PRNS Landscape Maintenance Manager, at 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.
- A donation of $300 per required mitigation tree shall be provided to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.
- Any trees to remain, shall be subject to tree protection specifications of the arborist who prepared the report for this project.

- 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.

V. **CULTURAL RESOURCES** – The following mitigation measures shall reduce potentially significant effects to a less than significant level:

- Should evidence of prehistoric cultural resources be discovered during construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City's Environmental Principal Planner.
- As required by County ordinance, this project has incorporated the following guidelines. - 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.

VI. **GEOLOGY AND SOILS** – The following mitigation measures shall reduce potentially significant effects to a less than significant level:

- The project shall incorporate all recommendations set forth in the geotechnical investigation prepared for the development by Romig Engineers, Inc., dated October 14, 2005

- The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

VII. **HAZARDS AND HAZARDOUS MATERIALS** – The following mitigation measures shall reduce potentially significant effects to a less than significant level:

- In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.

- All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

- As a part of project grading, the top 2 feet of soil shall be replaced with clean soil. The contaminated soils shall be removed and disposed of at an appropriate facility, to the satisfaction of the Municipal Code Compliance Officer.

- Prior to the issuance of Public Works clearance, a remediation program for the on site soil removal shall be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement, the Environmental Services Department (ESD), and the Regional Water Quality Control Board. The applicant shall implement the approved plan to the satisfaction of the Director of Planning. Actions shall include, but will not be limited to verification of suitability for development by documentation of the quality of soil used to replace excavated soils.

- The contaminated soil on site shall be removed and replaced by imported clean fill. Alternatively, capping the contaminated areas with driveways, parking lots, or concrete slabs-on-grade is permissible, but landscape areas will require remediation. Sampling the excavation

after off-hauling will be needed to verify that the pesticide contaminants have been successfully removed to levels below applicable residential ESLs and CHHSLs.

- Future homeowners will be notified that they may encounter asbestos in any subsurface excavations greater than two feet in depth and that special precautions will be required to comply with adopted standards to reduce risks to an acceptable level. Future homeowners will also be advised of the excavation precautions necessary if they plan to install a spa or pool.

HYDROLOGY AND WATER QUALITY – The following mitigation measures shall reduce potentially significant effects to a less than significant level:

- **Flood: Zone AO, Depth 1', Portion in Zone D**
  - The lowest floor of all structures in Zone AO (Lot 1), including basement, shall be elevated more than 1 foot above the highest existing adjacent grade to the proposed structures.
  - Vent openings shall be provided for all enclosures below the base flood elevation (ex. at-grade garages), except basements. The design must either be certified by a registered professional engineer <u>or</u> meet the following requirements:
    - Provide vent openings on at least two exterior walls of each enclosure to automatically equalize the lateral pressure of the floodwaters. The bottom of each opening shall be no higher than twelve inches above the exterior adjacent grade. Provide a minimum of two vent openings having a total net area of not less than one square inch per one square foot of enclosed area.
    - An Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, is required prior to issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required for each built structure prior to issuance of an occupancy permit.
    - Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage

<u>**Construction Measures**</u>

- 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, to the satisfaction of the Director of Public Works, 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 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.

- 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:

  - 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

- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled "No Dumping – Flows to Bay" to the satisfaction of the Director of Planning, Building and Code Enforcement.
- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.
- The project shall comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for specific land uses and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for numerically sized (or hydraulically sized) TCMs.

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

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

X. NOISE – The following mitigation measures shall reduce potentially significant effects to a less than significant level:

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site 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 poor maintained engines or other components.

- Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

- The developer will implement a Construction Management Plan approved by the Director of Planning, Building and Code Enforcement to minimize impacts on the surrounding sensitive land uses to the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:

- Early and frequent notification and communication with the neighborhood of the construction activities.

- Prohibit unnecessary idling of internal combustion engines.

- Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

- All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.

- As this project is in an area with a noise level between 60 DNL and 70 DNL, this project will include mechanical ventilation, which will allow the windows to be closed for noise control and will reduce the noise levels inside the units by 25 DNL.

- Install windows and glass doors so that the sliding window and glass door panels form an air-tight seal when in the closed position and the window and glass door frames are caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration.

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

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

XIII. RECREATION – The following mitigation measures shall reduce potentially significant effects to a less than significant level:

- The project shall conform to the City's *Park Impact Ordinance (PIO)* and *Parkland Dedication Ordinance (PDO)* (Municipal Code Chapter 19.38

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

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

XVI. 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 **July 18th, 2007**, 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;

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: June ~~28~~ 27th, 2007

Deputy

Adopted on: _____

Deputy

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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

PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in ZONING at a public hearing in accordance with the San José Municipal Code on:

Planning Commission Hearing
Wednesday, July 18, 2007
6:30 p.m.
City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

City Council Hearing
Tuesday, August 14, 2007
7:00 p.m.
City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

The project being considered is:

PDC05-122. Planned Development Rezoning Permit to allow the rezoning of a property from the R-M Multi-Family Residence Zoning District to the A(PD) Planned Development Zoning District to allow one single family detached residence and up to 13 single-family attached residences on a 0.74 gross acre site located on the east side of Radio Avenue, approximately 160 feet north of Lincoln Court, (2102 Radio Avenue) (Willow Village Square, Llc Paul Majoulet, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

Reports, drawings, and documents for this project are available for review during the week of the public hearing from 9:00 a.m. to 5:00 p.m., Monday through Friday at:

Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113
(408) 535-7800
http://www.sanjoseca.gov/planning/hearings/

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-7800 or (408) 294-9337 (TTY) at least two business days before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 535-7883. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-3555.**

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Rebekah Ross**, at the e-mail address: *rebekah.ross@sanjoseca.gov* in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.

Jean Hamilton

Jean Hamilton, Acting Deputy Director
Plan Implementation Division
Dated:

Lee Price

Lee Price, MMC
City Clerk
Noticing Radius: 1000 ft

Part 5 of Chapter 20.120 of Title 20 of the SJMC sets forth the requirements and processes to file a formal protest against a proposed rezoning. Such protest must be made on a form provided by the Director of Planning and must be filed in the Department of Planning, Building and Code Enforcement by 5:00 p.m. on the fifth day before the City Council opens its public hearing on the proposal. Contact the Department of Planning, Building and Code Enforcement if you have any questions.

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

RECEIVED
JUN 21 2007
CITY OF SAN JOSE
PLANNING DIVISION

RECEIVED
JUN 21 2007
CITY OF SAN JOSE
PLANNING DIVISION

Memorandum

TO: Rebekah Ross
Planning and Building

FROM: Michael Liw
Public Works

SUBJECT: **FINAL RESPONSE TO DEVELOPMENT APPLICATION**

DATE: 06/18/07

PLANNING NO.:	PDC05-122
DESCRIPTION:	Planned Development Rezoning Permit from the R-M Residential Zoning District to the A(PD) Residential Zoning District to allow the development of up to 15 single-family residences on a 0.71 gross acre site.
LOCATION:	Eastside of Radio Avenue, approximately 160 feet north of Lincoln Court.
P.W. NUMBER:	3-16987

Public Works received the subject project on 06/01/07 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Construction Agreement**: The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

2. **Transportation**: This project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes 1 Single Family detached unit and 13 Single Family attached units.

3. **Grading/Geology:**
   a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
   b) A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.

4. **Stormwater Runoff Pollution Control Measures**: This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges.

5. **Flood: Zone AO, Depth 1', Portion in Zone D**
   a) Elevate the lowest floor of all structures in Zone AO (Lot 1), including basement, more than 1 foot above the highest existing adjacent grade to the proposed structure.
   b) Provide vent openings for all enclosures below the base flood elevation (ex. at-grade garages), except basements. The design must either be certified by a registered professional engineer <u>or</u> meet the following requirements:
      i) Provide vent openings on at least two exterior walls of each enclosure to automatically equalize the lateral pressure of the floodwaters. The bottom of each opening shall be no higher than twelve inches above the exterior adjacent grade. Provide a minimum of two vent openings having a total net area of not less than one square inch per one square foot of enclosed area.
   c) An Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, is required prior to issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required for each built structure prior to issuance of an occupancy permit.
   d) Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.

6. **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.

7. **Parks:** In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.

8. **Street Improvements**:
   a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
   b) Remove and replace curb, gutter, and sidewalk along project frontage.
   c) Close unused driveway cut(s).
   d) Proposed driveway width to be 26' minimum and 1.5' clear from property line.
   e) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
   f) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans. To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions

can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.

9. **Complexity Surcharge (In-Fill)**: This project has been identified as an in-fill project. Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.

10. **Sanitary**: Submit a conceptive sanitary sewer plan at the PD permit stage.

11. **Electrical**:
    a) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
    b) Provide clearance for electrical equipment from driveways, and relocate driveway or electrolier. The minimum clearance from driveways is 5' in residential areas.
    c) To assist the Applicant in better understanding the potential cost implications resulting from these requirements, the electroliers along the project frontage can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 15 working days.

12. **Street Trees**:
    a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
    b) 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 park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings.

13. **Private Streets**:
    a) The on-site driveway must maintain a minimum of 26' width for 20'(measured from the back of sidewalk).
    b) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
    c) 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.

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

Michael Liw
Senior Civil Engineer
Transportation and Development Services Division

ML:MA:jl
6000_17660122026.DOC

Department of Transportation: Comments regarding traffic on Radio Avenue

-----Original Message-----
From: Bittner, Jim
Sent: Wednesday, April 26, 2006 4:54 PM
To: Filice, Tony
Cc: Ross, Rebekah; Wells, Laura
Subject: RE: Radio Ave. project

Tony,

We have completed the data collection on Radio. Overall, there was no change in the conditions on Radio since the data was collected early last year. Below is a summary:

Feb 2005:
Southbound: 380 veh/day, 25 mph avg speed
Northbound: 490 veh/day, 23 mph avg speed

Apr 2006:
Southbound: 390 veh/day, 23 mph avg speed
Northbound: 490 veh/day, 23 mph avg speed

I will route the hard copies of all these counts to you today as well.

Thanks,
Jim

From: Bittner, Jim
Sent: Monday, April 10, 2006 10:42 AM
To: Ross, Rebekah
Cc: Filice, Tony; Wells, Laura
Subject: RE: Radio Ave. project

Hi Rebekah,

Here is some of the data we have collected on Radio over the past 4 years:

Southbound: Feb 2002 380 veh/day, 25 mph avg speed
Northbound: Feb 2005 490 veh/day, 23 mph avg speed

I have a request to get the opposing directions for each of these counts today, and am waiting response. I will email you the rest when I get it. I wanted to make sure you have at least some of the data for now. (Regardless, there are no speeding issues on this street and the volumes are normal.)

Thanks,
Jim

Ross, Rebekah

From: Jim and Judith Enright [ENRIGHTS@pacbell.net]
Sent: Wednesday, February 08, 2006 11:45 AM
To: Ross, Rebekah
Subject: Re: 16 Homes on .71 Acres on Radio Ave?

Rebekah -- I spoke to you last week or so and sent you an email outlining my concerns about the possible 2102 Radio Ave. development of 16 homes..

Specifically:

Density: The end of Radio Ave. where the property is situated is a densely populated with a number of low-income apartment buildings plus a group home.

Parking: Overflow parking is already an issue from the apartment houses. It will likely become worse with 16 new residents and their cars as well as cars for their visitors. Radio Ave. is not a wide street -- oftentimes when cars/SUVs/trucks are parked on either side of the street, it is difficult for two cars in opposing lanes to drive safely down the street.

Traffic: With the apartment houses on one end of Malone and a neighborhood park on the other, traffic is already of concern, especially on the weekends. Many drivers use Radio as a cut-through from Curtner to Malone during weekday mornings and evenings. The Willows Senior Center and San Jose Parents Participatory Nursery School both have access points on Radio.

Displacement: I'm concerned that while 16 houses will probably increase property values for homeowners along Radio, they could well price the low-income renters right out of their homes.

Is this a toxic site: The property was run for many years as a termite control business. At this time many of us have no way of knowing how chemicals and waste were disposed of, and whether toxins will be released if construction proceeds. This is certainly something that needs to be investigated and the residents need to be given assurances that we're not living in a danger zone.

I urge you to visit the site to assess my concerns. I look forward to attending a community meeting and appreciate receiving notice of that when the time comes.

Judith Enright
2213 Radio Ave.

On Feb 8, 2006, at 11:02 AM, Ross, Rebekah wrote:

> Dear Judith,
> I apologize for the delay in responding to your email below. The
> file number
> for this project is PDC05-122. As Tony mentioned, it is still early
> in the
> process, and we have yet to schedule a community meeting.
> Once a community meeting date has been scheduled, I will be sure to
> inform
> you. Please feel welcome to come speak at this meeting.
> I will be sure to print out a copy of your email and keep it in the
> public
> record.

> Are there specific concerns about the 16 units you would like to have
> discussed during the community meeting?
> Email is generally the best way to reach me, but if you prefer you
> can call
> me at my desk 408-535-7842.
> Best Regards ~ Rebekah
>
>
> -----Original Message-----
> From: Filice, Tony
> Sent: Friday, January 27, 2006 5:11 PM
> To: 'ENRIGHTS@pacbell.net'
> Cc: Ross, Rebekah
> Subject: RE: 16 Homes on .71 Acres on Radio Ave?
>
>
> Hi Judith,
>
> Thanks for the email. Apparently an applicant has applied for a
> rezoning on
> this site. I've tried a few different ways to get you the project
> number
> and more information, but the City's permit website appears to be
> down right
> now and I just cannot get it.
>
> We've had some other neighborhood interest in the project. I
> talked to the
> project manager from the Planning Dept., Rebekah Ross, yesterday
> and there
> will be a community meeting to share details on the project and gather
> input. That meeting has not yet been scheduled.
>
> I'm including Rebekah Ross in this email to see if she can send you
> the
> project # so that you can check out the permits website once it is
> up and
> running again. All permits in the City can be accessed at
> www.sjpermits.com. I'm also asking Rebekah if she can make you
> aware of the
> meeting once it is set. If you wish to speak with Rebekah
> directly, she can
> be reached at Rebekah.Ross@sanjoseca.gov or 535-7842.
>
> Generally these rezonings are heard by the Planning Commission and
> then
> heard by the City Council. The public has a chance to speak at both
> meetings, and then the Council makes a decision. It's still very
> early in
> the process so there is time to learn more so that you can get
> involved.
>
> Please feel free to contact me if I can be of any further assistance.
>
> Sincerely,
>
>
> Tony Filice
> Council Assistant to Ken Yeager
> City of San Jose, Council District 6
> 200 East Santa Clara Street, 18th Floor
> San Jose, CA 95113
>
> Phone: (408) 535-4957 direct
> Phone: (408) 535-4906 main office
> Fax: (408) 292-6465
> Email: Tony.Filice@sanjoseca.gov

> Website: www.sanjoseca.gov/district6
>
>
> -----Original Message-----
> From: ENRIGHTS@pacbell.net [mailto:ENRIGHTS@pacbell.net]
> Sent: Friday, January 27, 2006 9:03 AM
> To: Tony.Filice@sanjoseca.gov
> Subject: 16 Homes on .71 Acres on Radio Ave?
>
> Tony -- We live on Radio Ave and discovered that a developer has
> applied for rezoning a property from RM residential to A(PD)
> Residential and plans to build 16 homes on less than 3/4 of an
> acre. This is toward the Malone Rd. end of Radio Ave., and is
> situated in the midst of apartment buildings.
>
> This section of Radio Ave. is already densely populated and to
> add 16 homes makes absolutely no sense. Does Ken Y. have any say
> in this sort of development? What can we do?
>
> Judith Enright
> 408-448-1892

Ross, Rebekah

From: Bora Akyol [fstshrk@gmail.com]
Sent: Friday, March 30, 2007 7:36 AM
To: rebekah.ross@sanjoseca.gov
Subject: Planning Department

Public Comments
Folder Number: 2007 008879 SB
Project Manager: Rebekah Ross

Dear Ms. Ross,

I would like to take this opportunity to comment on the permit application listed above.

I don't think that this permit application should be granted. I have two main objections:

1) Traffic: Radio avenue is a very small street and I don't think it can handle the additional traffic from 15 more houses on this 0.7 acre lot. Also after seeing the parking problems created by the apartments on Glen Eyrie road, I expect that this proposed development will create a spill-over parking effect that will cause even more traffic difficulties on this street.

2) Willow Glen is a small town within a big city with houses of fairly uniform character and density. I think opening up the residential zoning such that many houses (15 in this case) can be packed into a small lot (0.7 acres) sets up a dangerous precedent for other developers to follow. If I remember correctly, another developer wants to develop the church lot on Broadway & Coe in a similar manner. By allowing this permit to continue, the city will be setting a dangerous precedent for Willow Glen.

I would urge the city planning department to continue enforcing the existing residential development guidelines and deny this permit application.

Regards

Bora Akyol

Name: Bora Akyol
Email: fstshrk@gmail.com
Telephone Number:

Web Server: www.sjpermits.org
Client Information: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.1; NET CLR 1.0.3705; .NET CLR 1.1.4322; Media Center PC 4.0; .NET CLR 2.0.50727)

Ross, Rebekah

From: Jim Wright [Jim.Wright@headway.com]
Sent: Friday, July 06, 2007 8:26 AM
To: 'rebekah.ross@sanjoseca.gov'
Subject: Change in zoning PDC05-122

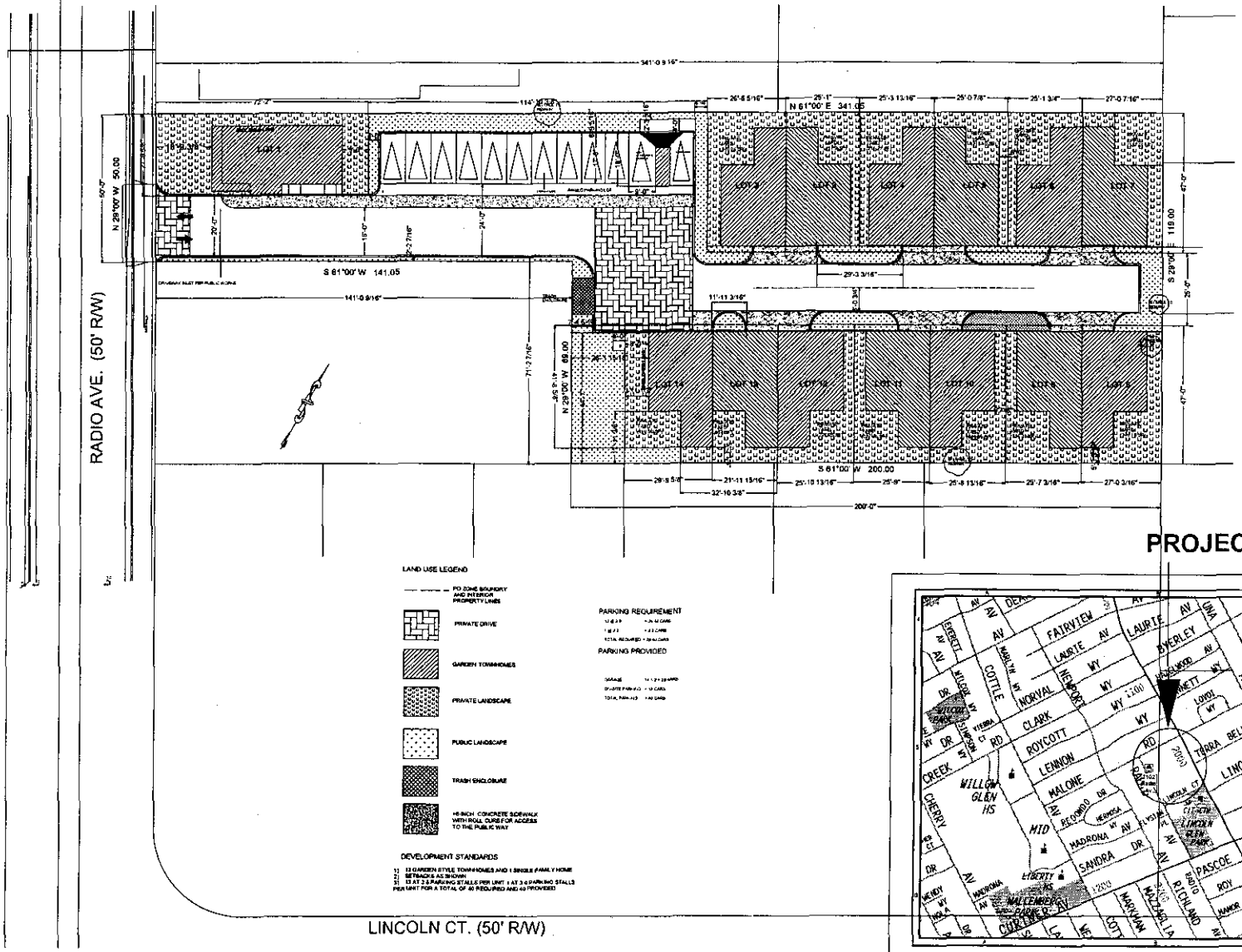
Miss Ross,

I am a homeowner at 1163 Malone Road S.J.95125. I have received the letter from your department indicating a hearing to approve a "change in zoning" for 2102 Radio Ave. S.J. I would like to raise some concerns that I have had for some time regarding the properties located on Radio Ave.

1. Most of the properties within 1000 feet of my home are large apartment buildings with many tenants.
2. I have lived here since 1987 and can attest to the vehicles that park on Malone road that belong to the renters of these apartments.
3. Until recently one side of Malone road was identified as "No parking" due to the narrowness of the street.
4. A new neighbor decided to try and slow down the speeding cars on Malone road by petitioning the city to remove the signs thus making the street more narrow by allowing people to park on both sides!
5. Well the "free for all" that followed with renters being able to park on both sides has been a nightmare for me trying to back out of my drive way onto a busy street (at times) without hitting the cars parked across from me and not being able to see down the street due to the cars parked on my side of the street.
6. I have made calls to the city asking for the signs to be put back and was told this cannot happen.
7. I then requested "red no parking" painted on part of the curb across and in front of my home and was told ok but it never happened!
8. Now if approved this builder with add 13 more families with limited parking almost assuring that they will come looking to my street to park their 2nd and 3rd cars!
9. I feel that if approved this project will further reduce the value of my home as no one is interested in buying a home that sits in a parking lot!
10. Renters come and go and by the way did I mention the trash, beer bottles, McDonalds food boxes that they toss from there car windows during the night,I even have to sweep up broken beer bottles. These are young don't care people.
11. I am asking for your consideration on this matter and some representation for the home owners that have there life savings in there homes!

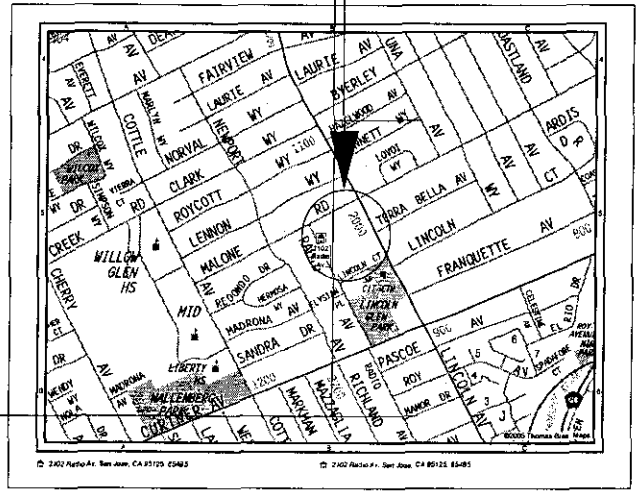
P.S. Any help you can be in my requests to get either permit parking, red zones, no parking etc. will be greatly appreciated. By the way the neighbor that had the signs removed lives far enough down Malone from the corner of Radio that she does not feel the effects of increased parking since they don't want to walk that far after parking. My house on the other hand is "prime" parking area....

Regards,
Jim Wright (408-978-3123) (408-857-8679) Jim.wright@Headway.com



LAND USE PLAN 1/16" = 1'-0"

PROJECT SITE



LOCATION MAP 1" = 500'

PDC05-122

Revisions	
Re-submittal set	2-18-07
Re-submittal set	4-03-07
Re-submittal set	5-11-07

General notes

Consultants

PLANNED DEVELOPMENT ZONING
Willow Village Square
2102 Radio Avenue San Jose CA.

LAND USE PLAN

Marks & Spencer & Associates
(408) 395-4888 mspassociates@yahoo.com

Date	18 FEB. 2007
Scale	Noted
Drawn by	
Job no.	

2

Sheet no.