



# Memorandum

TO: HONORABLE MAYOR  
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: August 23, 2007

COUNCIL DISTRICT: 3  
SNI AREA: N/A

**SUBJECT: PDC05-114. PLANNED DEVELOPMENT REZONING FROM CO(PD) COMMERCIAL OFFICE PLANNED DEVELOPMENT, LI LIGHT INDUSTRIAL, AND CG COMMERCIAL GENERAL ZONING DISTRICTS TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 460 MULTI-FAMILY ATTACHED RESIDENCES AND UP TO 20,000 SQUARE FEET FOR RETAIL COMMERCIAL USES ON A 2.4 GROSS ACRE SITE, LOCATED ON THE SOUTHWEST CORNER OF NORTH FIRST STREET AND CENTURY CENTER COURT (1731 AND 1733 NORTH FIRST STREET) (JAMES SCHMIDT ET AL, OWNER).**

## RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed Planned Development Rezoning from the CO(PD) Commercial Office Planned Development, LI Light Industrial, and CG Commercial General Zoning Districts to A(PD) Planned Development Zoning District to allow up to 460 multi-family attached residences and 20,000 square feet for retail commercial uses on a 2.4 gross acres site with the following conditions (revised Development Standards attached):

- At least 10,000 square feet of commercial space should be provided.
- A minimum thirty foot (30') setback is required from face of curb along Century Center Court.

## OUTCOME

Should the City Council approve the Planned Development Rezoning and revised Development Standards as recommended by the Planning Commission, up to 460 multi-family attached residences and up to 20,000 square feet of commercial uses may be built on the subject 2.4 gross acre site provided the project meets the proposed Development Standards. This future development would be subject to a Planned Development Permit.

## **BACKGROUND**

On November 16, 2005, the applicant, James Schmidt, filed a Planned Development Zoning application, File No. PDC05-114, to rezone the subject property from CO (PD) Commercial Office, LI Light Industrial and CG General Commercial to A (PD) Planned Development to allow up to 460 multi-family attached residential units and up to 20,000 square feet of retail space on a 2.4 gross acre site on the southwest corner of North 1st Street and Century Center Court.

On August 22, 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, Ken Rodriguez, was present to answer questions regarding the project.

Staff provided a point of clarification for the commission regarding the applicant's proposal of three possible setback options along the project's Century Center Court frontage, followed by a brief explanation of the project by Ken Rodriguez.

Commissioner Kinman asked whether a minimum amount of square footage for retail was included in the staff-recommended development standards and where the associated parkland dedication fees would be sent. Staff responded by describing the project's commercial component and stating that there was no minimum retail square footage required in the draft Development Standards. Staff also described the likely location of a future neighborhood-serving park in the block immediately to the north of Metro Center.

In response to Commissioner Zito's comment on the potential for including additional commercial square footage, staff explained the rationale for providing 20,000 square feet of commercial, and explained that more retail would limit the available parking and possible number of units.

Commissioner Zito made a motion to recommend approval of the proposed project as per staff's recommended development standards with the condition of providing a minimum of 10,000 square feet of commercial space.

Commissioner Jensen asked for review of green building strategies at the Planned Development Permit stage given the possibility of non-opening windows. Staff clarified that with the recommended setback from the proposed Automated People Mover alignment that windows would be operable and that green building strategies are part of the consideration for allocation of units under the North San Jose Area Development Policy.

In response to a question from Commissioner Kamkar regarding the project not including below grade parking, Department of Public Works staff explained the flood zone requirements for this site.

Commissioner Kalra suggested maintaining private open space and adding a requirement for minimum retail space square footage.

### ANALYSIS

Approval of the proposed rezoning would implement the North San Jose Policy to provide high density residential with supportive neighborhood-serving commercial uses along the North First Street Light Rail Corridor. See staff's report dated August 16, 2007 for complete analysis of project.

### EVALUATION AND FOLLOW-UP

No specific Council direction has been made to staff for follow-up action prior to Council action on the subject site rezoning.

### POLICY ALTERNATIVES

Not Applicable

### PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public. In addition to the community meeting held for the project (summary of comments attached), the applicant presented the project to the Rosemary Gardens neighbors who were generally supportive of the project.

### COORDINATION

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

### FISCAL/POLICY ALIGNMENT

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

**COST SUMMARY/IMPLICATIONS**

Not applicable.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

Resolution No. 72768.

  
for JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Susan Walton at 408-535-7800.

Attachments:

Revised Draft Development Standards (8/22/07)

Questions and comments from community meeting (2/13/07)

*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.*

**PDC05-114**  
**DRAFT DEVELOPMENT STANDARDS**  
**REVISED AS PER PLANNING COMMISSION DIRECTION**  
**8-22-2007**

**PERMITTED USES**

**Residential.** Up to 460 multi-Family attached residential units

**Commercial.** Minimum of 10,000 square feet of commercial uses  
Maximum of 20,000 square feet of commercial uses.

Permitted uses shall be the permitted uses of the CP – Commercial Pedestrian Zoning District.

Conditional Uses: - Conditional Uses of the CP – Commercial Pedestrian Zoning District may be allowed upon the approval of a Planned Development Permit.

Live/Work units are subject to the criteria laid out in Section 20.40.120 of the City of San José Zoning Ordinance as Amended.

**DEVELOPMENT STANDARDS**

**Maximum Height:** 150 feet

**Perimeter Setbacks From Face of Curb (minimum):**

North First Street Frontage 27 feet to Building Face

Century Center Court Frontage 30 feet to Building Face extending to 40 feet to Building Face at the western property line to maintain a minimum of 15 feet between the building face and proposed Airport People Mover guideway.

Western Property Line 5 feet to Building

Southern Property Line 1 foot to Building

**Parking:**

**Residential**

1.4 Spaces/Studio Unit

1.5 spaces/1 Bedroom Unit

1.8 space/2 Bedroom Unit

**Commercial.**

Consistent with the City of San José Zoning Ordinance, as amended.

Pursuant to Section 20.90.220 of the San Jose Municipal Code, A reduction in the required off-street parking spaces of up to ten percent (10%) may be authorized with a development permit for structures or uses located within 2,000 feet of a proposed or an existing station. If no Development Permit is required, a development exception may authorize a reduction.

**Common Open Space:** 40 Square Feet per Unit Minimum

**Private Open Space:** Multi-family Housing - 60 Square Feet per Unit Minimum with a minimum dimension of 6'  
Town homes – 430 square feet per unit

**Landscaping:**

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

**INCLUSIONARY HOUSING**

The City shall consider and provide pursuant to California Government Code Section 65915 and local requirements those density bonuses and incentives required under such State and local laws, as applicable.

Applicant shall comply with the City of San Jose Policy on Implementation of the Inclusionary Housing Requirement of Health and Safety Code Section 33413 (b) (2), as amended in connection with any and all portions of the Project involving the construction or substantial rehabilitation of residential units that will be located in a redevelopment project area to the satisfaction of the Director of Planning, Building and Code Enforcement.

**HOMEOWNERS’ ASSOCIATION**

A homeowners’ association shall be established for all owners of the units. The association will be responsible for maintenance of all common areas including but not limited to parking, vehicular circulation, and all common areas.

**PARKLAND DEDICATION ORDINANCE AND PARK IMPACT ORDINANCE**

Development of the site shall conform to the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO).

## **PUBLIC 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 shall require execution of a construction agreement that guarantees the completion of the public improvements.

## **SCHOOL IMPACT FEE**

In accordance with Government Code 65996, the developer shall pay the statutory school impact fee to offset the increased demands on school facilities caused by the proposed project.

## **ENVIRONMENTAL MITIGATION**

The following environmental mitigation shall be included in the project at the Planned Development Permit stage. A full list of the project mitigation is included in the findings adopted for the project in City Council Ordinance Number . Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

The project shall implement the following standard measures:

1. The project shall comply with the City's *Outdoor Lighting Policy* (Policy 4-3), which includes the use of low-pressure sodium outdoor security lighting on-site along walkways, entrance areas, common outdoor use areas, and parking areas.
2. If any significant cultural materials as identified in the Addendum are exposed or discovered during site preparation or subsurface construction activities, operations should stop within 50 feet of the find and a qualified professional archaeologist contacted for evaluation and further recommendations. The archaeologist's recommendations shall be presented to the Director of Planning, Building, and Code Enforcement for consideration. Potential recommendations could include evaluation, collection, recordation, analysis, and reporting of any significant cultural materials.
3. 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/her authority, the Native American Heritage Commission shall be notified 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.

4. If the Director of Planning, Building, and Code Enforcement finds that the archaeological discovery is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. A final report would be prepared when a find is determined to be significant archaeological site, and/or when Native American remains are found on the site. The final report would include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
5. Prior to issuance of a Planned Development (PD) Permit, a sanitary sewer main LOS study will be completed by a qualified civil engineer to determine the need for improvements to the sanitary sewer infrastructure adjacent to the project site. The study will be submitted to the Department of Public Works project engineer for review and approval.

The following mitigation measures are identified as part of the certified 2005 NSJ FPEIR and are to be implemented by the project:

1. The project shall implement measures identified by BAAQMD to reduce emissions, which are proposed to include, but are not limited to, the following:
  - Providing secure and conveniently placed bicycle parking;
  - Allowing only natural gas fireplaces, pellet stoves, or EPA-Certified wood-burning fireplaces or stoves in residences. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source;
  - Providing direct, safe, attractive pedestrian access from project site to transit stops and adjacent development;
  - Utilizing reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand; and
  - Providing transit passes to new residents.
2. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a less than significant level. The following construction practices will be implemented during construction on the project site:
  - Water all active construction areas at least twice daily.

- Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
  - Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
  - Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
  - Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - Replant vegetation in disturbed areas as quickly as possible.
3. Pre-construction surveys for nesting raptors shall be completed 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 completed no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be completed no more than (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 and Game, designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Department of Planning, Building, and Code Enforcement prior to the issuance of any grading or building permit.
4. The proposed project shall replace trees removed at the following ratios:

<b>Table 4.4-2 Standard Tree Replacement Requirements</b>		
<b>Diameter of Tree to be Removed</b>	<b>Non-Native</b>	<b>Minimum Size of Each Replacement Tree</b>
18 inches or greater	4:1	24-inch box
12 – 18 inches	2:1	24-inch box
Less than 12 inches	1:1	15-gallon container
Notes: X:X = Tree replacement to tree loss ratio Trees greater than 18-inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.		

5. Since the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage:
  - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
  - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
  - A donation of \$300 per mitigation tree 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.
6. The project proponent shall retain a consulting arborist prior to any ground disturbance activities. The consulting arborist shall develop a tree protection plan outlining specific procedures to ensure that trees on adjacent properties are protected during the construction phase.
7. For retained trees in the immediate vicinity of construction or demolition areas, problems of soil compaction within the root zone resulting from heavy construction equipment shall be prevented. In order to minimize construction and demolition impacts to remaining trees, barrier fencing shall be installed around the dripline of all retained trees or at the edge of construction areas. Any construction or demolition activities taking place within the dripline of retained trees shall be done by hand or with light equipment that does not cause soil compaction. All fencing shall remain in place throughout the construction phase of the project. The type of fencing to be utilized shall be at the direction of the consulting arborist.
8. Any limb or root pruning to be conducted on retained trees shall be approved and supervised by the consulting arborist and shall follow best management practices developed by the International Society of Arboriculture.
9. Supplemental irrigation to retained trees shall be applied as determined by the consulting arborist.
10. If any of the retained trees should be damaged during the construction phase, they shall be evaluated at the earliest possible time by the consulting arborist so that appropriate measures can be taken.
11. Design and construct buildings in accordance with a design-level geotechnical investigation prepared for the project site, which identifies the specific design

features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. Stabilization of the below-grade parking will likely be required. Drawdown of ground water will be designed to avoid subsidence of nearby structures supported on shallow foundations. The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for the project.

12. All construction joints, and basement walls below the design ground water level will be waterproofed to limit moisture infiltration. A waterproof specialist will be retained to design the waterproofing system, including the under-mat waterproofing, waterstops and other waterproofing measures at construction joints, and a waterproofing design for all below-grade walls. The use of drainage systems above design ground water levels and designing for hydrostatic pressures should be evaluated in the design-level investigation.
13. Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.
14. The project 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 and seismic-related hazards on the site.
15. Extension of public utilities and infrastructure to serve the development would be required to be designed to withstand seismic and structural damage in conformance with General Plan policies.
16. A Phase II Environmental Site Assessment will be completed prior to issuance of a Planned Development (PD) permit to identify any remaining soils contamination on-site due to the previous agricultural use of the project site. In the event contaminants are present in soils on-site, construction will only occur in accordance with a site-specific health and safety plan prepared by a certified industrial hygienist. The plan should include provisions for monitoring exposure to construction workers and delineate procedures to be undertaken in the event contamination is identified above action levels and identify emergency procedures and responsible personnel.
17. Asbestos surveys will be conducted for buildings on-site. In accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, all potentially friable asbestos-containing materials will be removed prior to building demolition.
18. A lead survey of painted surfaces and soil around buildings on-site will be completed prior demolition. Requirements in the California Code of Regulations will be followed during demolition activities, including employee 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.

19. Comply with the City of San José *Special Flood Hazard Area Regulations* and City's Floodplain Management Ordinance.
20. Obtain an Elevation Certificate (FEMA Form 81-31) for the proposed structure, based on construction drawings and a Flood Proofing Certificate (FEMA Form 81-65), prior to issuance of building permits and occupancy permits.
21. Elevate building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities above the base flood elevation or otherwise protected from flood damage.
22. Compliance with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading, applicants shall be required to file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works. The following measures typically are included in a SWPPP:
  - Preclude non-stormwater discharges to the stormwater system.
  - Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
  - Cover soil, equipment, and supplies that could contribute to non-visible pollution prior to rainfall events or monitor runoff.
  - Perform monitoring of discharges to the stormwater system.
23. Groundwater from the construction site could be laden with sediments from excavation activities. Where dewatering (pumping of groundwater from excavation) is required, it will be conducted in accordance with local, state, and federal clean water regulations.
24. Disposal of substantial quantities of groundwater as a part of construction activities will be conducted in consultation with the Regional Water Quality Control Board staff. Depending on the volume of water and the presence of sediments, the groundwater could be disposed of by:
  - discharge to the storm drain system, if sediments are not present;
  - discharge to the sanitary sewer; or
  - hauling off-site for treatment and disposal at an appropriate waste treatment facility.
25. The Regional Water Quality Control Board staff will be consulted if pumping will be conducted for more than 24 hours or at more than 20 gallons per minute.

26. One or more of the following techniques would be used to prevent the discharge of sediment laden water to storm drain systems:
  - use of Baker Tanks or other settling tank; or
  - filtration with a filtering device.
  
27. The project will comply with the NPDES Municipal Permit by incorporating BMPs and TCMs to control non-point pollution. The proposed project may include but is not limited to the following BMPs and TCMs:
  - A grassy swale with a flat grate inlet will be located on the southwest side of the building to treat storm water from the site outside of the proposed building.
  - The proposed building will have an internal piping system designed to collect storm water runoff from the roofs and courtyard. The project will install a new manhole with a mechanical stormwater treatment unit to treat the storm water runoff collected from the roofs and courtyard.
  
28. In order to improve stormwater drainage in the project area and prevent localized flooding due to lack of system capacity, the project shall be evaluated for the adequacy of on-site and off-site stormwater collection systems prior to issuance of the Planned Development Permit.
  
29. Prior to the issuance of a Planned Development Permit, the project shall incorporate appropriate BMPs and TCMs in order to conform to Policy 6-29 and 8-14.
  
30. The applicant will develop a construction mitigation plan in close coordination with adjacent businesses and noise-sensitive land uses. The construction mitigation plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. The mitigation plan shall be incorporated into the PD Permit. The construction mitigation plan will consider the following available controls to reduce construction noise levels as low as practical.
  - Limit demolition and construction activities to daytime hours between 7:00 am and 5:00 pm;
  - Construct solid plywood fences around the perimeter of the construction site adjacent to business or noise-sensitive land uses;
  - Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists;
  - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
  - Construction equipment should be well maintained and used judiciously to be as quiet as practical;
  - Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from businesses or noise-sensitive land uses;

- Prohibit all unnecessary idling of internal combustion engines;
  - Notify all adjacent businesses, residences, and noise-sensitive land uses of the construction schedule in writing;
  - A temporary noise control blanket barrier could be erected, if necessary, along building facades facing the construction site. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected;
  - Designate a disturbance coordinator, responsible for responding to complaints about construction noise. The name and telephone number of the disturbance coordinator shall be posted at the construction site and made available to businesses or noise-sensitive land uses adjacent to the construction site;
  - If pile driving is necessary, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile;
  - If pile driving is necessary, consider using multiple pile driving rigs to expedite this phase of construction;
  - If pile driving is necessary, consider the use of “acoustical blankets” for receivers located within 100 feet of the site; and
  - If pile driving is necessary, limit these activities to between the hours of 10:00 AM and 4:00 PM to coincide with check-in/check-out times at the nearby hotel. The adjacent hotel shall have the opportunity to provide input as to the specific time limits.
31. Complete project-specific acoustical analyses to ensure that the design of the proposed residential buildings and units shall reduce interior noise levels to 45 dBA  $L_{dn}$  or lower. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all units with a direct line of sight to roadways and the rail corridor.
32. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for residential units adjacent to North First Street. These treatments include, but are not limited to, sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking. The specific determination of what treatments are necessary shall be determined on a unit-by-unit basis.
33. The proposed project shall conform to the requirements of Title 24, part 2 of the California Building Code. An analysis detailing the treatments incorporated into the building plans shall be prepared and submitted to the Building Division prior to the issuance of a Building Permit. The report shall demonstrate that the proposed design will achieve an interior DNL of 45 dBA or less in all habitable residential areas.

North First Street Residential Project (PDC05-114)  
February 14, 2007

Kenneth Rodrigues presented the project to the neighbors at a community meeting held at Nolte Associates office on 02/13/2007.

Questions from **Dale**:

Question 1.

Century Center Court is the only access to the existing 8-story office building and would like to know how the traffic flows during construction?

Answer:

- *Avoid peak hours truck access to the job site*
- *Arrange for off-site staging area and construction workers parking*
- *Prepare a construction mitigation plan and review it with all surrounding property owners.*

Question 2.

Will the length of the left-turn pocket be still appropriate after the proposed project gets built?

Answer:

- *The proposed project will generate opposite traffic comparing to the office use during peak hours.*
- *Zanker Road will become a major thru-traffic access and the 1<sup>st</sup> Street will be used for destination purpose only in the near future according to the traffic analysis prepared by Powers & Associates.*

Question 3.

Are the on-site parking numbers provided enough for the project?

Answer:

- *The parking numbers provided for the project exceeds the parking requirement per zoning code of City of San Jose and is developed using similar project requirements for other recently built BSB projects.*

Comment 4.

Hate the people mover idea. The existing Bus and light rail system are working fine.

Comment 5.

Hope to see a beautiful building from the existing 8-story office building to the West when the proposed project is complete.

Questions from **Carl**

Question 1.

How many square feet of retail will be proposed for the project?

Answer:

*Up to 20,000SF*

Question 2.

How long will this project take to complete?

Answer:

*Another 2-3 month to secure the PD zoning.  
4-6 months to secure the PD permit.  
4-6 months to secure the Building permit.  
12-15 months for each Tower.  
2012 will be total completion for the project.*

### Comments from **Chuck & Rich**

Like the vision of North San Jose to provide live and work environment along North 1<sup>st</sup> Street transit corridor. This project seems to meet that vision and is a good project

### General Comments

Every attendee is in support of the project and would like to see the Zoning / Permit / Construction move along as fast as possible.

### **Chris Burton** (the planner)

Explain the reviewing process for the proposed project.

End of the meeting @7:50pm

NORTH FIRST STREET RESIDENTIAL PROJECT  
CITY FILE NO. PDC05-114  
COMMUNITY MEETING  
February 13, 2007

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CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
200 E. Santa Clara Street  
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Hearing Date/Agenda Number  
P.C. 08-22-07 COUNCIL AGENDA: 9/25/07  
C.C. 09-25-07 ITEM: 11.3

File Number  
PDC05-114

Application Type  
Planned Development Zoning

Council District SNI  
3

Planning Area  
North

Assessor's Parcel Number(s)  
230-29-034 & 230-29-022

# STAFF REPORT

## PROJECT DESCRIPTION

Completed by: Chris Burton

Location: Southwest corner of North 1st Street and Century Center

Gross Acreage: 2.4

Net Acreage: 2.4

Net Density: 191.6 DU/AC

Existing Zoning: CO (PD) Commercial Office,  
LI Light Industrial & CG General  
Commercial

Existing Uses: Existing Commercial/Industrial Building

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 460 residential units with up to 20,000 square feet of retail space.

## GENERAL PLAN

Completed by: Chris Burton

Existing Land Use/Transportation Diagram Designations  
Industrial Park & General Commercial with a Transit/Employment  
Residential District Overlay (55+DU/A)

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

## SURROUNDING LAND USES AND ZONING

Completed by: CB

North: Office

CP Pedestrian Commercial

East: Office

CG General Commercial

South: R&D Office

LI Light Industrial & CN Neighborhood Commercial

West: Office

IP Industrial Park

## ENVIRONMENTAL STATUS

Completed by: CB

Reuse of North San Jose EIR (Resolution # 72768)  
 Negative Declaration circulated on \_\_\_\_\_  
 Negative Declaration adopted on \_\_\_\_\_

Exempt  
 Environmental Review Incomplete

## FILE HISTORY

Completed by: CB

Annexation Title: Airport No. 3

Date: 05/29/1958

## PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Recommend Approval  
 Recommend Approval with Conditions  
 Recommend Denial

Date August 16, 2007 Approved by: 

OWNER / DEVELOPER	CONTACT	
James F Schmidt, 1733 N 1 <sup>st</sup> Street, San Jose, CA 95112	Kenneth Rodrigues, 10 N 3 <sup>rd</sup> Street, Suite 400, San Jose, CA 95113	

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: CB

Memo from Public Works

Other Departments and Agencies

None

GENERAL CORRESPONDENCE

None

ANALYSIS AND RECOMMENDATIONS

## BACKGROUND

On November 16, 2005, the applicant, James Schmidt, filed a Planned Development Zoning application, File No. PDC05-114, to rezone the subject property from CO (PD) Commercial Office, LI Light Industrial and CG General Commercial to A (PD) Planned Development to allow up to 460 multi-family attached residential units and up to 20,000 square feet of retail space on a 2.4 gross acre site on the southwest corner of North 1st Street and Century Center Court.

The project site is located on a 2.4 acre site at 1731 and 1733 N. First Street and is currently developed with two office buildings that total approximately 29,645 square feet. The proposed rezoning would allow for the demolition of the existing office buildings and development of up to 460 attached residential units and 20,000 square feet of ground floor retail uses. The maximum density of the proposed project is 191.6 DU/AC. Under no circumstances would fewer than 132 units be built on the site, which would provide the minimum density allowed by the Transit/Employment Residential District Overlay (55 DU/AC). The proposed building would be up to 150 feet in height above grade, constituting up to 14 stories with two towers located on the North First Street and Century Center Court frontages of the site. The ground floor of the building would be developed as retail space and six live/work units.

The proposed retail uses would be divided into three retail spaces fronting onto North First Street. One retail space located at the corner of North First Street and Century Center Court would total approximately 8,400 square feet. The second and third retail spaces would total approximately 4,300 and 3,500 square feet, respectively, and would be located on opposing sides of a lobby. A second lobby entrance would be provided from Century Center Court. The six live/work units would have ground floor work spaces and living space on the second floor. Two of the live/work units are proposed to front onto North First Street and four units to front onto Century Center Court. The third floor would be developed with residential units along the street frontages. A courtyard would be located in the center of the building on the fourth floor. Approximately 15 two-story townhouse units would be located on the south and west sides of the fourth floor courtyard. The proposed residential towers would extend from the fourth floor on the Century Center Court and North First Street sides of the building. The residential units would range in size from

studios to 2 and 3 bedroom townhouses. The building would be built up to the southern and western property lines. The proposed zero setback from the western property line will require abandonment of an existing ten-foot wide Pacific Gas & Electric (PG&E) easement.

Private open space is proposed in the form of balconies that are accessed through the living rooms of the units. Common open space is proposed on the fourth-floor courtyard of the building. The common open space is largely shielded from ambient noise by the two towers. A reduced copy of the plan set is attached for reference.

### **GENERAL PLAN CONFORMANCE**

The site has two designations on the San Jose 2020 General Plan Land Use/Transportation Diagram of Industrial Park and General Commercial and has a Transit/Employment Residential District Overlay (55+DU/A). With up to 460 units proposed on the subject 2.4 gross acre site, the proposed density calculates to 191.6 DU/AC. The Transit/Employment Residential District Overlay provides a minimum density allowed of 55 DU/AC; therefore, under no circumstances could fewer than 132 units be built on the site. This density conforms to the General Plan Land Use/Transportation Diagram Transit/Employment Residential District Overlay density. Furthermore, this project furthers the North San Jose Area Development Policy which provides for the conversion of 285 acres of existing industrial lands to residential use in order to reduce the impact upon regional traffic conditions caused by additional industrial development.

### **ENVIRONMENTAL REVIEW**

The project site is located within the boundaries of the San Jose Area Development Policy. The Final Environmental Impact Report for the North San Jose Area Development Policies Update was certified and the project approved by the City Council in June 2005. The EIR was subsequently legally challenged by Santa Clara County and the Cities of Milpitas and Santa Clara. In December 2006, the Santa Clara County Superior Court approved a settlement over all legal challenges and deemed the EIR adequate.

An Initial Study was prepared in accordance with an addendum to the Final EIR. The Initial Study evaluated impacts related to air quality, noise, cultural resources, geology, and hydrology. Based on the analysis in the Initial Study, it has been concluded that the North San Jose Area Development Policy Update Final EIR adequately addresses the environmental effects of the proposed project, and project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or Negative Declaration.

Specific analysis of potential hazardous chemicals and substances used on sites proximate to the project was completed. Approximately 91 facilities were identified within one-half mile of the project site that use, handle, and store quantities of hazardous substances. Of these facilities, 69 had hazardous materials files available at the San José Fire Department (SJFD), 17 facilities were identified through the regulatory agency database report, and five additional facilities were identified in a drive-by survey that did not have files available at the SJFD. Based on the volume, type, storage, and distance from the site, 50 of these facilities were determined unlikely to pose a significant threat to residents of the site if an accidental chemical release were to occur.

Based on review of the most recently available hazardous materials inventories, 13 facilities were identified for further evaluation. Modeling of the maximum impact accidental chemical release scenarios was completed based on the City's identified methodology. Sixteen possible maximum impact release scenarios were modeled. Four scenarios modeled based on the use of hazardous materials at Hill Brothers Chemical Company, Universal Semiconductor, and Haro's Metal Finishing would have off-site consequences that could impact future residents of the site.

Although the modeling identified an impact to the site due to a phosphine release from Universal Semiconductor, this release is unlikely to reach the site because the phosphine/silane mixture used at the facility is likely to spontaneously react with air instead of migrating to the project site. Additionally, the occurrence of the hydrogen cyanide release scenario from Haro's Metal Finishing is considered extremely unlikely. This scenario is considered unlikely because the hydrogen cyanide would have to encounter an acid to create the reaction that was modeled in the release scenario. Releases from these facilities, therefore, would not be a likely source of a significant impact to future residents of the project site.

Due to the types and quantities of toxic and flammable substances used at the Hill Brothers Chemical facility, it is required to participate in the California Accidental Release Prevention Program (CalARP). Facilities that use or store quantities of toxic and flammable substances that can have off-site consequences if accidentally released are required to participate in the CalARP Program. Under the CalARP program, toxic endpoints are provided by the Office of Environmental Health Hazard Assessment (OEHHA) and are based on preexisting toxicity values developed by the National Institute for Occupational Safety and Health. Under the CalARP Program, worst-case and alternative release modeling is completed based on the federal Risk Management Plan (RMP) methodology. Based on the alternative release modeling completed for the CalARP, given the quantity of chemicals at this facility, future residents of the project site would not be impacted.

## **ANALYSIS**

The primary issues associated with this project are the compatibility of the proposed residential use with the existing neighborhood, conformance to the North San Jose Area Development Policy, the Rincon South Specific Plan, the proposed alignment of the Airport Automated People Mover (APM) and the Residential Design Guidelines.

### **North San Jose Area Development Policy**

This project is located within the North San Jose Area Development Policy boundaries. The Policy recognizes that the conversion of some industrial land to residential use within the Policy area is acceptable in order to reduce the impact upon regional traffic conditions caused by additional industrial development. Proposed conversions within this area may or may not be appropriate based upon existing conditions at the time of the proposed conversion. Because residential conversions should result in the establishment of safe and cohesive residential neighborhoods, it may not be appropriate to convert a site to residential use in light of existing conditions at the time of the proposal. Under the North San Jose Area Development Policy, proposed conversions should be evaluated through the zoning process for conformance with City policy and according to the following criteria:

*The site must not contain an existing important vital or 'driving' industrial use.*

The existing buildings on the site, proposed for demolition, are currently occupied by professional offices. The buildings, built in the late 1960s early 1970s, consist of rectangular one and two-story commercial/production buildings. Due to a significant amount of vacant office space currently available in the North San Jose Area, this project will not adversely affect existing industrial uses.

*The site must not be adjacent to an industrial use that would be significantly adversely impacted by the residential conversion.*

The project site is located within an urbanized area of San Jose. The site is bordered by North First Street to the east, Century Center Court to the north, and commercial and light industrial uses to the south and west. The subject property contains existing industrial/commercial buildings and pavement. The buildings immediately surrounding the project site vary between one and six-story structures. Although the project would increase the intensity of development on the property in terms of size and scale, it would not have a significant adverse impact on the visual character of the site or its surroundings, which consist of urban commercial and industrial uses. The proposed building would not affect views or increase shading at any residential properties or public parks.

*The site must not be in proximity to an industrial or hazardous use that would create hazardous conditions for the proposed residential development.*

As described in the Environmental Review section above, approximately 91 facilities were identified within one-half mile of the project site that use, handle, and store quantities of hazardous substances. Following the review of information on file with the San Jose Fire Department Hazmat team, and additional field survey and modeling work, the substances used by these facilities were found to be in small quantities or used in ways which would not likely result in impacts on future residents of the project.

#### Traffic Impact Fee

The City will collect a Traffic Impact Fee in accordance with the North San Jose Area Development Policy, to be used to fund the mitigation measures needed to meet future traffic conditions resulting from implementation of the Policy as described in the traffic analysis and Environmental Impact Report (EIR). The Traffic Impact Fee distributes the cost of the necessary infrastructure improvements on a cost per trip generated basis amongst the total development addressed through this Policy (32,000 residential units). The Fee is currently set at \$5,971 per unit for new multi-family residential development within the Policy area. These fees are adjusted automatically every two years to address increases in land acquisition, and construction costs for the scheduled roadway and intersection improvements anticipated over time based upon standardized construction cost inflation rates for the region. The precise Traffic Impact Fee for this project will be calculated and collected at the time of issuance of a Building Permit.

#### **Conformance to the Rincon South Specific Plan**

The Rincon South Specific Plan designates four sub-areas within its boundaries. Each sub-area has a distinct character and is treated differently by the Specific Plan with specific policies formulated for each to supplement the general policies outlined in the plan. The project falls within the Technology Park Sub-Area which contains the majority of Rincon South's high technology office and industrial development and is an important part of North San Jose. In addition to office and industrial uses and several existing and new hotels, 11.4 acres are designated for Transit Corridor Residential use as an alternative to or in

combination with General Commercial Uses. The subject site is not located in this 11.4 acre area and as the plan does not account for the new residential development provided for in the North San Jose Area Development Policy the overall Land Use and Design Policies of the Rincon South Specific Plan, have been used to find conformance with the intent of the plan.

The Rincon South Specific Plan states that multi-family residential structures on all streets, but particularly on North First Street, North Fourth Street and Skyport Drive, should project a very urban presence on the street and that site design should accommodate pedestrian access and limit automobile access points to the minimum required. The project as proposed will use contemporary design and materials to achieve a very urban presence along North First Street and Century Center Court. The project is located sufficiently far away from the Rosemary Gardens neighborhood so as to not create any compatibility or interface impacts, and is located amongst a number of three to six-story office buildings located close to or fronting on North First Street which display a compatible urban style. The project is located directly across North First Street from the Metro/Airport light rail station which will promote pedestrian movement to and from the development and help limit the use of automobiles.

The Specific Plan envisions a high level of urbanization as part of the development of the Guadalupe Corridor (North First Street), and acknowledges that taller buildings with reduced or zero setbacks will be necessary to create such an urban area. The San Jose 2020 General Plan's Urban Design Policies provide maximum building heights to address urban design consideration. Under this policy, for properties within reasonable walking distance of the light rail stations ("reasonable walking distance" is generally assumed to be approximately 2,000 feet along a safe pedestrian walkway), located within the boundaries of the North San Jose Area Development Policy, the maximum building height is 150 feet.

The Plan states that with the intensification of future development, open space will become increasingly important within Rincon South. The identification, utilization and design of any available open space should be carefully considered in new development. The project utilizes space on the fourth floor podium to provide useable common open space for residents of the development. This open space has been designed to provide for all residents and will contain appropriate landscaping.

The Specific Plan is particularly concerned with the green streetscape and pedestrian system within the Plan's boundaries. It states that the "park" character intended for this area should not be limited to formal parks and should be carried throughout the community as a network which provides very attractive connections among parks and other neighborhood features. As such, specific streetscape design guidelines were developed within the Plan. New landscaping along North First Street should improve the visual character of this important gateway street. The project conforms to the streetscape design guidelines included in the Specific Plan by providing a 10' setback, an 8' sidewalk, and a continuous 9' park strip along N. First Street.

### **Proposed Airport Automated People Mover Alignment**

The proposed Airport Automated People Mover (APM) was added to the Airport Master Plan development program by Council in March 2003 and serves as partial compliance with the Municipal Code's ASTRA provisions which reflect the City's policy directive that a fixed rail transit link be constructed to connect the Airport terminals with either the light rail line and/or the Santa Clara Caltrain/future BART station. A description of the APM was approved as part of the Final Airport Master Plan Supplemental EIR, adopted in January 2003.

The APM is currently planned to connect the Valley Transportation Authority (VTA) light rail transit (LRT) system with San Jose International Airport (SJC). The elevated system is proposed to have two stations: one at SJC and the other above N. First Street at Century Center Court. The proposed alignment will begin adjacent to Terminal Drive and cross Airport Boulevard, the Guadalupe River, and State Route 87 approximately 400 feet north of Skyport Drive. After crossing State Route 87, the alignment will pass between an office building and a hotel before crossing over Technology Drive, then pass between additional office buildings. The alignment runs along the south side of Century Center Court and will terminate above a relocated Metro/Airport LRT Station near the intersection of North First Street at Century Center Court. Relocating the Metro/Airport LRT Station will require the dedication of up to 12 feet for widening on the west side of North First Street.

In order to evaluate the possible implications on the proposed project and the APM, Lea + Elliot, Inc. were tasked to perform a conceptual study to determine the feasibility of an alternative APM alignment on the north side of Century Center Court that will accommodate the new development, and, if feasible, the impacts of the alternative alignment on the APM project. In addition, they were asked to provide a recommendation of the minimum horizontal clearance between the APM guideway structure and adjacent buildings. A copy of their report is attached for your reference.

Through their conceptual study, Lea + Elliot concluded that it is feasible to shift the APM alignment to the north side of Century Center Court. However, this alternative has the following impacts to the project:

- The vertical circulation between the APM and the southbound LRT stations now touches down in the LRT train's berthing position. This may result in the need to widen the LRT platform and hence require additional widening of N. First Street.
- A potential column and island in the middle of Century Center Court cul-de-sac.
- An increase in cost of approximately \$500,000, exclusive of the cost due to potential widening of N. First Street discussed above (it was noted that this cost is very conceptual and it is strongly recommended that appraisals be performed should the alternative alignment proceed).

In addition to studying the possibility of realigning the APM, Lea + Elliot provided a recommendation of the minimum horizontal clearance between the APM guideway structure and adjacent buildings should it be deemed inappropriate to realign the APM. Currently, there are no explicitly defined minimum horizontal clearances for APM guideways. Therefore, the horizontal clearance requirements for Caltrans, San Francisco Bay Area Rapid Transit (BART), and VTA LRT aerial structures were compared to aid in determining the recommended horizontal clearance between the guideway and the proposed development.

Based on this information, previous preliminary discussions with the City of San Jose Fire Department, and other APM projects, the following minimum horizontal clearances were recommended:

- Clearance between the APM guideway structure and adjacent buildings without operating windows or balconies along the APM alignment: 10 ft.
- Clearance between the APM guideway structure and adjacent buildings with operating windows

and/or balconies along the APM alignment: 15 ft.

### **Airport Land Use Commission**

The project site is located Airport Land Use Commission's referral area for the Norman Y. Mineta San José International Airport as identified in the ALUC's "Land Use Plan for Areas Surrounding Santa Clara County Airports". Projects within this area require a referral of the proposed rezoning to the ALUC for a consistency determination. The project was referred to the ALUC on June 21, 2007. As of the time of preparation of this report no response to this development application has been received. As per Section 21676 (d) of the California Public Utilities Code Section 21001 et seq. relating to the State Aeronautics Act;

*Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.*

Staff has reviewed the ALUC Land Use Plan to determine whether there would be any inconsistencies with this project. The project appears to be consistent with the ALUC Land Use Plan as it is located outside the Airport's projected 65 dBA CNEL contour and the ALUC Safety Zone. The proposed building heights would not exceed any FAA imaginary surface or the ALUC Height Restriction Boundary. An aviation easement will be required in compliance with the ALUC Land Use Plan and the City's General Plan Aviation Policy #49.

### **Conformance to the Residential Design Guidelines**

The City's Residential Design Guidelines state that mixed use development consists of a vertical or horizontal combination of residential and commercial uses within a single building or site. The proposed development is consistent with the Residential Design Guidelines. Staff has focused the review on the mix of uses, building orientation and relationship to the street, and parking configuration. The development's setbacks will be detailed in a later section.

#### *Mix of Uses*

The Guidelines outline how mixed use development should give careful consideration to the types, scale and location of uses in this type of development to encourage maximum compatibility and mutual benefit. In addition, retail uses should generally be limited to the ground floor spaces along busy street frontages. Commercial uses within mixed use projects should be of the variety that directly serve and support the surrounding neighborhood and/or promotes pedestrian traffic or public transit.

The applicant is proposing those commercial uses consistent with the Commercial Pedestrian Zoning District. The CP Commercial Pedestrian Zoning District is a district intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the General Plan related to neighborhood business districts. The CP Commercial Pedestrian District also encourages mixed residential/commercial development where appropriate. The type and scale of retail space proposed as part of this development will encourage commercial tenants that will predominantly serve the residents of the development and the immediate

area.

The proposed retail uses would be divided into three retail spaces fronting onto North First Street. One retail space located at the corner of North First Street and Century Center Court would total approximately 8,400 square feet. The second and third retail spaces would total approximately 4,300 and 3,500 square feet, respectively, and would be located on opposing sides of a lobby. A second lobby entrance would be provided from Century Center Court. The six live/work units would have ground floor work spaces and living space on the second floor. Two of the live/work units front onto North First Street and four units front onto Century Center Court. The third floor would be developed with residential units along the street frontages. A courtyard would be located in the center of the building on the fourth floor. Approximately 15 two-story townhouse units would be located on the south and west sides of the fourth floor courtyard. The proposed residential towers would extend from the fourth floor on the Century Center Court and North First Street sides of the building. The residential units would range in size from studios to 2-3 bedroom townhouses. The building would be built up to the southern property line and set back approximately 5 feet from the western property line.

The location of this development adjacent to the Valley Transportation Authority (VTA) light rail transit (LRT) system Metro/Airport LRT Station near the intersection of North First Street at Century Center Court will encourage a direct connection that serves and supports the surrounding neighborhood and promotes pedestrian traffic use of public transit.

#### *Building Orientation and Relationship to the Street*

The Residential Design Guidelines provide direction for mixed use developments to be oriented parallel to the street especially at corners. Buildings, and in particular, entrances should be oriented toward light rail stations and bus stops for convenient access by public transit passengers. In addition, active connections between buildings and the street should be provided. The current proposal positively addresses the street with retail spaces, live/work units and primary entrances to the residential development. The connections with the adjacent light rail station will also promote and encourage integration of this development into the wider industrial neighborhood and future residential development.

#### *Parking Configuration*

Structured parking is considered preferable for vertical mixed use projects by the Residential Design Guidelines. Access to the site would be provided from North First Street and Century Center Court. The project proposes a four-story parking garage. Access to the parking garage would be provided from Century Center Court. The garage would have one story of below-grade parking and three levels of structured parking proposed behind the proposed retail, live/work units, and third floor residential units.

The Zoning Ordinance contains parking ratios based on unit type, number of bedrooms per unit, and parking configuration. Based on the ratios in the Zoning Ordinance and Residential Design Guidelines, the development would provide the following parking spaces per residential unit:

Studio Units	1.4 spaces
1 Bedroom Units	1.5 spaces
2 Bedroom Units	1.8 spaces

Commercial parking for any particular use will be provided as per the Zoning Ordinance Section 20.90.060. The provision of 20,000 square feet of retail tenant space will require a total of 85 spaces assuming a parking ration of 1 space per 200 square feet. A parking analysis will be required for any occupancy proposing a change of use that increases or intensifies this parking demand. Examples of changes that may increase or intensify the parking demand would include a retail/commercial use changing to a restaurant, or a new tenant with more intensive uses.

The Zoning Ordinance provides that projects located within 2,000 feet of an existing or planned light rail station may utilize a reduction in parking of up to 10%. The proposal is located adjacent to the VTA LRT Metro/Airport LRT Station at the intersection of North First Street at Century Center Court and will therefore this reduction will be included in the projects development standards.

### **Setbacks**

The setbacks required from North First Street are specified in the Rincon South Specific Plan as an 8 foot sidewalk and a 10 foot front setback separated from the street by a 9 foot park strip to maintain the streetscape described in the plan. The current design of the sidewalk along N First Street is comprised of a 10 foot attached sidewalk which is more consistent with the principles put forward in the North San Jose Area Development Policy. The project is proposing a 17-foot setback from the back of sidewalk along N First Street to provide consistency with the Rincon South Specific Plan, while maintaining the 10 foot attached sidewalk that promotes a stronger pedestrian connection with the street and adjacent light rail station. In combination with the retail frontages, this will create a plaza environment along the project's N. First Street frontage.

The Rincon South Specific Plan does not provide a street section for Century Center Court. As such, staff has referenced similar streets within the Technology Park sub-area of the plan to assess the suitability of the proposed setbacks. In addition, the information provided by Lea + Elliot regarding the recommendation for the minimum horizontal clearance between the APM guideway structure and adjacent buildings also impacts the building setbacks of this development. Staff is recommending that the maximum required setback from the APM guideway should be adopted for this project which would provide a 30 foot building setback from the face of curb along Century Center Court, increasing to 37 foot 9 inch setback at the western property line, consistent with the APM alignment.

Both the North San Jose Area Development Policy and the Rincon South Specific Plan envision high levels of urbanization as part of the development of this area, and state that taller buildings with smaller setbacks will be necessary to create such an urban area. As such, this project is proposing reduced setbacks along the internal property lines of the site. Locating commercial development and parking facilities at the lower levels of the development will help alleviate interface incompatibility issues with adjacent uses. The setbacks and character of this development conform to the intent of the North San Jose Area Development Policy and the Rincon South Specific Plan policies.

### **COMMUNITY OUTREACH**

The applicant arranged a Community Meeting for the proposal, held on February 13, 2007, where the community was given the opportunity to comment on the project. Notices of this meeting were distributed to residents within 500' of the project site. The meeting was attended by staff, the applicant and developer, and seven members of the community. A summary of questions raised at the meeting has been

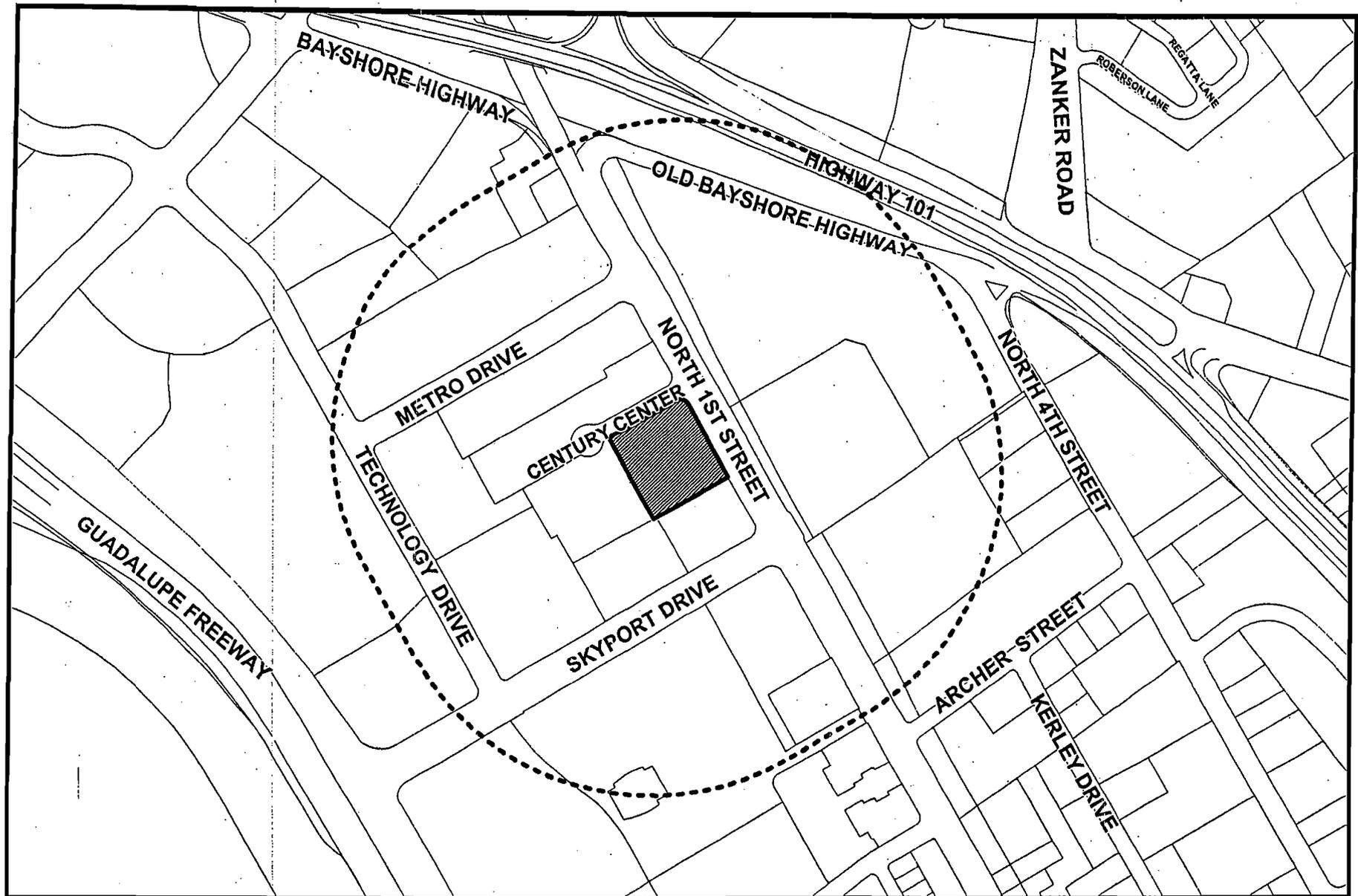
attached for your reference. Notice of the public hearing was mailed to all owners and occupants within 500 feet of the subject site, and the dates of the public hearings have been noticed in a local newspaper. Planning staff has been available to discuss the proposal with members of the public. Additionally, prior to the Planning Commission public hearing, an electronic version of the staff report was made available online, accessible from the Planning Commission agenda, on the Planning Divisions' website.

## RECOMMENDATION

Planning staff recommends that the City Council adopt an ordinance approving the proposed Planned Development Rezoning for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation Transit/Employment Residential District Overlay (55+DU/A).
2. The project is consistent with the Rincon South Specific Plan.
3. The project is consistent with the North San Jose Area Development Policy
4. The project is consistent with the guidelines for mixed use development in the Residential Design Guidelines.
5. The project is compatible with existing and planned uses in the surrounding neighborhood.

Attachments: Maps  
Draft Development Standards  
Department of Public Works Memorandum  
Lea + Elliot, Inc. San Jose International Airport Transit Connection Automated People Mover Alignment Alternative Study.  
Addendum to the North San Jose Area Development Policy EIR (Resolution # 72768)  
Plan set



Scale: 1"=500'  
Map Created On: 11/16/2005  
Noticing Radius: 1,000 feet

**File No: PDC05-114**

**District: 3**

**Quad No: 66**

*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.*

**PDC05-114**  
**DRAFT DEVELOPMENT STANDARDS**

**PERMITTED USES**

**Residential.** Up to 460 multi-Family attached residential units

**Commercial.** Up to 20,000 square feet of commercial uses.

Permitted uses shall be the permitted uses of the CP – Commercial Pedestrian Zoning District.

Conditional Uses: - Conditional Uses of the CP – Commercial Pedestrian Zoning District may be allowed upon the approval of a Planned Development Permit.

Live/Work units are subject to the criteria laid out in Section 20.40.120 of the City of San José Zoning Ordinance as Amended.

**DEVELOPMENT STANDARDS**

**Maximum Height:** 150 feet

**Perimeter Setbacks From Face of Curb (minimum):**

North First Street Frontage                      27 feet to Building Face

Century Center Court Frontage                      30 feet to Building Face extending to 40 feet to Building Face at the western property line to maintain a minimum of 15 feet between the building face and proposed Airport People Mover guideway.

Western Property Line                      5 feet to Building

Western Property Line                      1 foot to Building

**Parking:**

**Residential**

1.4 Spaces/Studio Unit

1.5 spaces/1 Bedroom Unit

1.8 space/2 Bedroom Unit

**Commercial.**

Consistent with the City of San José Zoning Ordinance, as amended.

Pursuant to Section 20.90.220 of the San Jose Municipal Code, A reduction in the required off-street parking spaces of up to ten percent (10%) may be authorized with a development permit for structures or uses located within 2,000 feet of a proposed or an existing station. If no Development Permit is required, a development exception may authorize a reduction.

**Common Open Space:** 40 Square Feet per Unit Minimum

**Private Open Space:** Multi-family Housing - 60 Square Feet per Unit Minimum with a minimum dimension of 6'  
Town homes – 430 square feet per unit

**Landscaping:**

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

**INCLUSIONARY HOUSING**

The City shall consider and provide pursuant to California Government Code Section 65915 and local requirements those density bonuses and incentives required under such State and local laws, as applicable.

Applicant shall comply with the City of San Jose Policy on Implementation of the Inclusionary Housing Requirement of Health and Safety Code Section 33413 (b) (2), as amended in connection with any and all portions of the Project involving the construction or substantial rehabilitation of residential units that will be located in a redevelopment project area to the satisfaction of the Director of Planning, Building and Code Enforcement.

**HOMEOWNERS' ASSOCIATION**

A homeowners' association shall be established for all owners of the units. The association will be responsible for maintenance of all common areas including but not limited to parking, vehicular circulation, and all common areas.

**PARKLAND DEDICATION ORDINANCE AND PARK IMPACT ORDINANCE**

Development of the site shall conform to the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO).

**PUBLIC 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 shall require execution of a construction agreement that guarantees the completion of the public improvements.

### **SCHOOL IMPACT FEE**

In accordance with Government Code 65996, the developer shall pay the statutory school impact fee to offset the increased demands on school facilities caused by the proposed project.

### **ENVIRONMENTAL MITIGATION**

The following environmental mitigation shall be included in the project at the Planned Development Permit stage. A full list of the project mitigation is included in the findings adopted for the project in City Council Ordinance Number . Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

The project shall implement the following standard measures:

1. The project shall comply with the City's *Outdoor Lighting Policy* (Policy 4-3), which includes the use of low-pressure sodium outdoor security lighting on-site along walkways, entrance areas, common outdoor use areas, and parking areas.
2. If any significant cultural materials as identified in the Addendum are exposed or discovered during site preparation or subsurface construction activities, operations should stop within 50 feet of the find and a qualified professional archaeologist contacted for evaluation and further recommendations. The archaeologist's recommendations shall be presented to the Director of Planning, Building, and Code Enforcement for consideration. Potential recommendations could include evaluation, collection, recordation, analysis, and reporting of any significant cultural materials.
3. 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/her authority, the Native American Heritage Commission shall be notified 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.

4. If the Director of Planning, Building, and Code Enforcement finds that the archaeological discovery is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. A final report would be prepared when a find is determined to be significant archaeological site, and/or when Native American remains are found on the site. The final report would include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
5. Prior to issuance of a Planned Development (PD) Permit, a sanitary sewer main LOS study will be completed by a qualified civil engineer to determine the need for improvements to the sanitary sewer infrastructure adjacent to the project site. The study will be submitted to the Department of Public Works project engineer for review and approval.

The following mitigation measures are identified as part of the certified 2005 NSJ FPEIR and are to be implemented by the project:

1. The project shall implement measures identified by BAAQMD to reduce emissions, which are proposed to include, but are not limited to, the following:
  - Providing secure and conveniently placed bicycle parking;
  - Allowing only natural gas fireplaces, pellet stoves, or EPA-Certified wood-burning fireplaces or stoves in residences. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source;
  - Providing direct, safe, attractive pedestrian access from project site to transit stops and adjacent development;
  - Utilizing reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand; and
  - Providing transit passes to new residents.
2. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a less than significant level. The following construction practices will be implemented during construction on the project site:
  - Water all active construction areas at least twice daily.
  - Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
  - Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
  - Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
  - Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - Replant vegetation in disturbed areas as quickly as possible.
3. Pre-construction surveys for nesting raptors shall be completed 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 completed no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be completed no more than (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 and Game, designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Department of Planning, Building, and Code Enforcement prior to the issuance of any grading or building permit.
4. The proposed project shall replace trees removed at the following ratios:

<b>Diameter of Tree to be Removed</b>	<b>Non-Native</b>	<b>Minimum Size of Each Replacement Tree</b>
18 inches or greater	4:1	24-inch box
12 – 18 inches	2:1	24-inch box
Less than 12 inches	1:1	15-gallon container
Notes: X:X = Tree replacement to tree loss ratio Trees greater than 18-inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.		

5. Since the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage:
  - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
  - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
  - A donation of \$300 per mitigation tree 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.
6. The project proponent shall retain a consulting arborist prior to any ground disturbance activities. The consulting arborist shall develop a tree protection plan outlining specific procedures to ensure that trees on adjacent properties are protected during the construction phase.
7. For retained trees in the immediate vicinity of construction or demolition areas, problems of soil compaction within the root zone resulting from heavy construction equipment shall be prevented. In order to minimize construction and demolition impacts to remaining trees, barrier fencing shall be installed around the dripline of all retained trees or at the edge of construction areas. Any construction or demolition activities taking place within the dripline of retained trees shall be done by hand or with light equipment that does not cause soil compaction. All fencing shall remain in place throughout the construction phase of the project. The type of fencing to be utilized shall be at the direction of the consulting arborist.
8. Any limb or root pruning to be conducted on retained trees shall be approved and supervised by the consulting arborist and shall follow best management practices developed by the International Society of Arboriculture.
9. Supplemental irrigation to retained trees shall be applied as determined by the consulting arborist.
10. If any of the retained trees should be damaged during the construction phase, they shall be evaluated at the earliest possible time by the consulting arborist so that appropriate measures can be taken.
11. Design and construct buildings in accordance with a design-level geotechnical investigation prepared for the project site, which identifies the specific design features that will be required for the project, including site preparation,

compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. Stabilization of the below-grade parking will likely be required. Drawdown of ground water will be designed to avoid subsidence of nearby structures supported on shallow foundations. The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for the project.

12. All construction joints, and basement walls below the design ground water level will be waterproofed to limit moisture infiltration. A waterproof specialist will be retained to design the waterproofing system, including the under-mat waterproofing, waterstops and other waterproofing measures at construction joints, and a waterproofing design for all below-grade walls. The use of drainage systems above design ground water levels and designing for hydrostatic pressures should be evaluated in the design-level investigation.
13. Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.
14. The project 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 and seismic-related hazards on the site.
15. Extension of public utilities and infrastructure to serve the development would be required to be designed to withstand seismic and structural damage in conformance with General Plan policies.
16. A Phase II Environmental Site Assessment will be completed prior to issuance of a Planned Development (PD) permit to identify any remaining soils contamination on-site due to the previous agricultural use of the project site. In the event contaminants are present in soils on-site, construction will only occur in accordance with a site-specific health and safety plan prepared by a certified industrial hygienist. The plan should include provisions for monitoring exposure to construction workers and delineate procedures to be undertaken in the event contamination is identified above action levels and identify emergency procedures and responsible personnel.
17. Asbestos surveys will be conducted for buildings on-site. In accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, all potentially friable asbestos-containing materials will be removed prior to building demolition.
18. A lead survey of painted surfaces and soil around buildings on-site will be completed prior demolition. Requirements in the California Code of Regulations will be followed during demolition activities, including employee 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.

19. Comply with the City of San José *Special Flood Hazard Area Regulations* and City's Floodplain Management Ordinance.
20. Obtain an Elevation Certificate (FEMA Form 81-31) for the proposed structure, based on construction drawings and a Flood Proofing Certificate (FEMA Form 81-65), prior to issuance of building permits and occupancy permits.
21. Elevate building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities above the base flood elevation or otherwise protected from flood damage.
22. Compliance with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading, applicants shall be required to file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works. The following measures typically are included in a SWPPP:
  - Preclude non-stormwater discharges to the stormwater system.
  - Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
  - Cover soil, equipment, and supplies that could contribute to non-visible pollution prior to rainfall events or monitor runoff.
  - Perform monitoring of discharges to the stormwater system.
23. Groundwater from the construction site could be laden with sediments from excavation activities. Where dewatering (pumping of groundwater from excavation) is required, it will be conducted in accordance with local, state, and federal clean water regulations.
24. Disposal of substantial quantities of groundwater as a part of construction activities will be conducted in consultation with the Regional Water Quality Control Board staff. Depending on the volume of water and the presence of sediments; the groundwater could be disposed of by:
  - discharge to the storm drain system, if sediments are not present;
  - discharge to the sanitary sewer; or
  - hauling off-site for treatment and disposal at an appropriate waste treatment facility.
25. The Regional Water Quality Control Board staff will be consulted if pumping will be conducted for more than 24 hours or at more than 20 gallons per minute.

26. One or more of the following techniques would be used to prevent the discharge of sediment laden water to storm drain systems:
- use of Baker Tanks or other settling tank; or
  - filtration with a filtering device.
27. The project will comply with the NPDES Municipal Permit by incorporating BMPs and TCMs to control non-point pollution. The proposed project may include but is not limited to the following BMPs and TCMs:
- A grassy swale with a flat grate inlet will be located on the southwest side of the building to treat storm water from the site outside of the proposed building.
  - The proposed building will have an internal piping system designed to collect storm water runoff from the roofs and courtyard. The project will install a new manhole with a mechanical stormwater treatment unit to treat the storm water runoff collected from the roofs and courtyard.
28. In order to improve stormwater drainage in the project area and prevent localized flooding due to lack of system capacity, the project shall be evaluated for the adequacy of on-site and off-site stormwater collection systems prior to issuance of the Planned Development Permit.
29. Prior to the issuance of a Planned Development Permit, the project shall incorporate appropriate BMPs and TCMs in order to conform to Policy 6-29 and 8-14.
30. The applicant will develop a construction mitigation plan in close coordination with adjacent businesses and noise-sensitive land uses. The construction mitigation plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. The mitigation plan shall be incorporated into the PD Permit. The construction mitigation plan will consider the following available controls to reduce construction noise levels as low as practical.
- Limit demolition and construction activities to daytime hours between 7:00 am and 5:00 pm;
  - Construct solid plywood fences around the perimeter of the construction site adjacent to business or noise-sensitive land uses;
  - Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists;
  - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
  - Construction equipment should be well maintained and used judiciously to be as quiet as practical;
  - Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from businesses or noise-sensitive land uses;

- Prohibit all unnecessary idling of internal combustion engines;
  - Notify all adjacent businesses, residences, and noise-sensitive land uses of the construction schedule in writing;
  - A temporary noise control blanket barrier could be erected, if necessary, along building facades facing the construction site. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected;
  - Designate a disturbance coordinator, responsible for responding to complaints about construction noise. The name and telephone number of the disturbance coordinator shall be posted at the construction site and made available to businesses or noise-sensitive land uses adjacent to the construction site;
  - If pile driving is necessary, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile;
  - If pile driving is necessary, consider using multiple pile driving rigs to expedite this phase of construction;
  - If pile driving is necessary, consider the use of "acoustical blankets" for receivers located within 100 feet of the site; and
  - If pile driving is necessary, limit these activities to between the hours of 10:00 AM and 4:00 PM to coincide with check-in/check-out times at the nearby hotel. The adjacent hotel shall have the opportunity to provide input as to the specific time limits.
31. Complete project-specific acoustical analyses to ensure that the design of the proposed residential buildings and units shall reduce interior noise levels to 45 dBA  $L_{dn}$  or lower. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all units with a direct line of sight to roadways and the rail corridor.
32. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for residential units adjacent to North First Street. These treatments include, but are not limited to, sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking. The specific determination of what treatments are necessary shall be determined on a unit-by-unit basis.
33. The proposed project shall conform to the requirements of Title 24, part 2 of the California Building Code. An analysis detailing the treatments incorporated into the building plans shall be prepared and submitted to the Building Division prior to the issuance of a Building Permit. The report shall demonstrate that the proposed design will achieve an interior DNL of 45 dBA or less in all habitable residential areas.

**SAN JOSE INTERNATIONAL AIRPORT  
TRANSIT CONNECTION AUTOMATED PEOPLE MOVER  
ALIGNMENT ALTERNATIVE STUDY:  
NORTH SIDE OF CENTURY CENTER COURT**

**1.0 INTRODUCTION**

The Transit Connection automated people mover (APM) is planned to connect the Valley Transportation Authority (VTA) light rail transit (LRT) system with San Jose International Airport (SJC). The elevated system has two stations: one at SJC and the other above N. First Street at Century Center Court. Environmental clearance was obtained for the APM in early 2000. The existing alignment is depicted in Figure 1, which is located at the end of this report.

Recently, a developer began the permitting process for a new building at 1731/1733 N. First Street. However, the planned APM along the south side of Century Center Court impacts the developer's plans. Lea+Elliott was tasked to perform a conceptual study to determine the following:

1. The feasibility of an alternative APM alignment on the north side of Century Center Court that will accommodate the new development, and, if feasible, the impacts of the alternative alignment on the APM project.
2. A recommendation of the minimum horizontal clearance between the APM guideway structure and adjacent buildings.

The following sections provide:

- a summary of the analysis conclusions;
- the details for the alternative APM alignment feasibility study;
- the recommended minimum horizontal clearance; and
- the required next steps for the APM project, should the alternative APM alignment on the north side of Century Center Court proceed.

**2.0 SUMMARY OF CONCLUSIONS**

Lea+Elliott's conceptual study of an APM alignment along Century Center Court resulted in the following conclusions:

1. It is feasible to shift the APM alignment to the north side of Century Center Court. The proposed alternative alignment is depicted in Figure 2, which is located at the end of this report. However, this alternative APM alignment has the following impacts to the project:
  - The vertical circulation between the APM and the southbound LRT stations now touches down in the LRT train's berthing position. This may result in the need to widen the LRT platform and hence require additional widening of N. First Street.
  - A potential column and island in the middle of Century Center Court cul-de-sac. The feasibility of this column and island needs to be confirmed with the City of San Jose (CSJ).
  - An increase in cost of approximately \$500,000, exclusive of the cost due to potential additional widening of N. First Street discussed in the first bullet above.

2. The recommended minimum horizontal clearances between the APM guideway structure and adjacent existing or future buildings are as follows:
  - 10 ft. between the APM guideway and buildings without operable windows or balconies adjacent to the APM alignment.
  - 15 ft. between the APM guideway and buildings with operable windows and/or balconies adjacent to the APM alignment.

### **3.0 ALTERNATIVE APM ALIGNMENT FEASIBILITY STUDY**

Lea+Elliott determined that it is feasible to shift the APM alignment to the north side of Century Center Court. However, this alternative APM alignment will have possible impacts to the LRT station platforms, Century Center Court, right-of-way requirements and the total cost for the APM project. The discussion and analysis of these possible impacts are provided below.

#### **3.1 LRT STATION PLATFORMS**

For both the existing and alternative alignments, the APM station is located above N. First Street at Century Center Court. Vertical circulation connects the APM station with the LRT platforms below. There are two separate LRT platforms, one for passengers traveling northbound and one for passengers traveling southbound. To allow for a direct connection between the LRT and APM platforms, it is proposed to relocate the northbound LRT platform just south of the APM station, while keeping the southbound LRT platform in its existing state. N. First Street will need to be widened in order to accommodate the relocated northbound LRT platform and the addition of on-street parking to allow for APM and LRT passenger drop-off/pick-up. Crosswalks will be installed below the APM station to facilitate passenger movement across N. First Street.

##### **3.1.1 Southbound LRT Platform**

The current 12 ft. width of the southbound LRT platform restricts the vertical circulation connection to the APM station to a single stair or escalator. This results in a clear space of 6 ft. for passenger circulation from the edge of the vertical circulation to the edge of the LRT platform. While the 6 ft. is adequate for the existing APM alignment and station, it may not be adequate for the alternative APM alignment, as the vertical circulation now touches down on the LRT platform in the train berthing area. The following paragraphs discuss the passenger circulation issue and additional changes that may be required for N. First Street and the southbound LRT platform.

For the existing APM alignment, the vertical circulation connects the APM station with the south end of the LRT platform near the platform exit. VTA had previously confirmed that the 6 ft. clear space at the south end of the LRT platform is adequate for passenger circulation, as it exceeds the NFPA 130 requirement of 5 ft. - 8 in. for exit corridors and ramps.

The alternative APM alignment shifts the guideway, and therefore the station and vertical circulation, north by approximately 35 ft. The vertical circulation now connects with the LRT platform in a more central location and can no longer be considered as an exit corridor or ramp. Further discussions with VTA are suggested to confirm if the 6 ft. clear between the vertical circulation and the edge of the LRT platform is acceptable with this relocation. If VTA finds the 6 ft. clear unacceptable the southbound LRT platform will need to be widened to allow for adequate passenger circulation. Widening of the southbound LRT platform will result in additional widening of N. First Street.

### **3.1.2 Northbound LRT Platform**

The current location of the northbound LRT platform is on N. First Street just north of Metro Drive. The plan is to relocate it southward along N. First Street so it is just south of Century Center Court.

Shifting the APM alignment to the north side of Century Center Court does not introduce any new issues or changes to N. First Street or the northbound LRT platform.

### **3.2 CENTURY CENTER COURT**

The alternative APM alignment crosses the Century Center Court cul-de-sac, as depicted in Figure 2. The resulting long curved span of elevated guideway would be less costly with the addition of a column on a new island in the cul-de-sac. However, this island may pose traffic and/or safety issues. Further study and discussions with the CSJ are suggested to determine if this option is feasible.

### **3.3 RIGHT-OF-WAY REQUIREMENTS**

The alignment is designed to be within private property rights-of-way and will therefore require property and easement acquisition. The following table provides a summary of the right-of-way impacts for the existing and alternative APM guideway structure over Century Center Court and surrounding properties. However, the table does not address:

- minimum horizontal clearance requirements between the APM guideway structure and adjacent buildings;
- set-back requirements between the face of curb and the face of building; and
- additional right-of-way requirements for temporary construction easements or maintenance easements.

Right-Of-Way Impacts on Private Property		
Property	Existing Alignment	Alternative Alignment
100 Century Center Ct.	Approximately 7,500 sq. ft. of APM guideway structure over the north edge of the property, including 3 support columns; some landscaping and 2-3 parking spaces to be impacted	Approximately 6,900 sq. ft. of APM guideway structure over the north edge of the property, including 2 support columns; some landscaping and potential parking spaces to be impacted
1731 N. 1 <sup>st</sup> St.	Approximately 100 sq. ft. of APM guideway structure over north driveway; potential landscaping impact along N. 1st St. due to widening along west side of street	Potential landscaping impact along N. 1st St. due to widening along west side of street
1733 N. 1 <sup>st</sup> St.	Approximately 500 sq. ft. of APM guideway structure over north edge of property with loss of some trees; potential landscaping impact along N. 1st St. due to widening along west side of street.	Potential landscaping impact along N. 1st St. due to widening along west side of street
1735 N. 1 <sup>st</sup> St.	Potential landscaping impact along N. 1st St. due to widening along west side of street.	Approximately 400 sq. ft. of APM guideway structure over south edge of property including 1 support column; some loss of some trees; potential landscaping impact along N. 1st St. due to widening along west side of street.

### 3.4 COST

The alternative APM alignment increases the overall total single lane guideway length by approximately 55 ft. This results in an increase of approximately \$600,000 in the cost for the APM system and construction.

The overall cost for property and easement acquisition will be reduced by approximately \$95,000, as the decrease in overall square footage of elevated guideway over private property decreases the required easement acquisition. The cost of the easements is assumed to be \$50/sq. ft. and is based on recent property transfers. Square footage for easements was determined by using the actual guideway width (plus an additional 2 ft. on either side) and length. The cost for temporary construction easements and maintenance easements are assumed to be included in the \$50/sq. ft. This cost is very conceptual and it is strongly recommended that appraisals be performed should the alternative alignment proceed.

Based on the conceptual cost estimates, the total cost for the APM project will increase by approximately \$500,000. This figure does not include the cost of the additional widening of N. First Street that will be necessary if VTA determines the southbound LRT platform needs to be widened to accommodate passenger circulation.

### 3.5 PROS AND CONS

The following is a short summary of the pros and cons for the alternative APM alignment:

#### Pros

- Reduction in overall right-of-way impacts to private properties.

#### Cons:

- Additional widening of N. First Street may be required, should VTA find the 6 ft. clear space between the edge of the LRT platform and the vertical circulation connecting the APM and LRT platform to be inadequate.
- A potential column and island in the middle of Century Center Court cul-de-sac, along with the associated long curved span of elevated guideway over Century Center Court. Locating a column and island within the cul-de-sac needs to be confirmed with the CSJ.
- Additional cost of approximately \$500,000 for the APM project, exclusive of the cost due to potential additional widening of N. First Street.

### 4.0 RECOMMENDED MINIMUM HORIZONTAL CLEARANCE

The minimum horizontal clearance between the elevated APM guideway and adjacent existing or planned buildings provides the CSJ with an understanding of how the APM would impact the planned development, should the APM alignment remain along the south side of Century Center Court.

Currently, there are no explicitly defined minimum horizontal clearances for APM guideways. Therefore, the horizontal clearance requirements for Caltrans, San Francisco Bay Area Rapid Transit (BART), and VTA LRT aerial structures were compared to aid in determining the recommended horizontal clearance for the CSJ. The following are the requirements for each:

- **Caltrans:** If it is assumed that the guideway will be treated in the same manner as elevated roadways, the minimum horizontal clearance required is 15 ft. Per the Caltrans Highway Design Manual, Section 309.4, a minimum horizontal clearance of 15 ft. is required between the elevated highway structures and adjoining building or structures for maintenance, repair, construction, and to avoid damage to the structure, vehicles and the building in the event of a fire.
- **BART:** Per the BART General Guidelines for design and construction over or adjacent to BART's at-grade and aerial structures, the minimum horizontal clearance required is 7 ft.-6 in. between adjacent structures and the exterior face of substructures, or 10 ft. from the outside edge of the track, whichever is furthest.
- **VTA LRT:** Per the LRT Design Criteria Manual, VTA requires a minimum horizontal clearance of 2.41 m (7 ft.-11 in.) between the track centerline and the nearest edge of a wayside obstruction.

Based on the above information, previous preliminary discussions with CSJ Fire Department, and other APM projects, the following minimum horizontal clearances are recommended:

- Clearance between the APM guideway structure and adjacent buildings without operating windows or balconies along the APM alignment: 10 ft.
- Clearance between the APM guideway structure and adjacent buildings with operating windows and/or balconies along the APM alignment: 15 ft.

Discussions with the San Jose Fire Department, Department of Planning and Development, and Department of Transportation will be required prior to determining the final required minimum horizontal clearances to ensure they achieve a level of fire and life safety consistent with the intent of existing CSJ codes. The final decision on the required minimum horizontal clearance is the responsibility of the CSJ Authorities Having Jurisdiction (AHJ) and the above recommendations will need confirmation from said authorities.

#### **4.1 ALTERNATIVE APM ALIGNMENT**

The location of the alternative APM alignment along the north side of Century Center Court was determined by mirroring the column locations from the existing APM alignment along the street's centerline. By doing so, all assumptions for roadway and sidewalk changes to the south side of Century Center Court will remain applicable for an alignment along the north side. The resulting horizontal clearance between the APM guideway and the existing building on 1735 N. First Street is 13.6 ft. It is assumed that the office building on 1735 N. First Street does not have any operable windows or balconies adjacent to the APM alignment. Therefore the 13.6 ft. clearance exceeds 10 ft. minimum requirement.

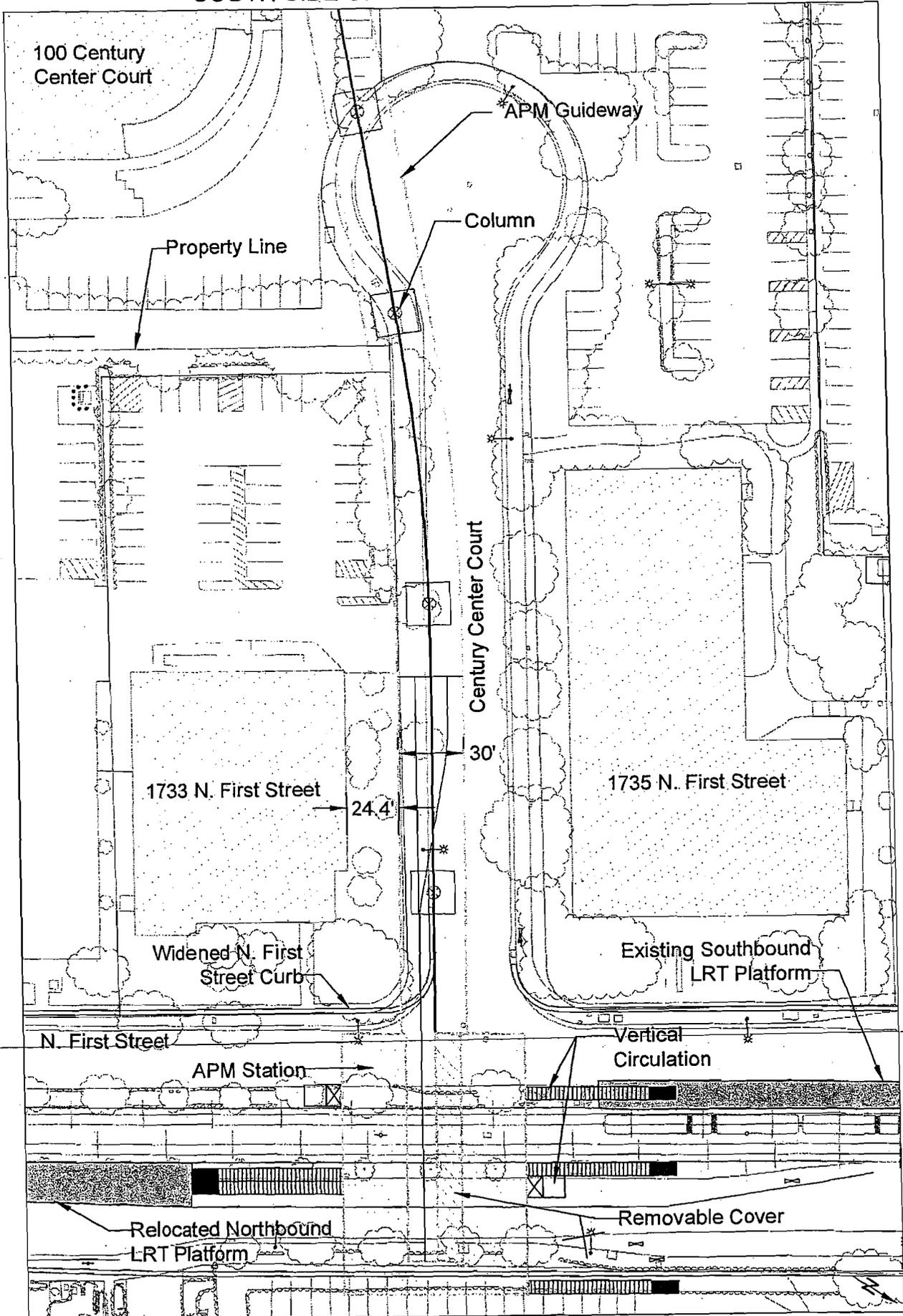
If it is determined that the office building does have operable windows and/or balconies, the alternative APM alignment will need to be shifted south by 1.4 ft. to meet the 15 ft. minimum requirement. This will require an additional study of column locations along Century Center Court. All other impacts discussed in this report remain valid.

#### **5.0 NEXT STEPS**

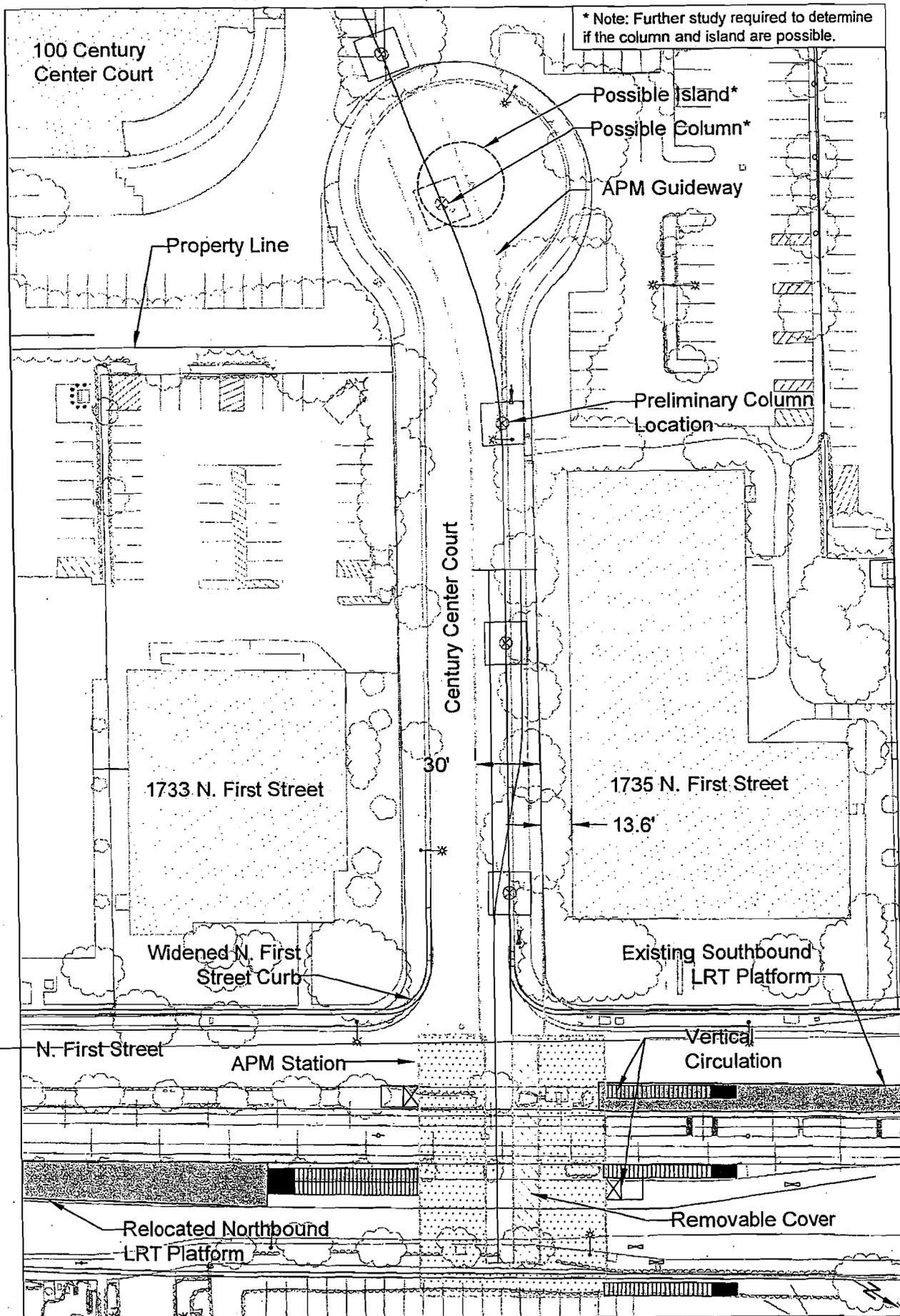
The following are the next steps, should the City proceed with consideration of the alternative APM alignment along the north side of Century Center Court:

- Discuss the APM/LRT vertical circulation with VTA to determine if the 6 ft. available clear space between the southbound LRT platform edge and the vertical circulation is adequate for passenger circulation.
- Determine the feasibility of locating a column and island in the Century Center Court cul-de-sac.
- Confirm all column locations along Century Center Court.
- Determine the final required minimum horizontal clearance between the APM guideway structure and existing and future buildings.
- Determine if changes to the existing environmental impact report will be required.

FIGURE 1 - SJC APM: EXISTING ALIGNMENT  
SOUTH SIDE OF CENTURY CENTER COURT



**FIGURE 2 - SJC APM: ALTERNATIVE ALIGNMENT  
NORTH SIDE OF CENTURY CENTER COURT**



# Memorandum

**TO:** Christopher Burton  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 08/16/07

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**PLANNING NO.:** PDC05-114  
**DESCRIPTION:** Planned Development Rezoning from CO(PD) Commercial Office  
Planned Development, LI Light Industrial, CG Commercial General  
Zoning Districts to A(PD) Planned Development Zoning District to allow  
up to 340 single-family attached residences and 15,000 square feet for  
retail commercial uses on a 2.4 gross acres site  
**LOCATION:** southwest corner of North 1st Street and Century Center  
**P.W. NUMBER:** 3-00553

Public Works received the subject project on 03/13/06 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. **Grading/Geology:**
  - a) A grading permit is required prior to the issuance of a Public Works Clearance.
  - b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.

- c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
  - d) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.
3. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.
- a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
  - b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
  - c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
4. **Flood: Zone A**
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- a) The project site is in a 100-year floodplain where the Federal Emergency Management Agency's (FEMA's) minimum requirements prohibit the construction of below-grade enclosures beneath residential buildings. However, below-grade enclosures may be permitted for mixed-use structures with only non-residential uses on the ground floor.
  - b) The project site has been designated as Flood Zone A (no established base flood elevation), effective October 6, 2005, by a Letter of Map Revision (LOMR) issued by the Federal Emergency Management Agency (FEMA). The Santa Clara Valley Water District (District) administered the LOMR submittal in conjunction with the Downtown and Lower Guadalupe River Flood Protection Projects. The

net result is that the project site will continue to remain within the 100-year floodplain (area having a one-percent or greater chance of being flooded in any given year). Although the LOMR did not identify a base flood elevation, there is available data from the District which the City will use as the base flood elevation. The data indicates that the project site is in **Zone AO, depth 1'**.

- c) The following conditions apply to both the proposed mixed-use (residential/commercial) structure and office/commercial structure:
- i) Elevate the lowest floor, including basement, more than 1 foot above the highest existing adjacent grade to the proposed structure or floodproof to the same elevation if a commercial/retail structure or a mixed-use structure with only non-residential uses on the ground floor. For insurance rating purposes, the building's floodproofed design elevation must be at least one foot above the base flood elevation to receive rating credit.
  - ii) 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 for each built structure, based on finished construction is required prior to issuance of an occupancy permit.
  - iii) If the structure is to be floodproofed, a Floodproofing Certificate (FEMA Form 81-65) for each structure, floodproofing details, a Flood Emergency Operation Plan, and an Inspection & Maintenance Plan are required prior to the issuance of a Public Works Clearance.
  - iv) 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.
  - v) If applicable, provide vent openings for all enclosures below the base flood elevation, except basements (ex. at-grade garage). The design must either be certified by a registered professional engineer or 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.

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

6. **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 broken or uplifted curb, gutter, and sidewalk along North First Street and Century Center Court frontages.
- c) Close unused driveway cut(s).
- d) Proposed driveway width to be minimum 26'.

- e) Repair, overlay, or reconstruction of asphalt pavement along Century Center Court 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.
- 7. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project, and as such is subject to the following:
  - a) 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.
- 8. **Electrical:** Installation / relocation / relamping of electroliers may be required and will be determined at the street improvement plan stage.
- 16. **Transportation:** The project is located within the North San Jose Area Development Policy area and must participate in the payment of the Traffic Impact fee. The 2005 fee is \$6,994.00 per unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance.
- 17. **Landscape:**
  - a) Replace any missing street trees in empty tree wells along North First Street and Century Center Court frontages per City standards and match existing trees.
  - b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
  - a) Show all existing trees by species and diameter that are to be retained or removed. Obtain a tree removal permit for any trees over 18" in diameter that are to be removed.
- 18. **Private Streets:** Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
- 19. **Referrals:** This project should be referred to the Valley Transportation Agency (VTA).

Please contact the Project Engineer, Amit Mutsuddy, at (408) 535- if you have any questions.



Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division

**ADDENDUM TO AN EIR  
USE OF A FINAL EIR PREPARED FOR A PREVIOUS PROJECT**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to an Environmental Impact Report (EIR) because minor changes made to the project that are described below do not raise important new issues about the significant impacts on the environment.

**PROJECT DESCRIPTION AND LOCATION**

PDC05-114. Planned Development Rezoning from CO(PD) Commercial Office Planned Development, LI Light Industrial, CG Commercial General Zoning Districts to A(PD) Planned Development Zoning District to allow up to 460 multi-family attached residences and 20,000 square feet for retail commercial uses on a 2.4 gross acres site  
Council District 3. County Assessor's Parcel Number 230-29-034 & 230-29-022

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Area Development Policies Update," and findings were adopted by City Council Resolution No. 72768 on June, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation	Soils and Geology	Noise
Cultural Resources	Hazardous Materials	Land Use
Urban Services	Biotics	Air Quality
Aesthetics	Airport Considerations	Microclimate
Energy	Relocation Issues	Construction Period Impacts
Transportation	Utilities	Facilities and Services
Water Quality		

**ANALYSIS:**

The City of San Jose may take action on the proposed project as being within the scope of the North San Jose Area Development Policies Update Final EIR adequately addresses the environmental effects of the proposed project, and project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or ND.

Chris Burton  
Project Manager

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

8/16/07  
Date

Afari Samuelson  
Deputy