



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** September 28, 2007

**COUNCIL DISTRICT:** 4  
**SNI AREA:** N/A

## SUBJECT

**PDC07-054.** Planned Development Rezoning from the (IP) Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 444 attached residential units on a 12.1 gross acre site, located on the west side of North First Street at Vista Montana (APNs: 097-52-013 and 097-53-015) (Novellus Systems, Inc., Owner); and,

**PDC07-055.** Planned Development Rezoning from the IP Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 554 attached residential units and a 1-acre park on a 8.7 gross acre site, located on the northwesterly corner of Vista Montana and West Tasman Drive (APNs: 097-52-028 and 097-52-029) (Sobrato Development Co. and Novellus Systems Inc., Owners); and,

**H07-035.** Master Site Development Permit for development of up to new additional 870,000 square feet of Industrial Park uses, including transfer of up to 270,251 square feet of floor area credits, on a 27 gross acre site, located at the southeast corner of North First Street and Headquarters Drive, (APNs 097-79-001, 097-79-002, 097-79-003, 097-79-009, 097-79-011, and 097-79-012) (Novellus Systems Inc., Owner); and,

**DA-Novellus.** Development Agreement with Novellus for the area within the boundaries of applications PDC07-054, PDC07-055, and H07-035, to vest for 20 years Site Development Permit, H07-035, for development of up to 870,000 square feet of Industrial Park uses, including transfer of 290,000 square feet of floor area credits; to vest for 5 years Planned Development Zonings, PDC07-054 and PDC07-055, for development of up to 998 residential units and 6 acres of parkland; and to provide maintenance, for the duration of the Development Agreement, of 5 acres of the 6 acres of parkland to be provided.

## RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed Planned Development Rezoning (PDC07-054 and PDC07-055) from the IP – Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 998 single-family attached residences plus 6 acres of parkland, the proposed Site Development Permit (H07-035) to

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allow for development of up to new additional 870,000 square feet of Industrial Park uses, and to enter into a Development Agreement with Novellus for vesting of the PD Zonings for 5 years and the Site Development Permit for 20 years per the proposed terms of the Agreement. Additionally, Commissioner Zito indicated that the City Council may want to consider requesting turn-key delivery by the applicant of both the 1-acre park and the 5-acre park instead of the current proposal to cap improvements at \$3 million, for a greater extraordinary benefit to the City. Based on estimates from the Department of Parks, Recreation, and Neighborhood services, turn-key delivery of both parks would require approximately an additional \$1.5 million contribution from Novellus.

**OUTCOME**

Should the City Council approve the Planned Development Rezonings, up to 998 multi-family attached residences may be built and 6 acres of parkland dedicated to the City. PDC07-054 would provide 444 single-family attached residential units for a density of 64 DU/AC, and a 5-acre Community Park. PDC07-055 would provide 554 multi-family attached residential units for a density of 79.6 DU/AC, and a 1-acre Neighborhood Park. The project would also preserve entitlement for future industrial development of the Novellus campus of up to 870,000 new additional square feet of industrial floor area. The Novellus site currently contains 418,707 square feet of floor area, so that the new floor area would result in up to 1,288,707 total square feet of floor area at a Floor Area Ratio (FAR) of 1.1. The proposed Development Agreement would vest the PD Rezonings for 5 years and the Site Development Permit for 20 years, and establish the terms for Novellus to provide for improvements and maintenance of the parkland beyond standard obligations under the current City policies.

**BACKGROUND**

On September 26, 2007, the Planning Commission held a public hearing to consider the proposed Planned Development Rezonings, Site Development Permit, and Development Agreement with Novellus. The Director of Planning, Building and Code Enforcement recommended approval of these items. Although normally a staff-level procedure, consideration of the Site Development Permit by the Planning Commission and by the City Council is necessary for this project because this application is part of a larger development package to be vested by the Development Agreement.

Staff gave an overview of the projects, including a background presentation of the North San José Taskforce work program, and pending applications within North San José. Staff explained the Development Agreement, including the expected extraordinary benefits to the City, and the aspects of the Rezonings and Site Development Permit to be vested. Staff also summarized the public outreach that had occurred during the review of the project.

Erik Schoennauer, representing the applicant, gave an overview of the project and the extent to which the applicant has worked with staff to bring the projects in to compliance with the North San José Area Development Policy. He indicated that the project, combined with concurrent but unrelated application for a retail commercial center at the northeast corner of Headquarters Drive and North First Street, would provide high-density housing, a Community Park, a retail center, and increased driving industrial square footage, all at the same intersection of North San José.

One member of the public, a resident of the mobile home park to the north of the project site, spoke with concerns over increase in traffic congestion as a result of continued development within North San José, and specifically expressed concern with potential increases to traffic on North First Street and Highway 237.

In response to public concerns, City staff referenced the traffic impact studies conducted as part of the North San José Policy Update Environmental Impact Report, which was certified by the City Council in June of 2005. The studies included a 30-year traffic projection with and without new residential and more intense industrial development allowed by the North San José Area Development Policy. Adding residential development within North San José was intended as part of the Policy to help mitigate the traffic associated with new industrial and commercial development. These traffic studies projected that there would be traffic congestion with or without the development allowed by the Policy. To mitigate against impacts from new residential and more intense development, the studies included hundreds of intersections in North San José, and created a mandatory impact fee to be used to build between \$500 million and \$552 million worth of regional transportation improvements. Staff also provided clarification that the project could provide an estimated \$2.5 million to \$3 million contribution to park development, plus \$1.5 million for maintenance above the standard Parkland Dedication Ordinance requirement as an extraordinary benefit to the City.

The Planning Commissioners during their discussion were generally supportive of the project, particularly the proposed density in close proximity to transit and the proposed 6 acres of park dedication. The commissioners asked questions about the terms of the Development Agreement. Commissioner Zito asked whether it would be more beneficial to the City to obtain both parks as turn-key parks, instead of the current monetary cap on improvements. Commissioner Jensen asked if the applicant intends to use green building techniques, to which the applicant responded that the project would follow regulations in place at the time of development. Commissioner Kamkar asked about impacts to schools, parking, and traffic. The applicant responded that based on conversations with the Santa Clara Unified School District, the subject site was the least desirable site out of four priority school sites considered for North San José, and that in any case if a school were to be proposed within the Vista Montana overlay area, the preferred school site would be adjacent to the 5-acre Community Park, not in place of it. Regarding parking, the proposed development would provide more parking than required by the City Zoning Ordinance. Regarding traffic, the project would be responsible for payment of the North San José traffic impact fees, and, per results of a traffic operational analysis conducted for the project, a traffic signal would be installed at the intersection of Renaissance Drive and Vista Montana.

### ANALYSIS

Approval of the proposed PD Rezonings would implement the North San José Area Development Policy to provide up to 998 high density residential units with up to 6 acres of parkland. Approval of the proposed Site Development Permit would preserve entitlement for future industrial development of the Novellus campus of up to 870,000 new additional square feet of industrial floor area. Approval of the Development Agreement would vest the PD Rezonings for 5 years and the Site Development Permit for 20 years, and set the terms for an extraordinary benefit to be provided by Novellus. See the staff report to the Planning Commission for the public hearing of September 26, 2007 for complete analysis of the 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 Rezoning, Site Development Permit, or Development Agreement.

### 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 1,000 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.

Two community meetings were held to discuss this application, one on November 20, 2006, and one on August 30, 2007. Approximately 47 community members attended the first meeting and 22 community members attended the second meeting. The public in attendance at these meetings was generally supportive of the project, stating that the site was a good place for high density housing due to the location of the property at approximately 1,000-foot distance from two VTA light rail stations. Previously, in 2004 and 2005, City staff conducted a series of general community meetings related to drafting of the North San José Area Development Policy. Also, staff held further community meetings regarding implementation of the North San José Area Development Policy. Staff is also currently staffing North San José Taskforce meetings held in general twice per month.

### COORDINATION

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

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**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 Andrew Criltee*  
JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Richard Buikema at 408-535-7800.

CITY OF SAN JOSÉ, CALIFORNIA  
 Department of Planning, Building and Code Enforcement  
 200 East Santa Clara Street, Third Floor  
 San José, California 95113

Hearing Date/Agenda Number  
 P.C. 9-26-07 Item No. 4.g.1., 4.g.2. & 4.g.3.  
 C.C. 10-16-07

# STAFF REPORT

File Numbers PDC07-054, PDC07-055, and H07-035

Application Type  
 2 Planned Development Rezoning; and  
 1 Site Development Permit

Council District: 4

Planning Area North San José

Assessor's Parcel Number(s)  
 PDC07-054: 097-52-013, 097-53-015;  
 PDC07-055: 097-52-028, 097-52-029; and  
 H07-035: 097-79-001, 097-79-002, 097-79-003, 097-79-009, 097-79-011, 097-79-012.

## PROJECT DESCRIPTION

Completed by: Rodrigo Orduña

### Location:

Both sides of Vista Montana west of North First Street (PDC07-054 and PDC07-055) and south of Headquarters Drive east of North First Street (H07-035).

### Gross Acreage:

PDC07-054: 12.07 acres  
 PDC07-055: 8.68 acres  
 H07-035: 26.99 acres

### Net Acreage:

PDC07-054: 6.94 acres  
 PDC07-055: 6.96 acres  
 H07-035: 26.99 acres

### Net Density:

PDC07-054: 64.0 DU/AC  
 PDC07-055: 79.6 DU/AC  
 H07-035: 1.1 F.A.R.

### Existing Zoning:

PDC07-054: IP-Industrial Park  
 PDC07-055: IP-Industrial Park  
 H07-035: IP-Industrial Park

### Existing Use:

PDC07-054: Vacant Buildings  
 PDC07-055: Vacant Buildings  
 H07-035: Occupied Buildings used for Research and Development

### Proposed Zoning:

PDC07-054: A(PD)-Planned Development  
 PDC07-055: A(PD)-Planned Development  
 H07-035: IP-Industrial Park

### Proposed Use:

PDC07-054: up to 444 attached dwelling units and a 5-acre park  
 PDC07-055: up to 554 attached dwelling units and a 1-acre park  
 H07-035: addition of 870,000 square feet of industrial park space

## GENERAL PLAN

Completed by: RO

### Land Use/Transportation Diagram Designation:

PDC07-054: Industrial Park and Industrial Park w/ Transit Employment Residential Overlay;  
 PDC07-055: Industrial Park w/ Transit Employment Residential Overlay;  
 H07-035: Industrial Park

### Project Conformance:

Yes  No  
 See Analysis and Recommendations

## SURROUNDING LAND USES AND ZONING

Completed by: RO

Northeast: Vacant and Occupied Industrial Park Buildings; new shopping center currently under development

IP – Industrial Park

Southeast: Vacant and Occupied Industrial Park Buildings

IP – Industrial Park

Southwest: Vacant and Occupied Industrial Park Buildings

IP – Industrial Park

Northwest: Single-Family and Multiple-Family Residential Neighborhoods

A(PD) – Planned Development PDC90-041; 27.8 DU/AC  
 A(PD) – Planned Development PDC94-001; 12.2 DU/AC

## ENVIRONMENTAL STATUS

Completed by: RO

Environmental Impact Report found complete (North San José Policy Update EIR certified June 21, 2005 per City Council Resolution No 72768 – State

Exempt

Clearinghouse #2004102067)

 Environmental Review Incomplete Negative Declaration circulated on Negative Declaration adopted on

## FILE HISTORY

Completed by: RO

Annexation Title: Lick No. 21

Date: 12/14/1981

Lick No.22

03/16/1982

## PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

 ApprovalDate September 20, 2007Approved by: Andrew Crabtree Approval with Conditions Action Denial Recommendation Uphold Director's Decision

## APPLICANT/OWNER/DEVELOPER

PDC07-054: Vista Montana Park Homes, LLC  
 2500 South El Camino Real  
 San Mateo, CA 94403

PDC07-055: Equity-Tasman Apartments, LLC  
 19925 Stevens Creek Blvd #105  
 Cupertino, CA 95014

H07-035: Novellus Systems, Inc.  
 4000 North First Street  
 San José, CA 95134

## PUBLIC AGENCY COMMENTS RECEIVED

Completed by: RO

## Department of Public Works

See attached memoranda dated September 20, 2007. At the time of Planned Development Permit issuance, the project will be responsible with compliance with the Conditions of Approval listed in these memoranda.

## Other Departments and Agencies

See attached memoranda from the Police Department (08/20/07), Department of Parks, Recreation, and Neighborhood Services (08/17/07), Fire Department (08/13/07), Environmental Services (08/09/07), and Municipal Water (08/07/07).

## GENERAL CORRESPONDENCE

As of this writing, staff has received eight comment e-mails from neighbors to the project expressing concern over parkland, schools, potential disruption of industrial business, and potential noise and traffic congestion. Staff also received one petition signed by almost 200 people expressing concern over the approval of projects in North San José without a "Master Plan." See more detailed discussion on the public comments in the Public Outreach section of this report.

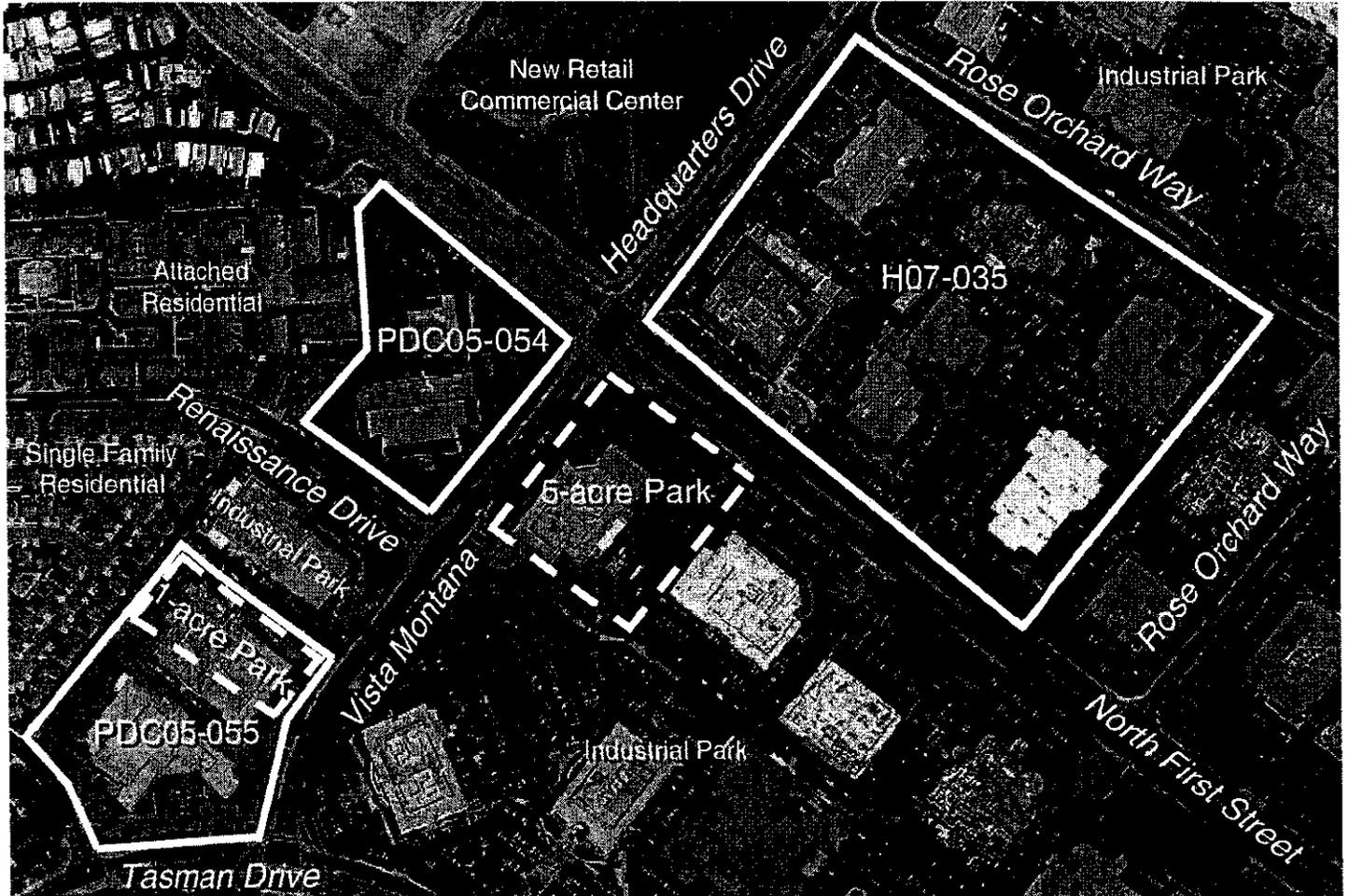
## ANALYSIS AND RECOMMENDATIONS

## BACKGROUND

The applicants, Vista Montana Park Homes, Equity-Tasman Apartments, and Novellus, are requesting to rezone two locations from IP – Industrial Park Zoning District to A (PD) Planned Development Zoning (PDC) District to allow residential development and are requesting a Site Development Permit (H) for a third location to allow industrial development as follows:

- 1) PDC07-054: up to 444 attached dwelling units and a 5-acre park on a 12.07 acre site at 64.0 DU/AC
- 2) PDC07-055: up to 554 attached dwelling units and a 1-acre park on an 8.68 acre site at 79.6 DU/AC
- 3) H07-035: additional new 870,000 square feet of industrial park space on a 26.99 acre site at 1.1 F.A.R.

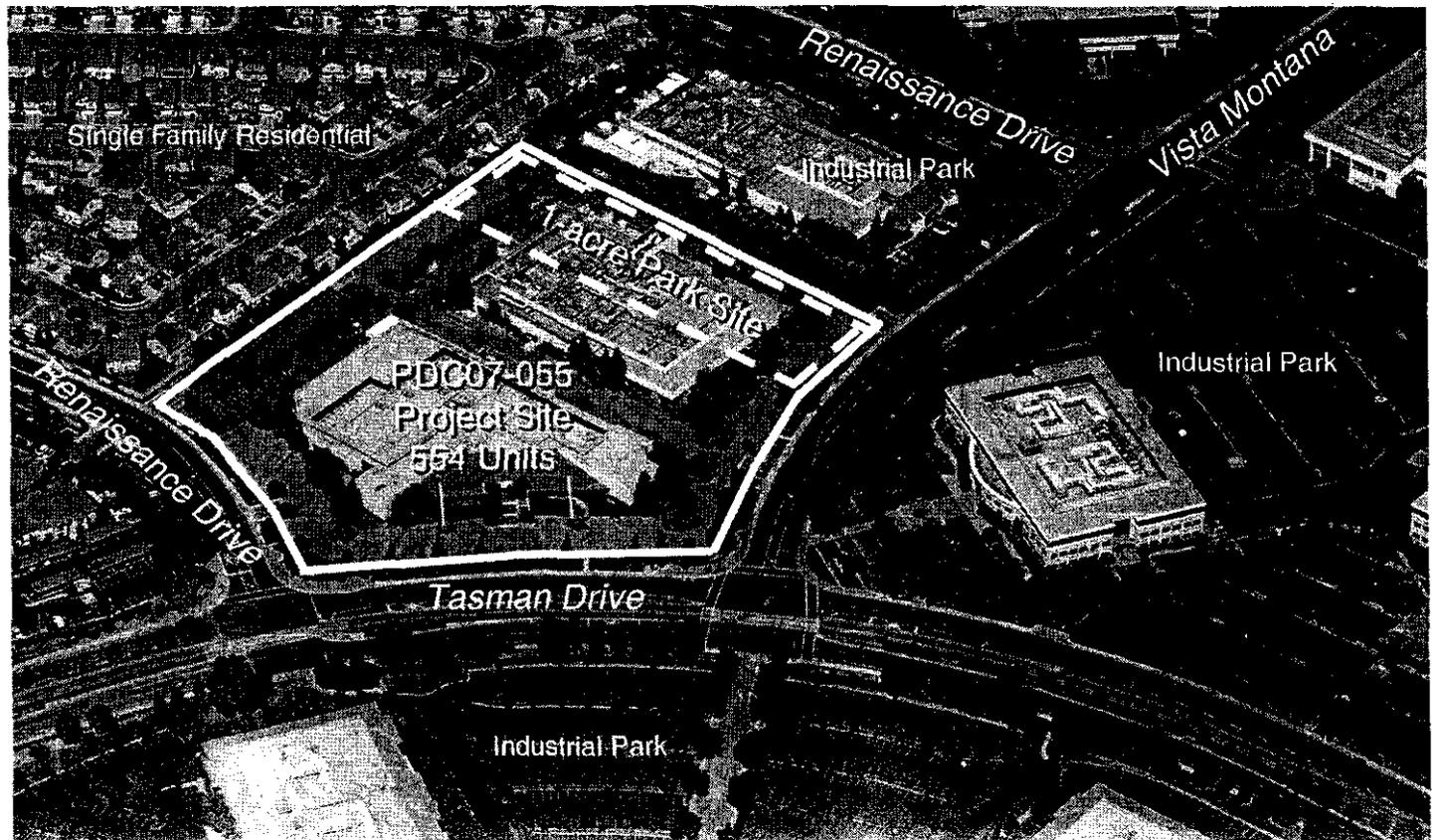
The proposed development would be vested for the next 20 years through a Development Agreement (DA) that was filed by Novellus Systems concurrently with the subject PD Rezoning and Site Development Permit applications. See the concurrent Development Agreement Staff Report for details on the terms of the Development Agreement.



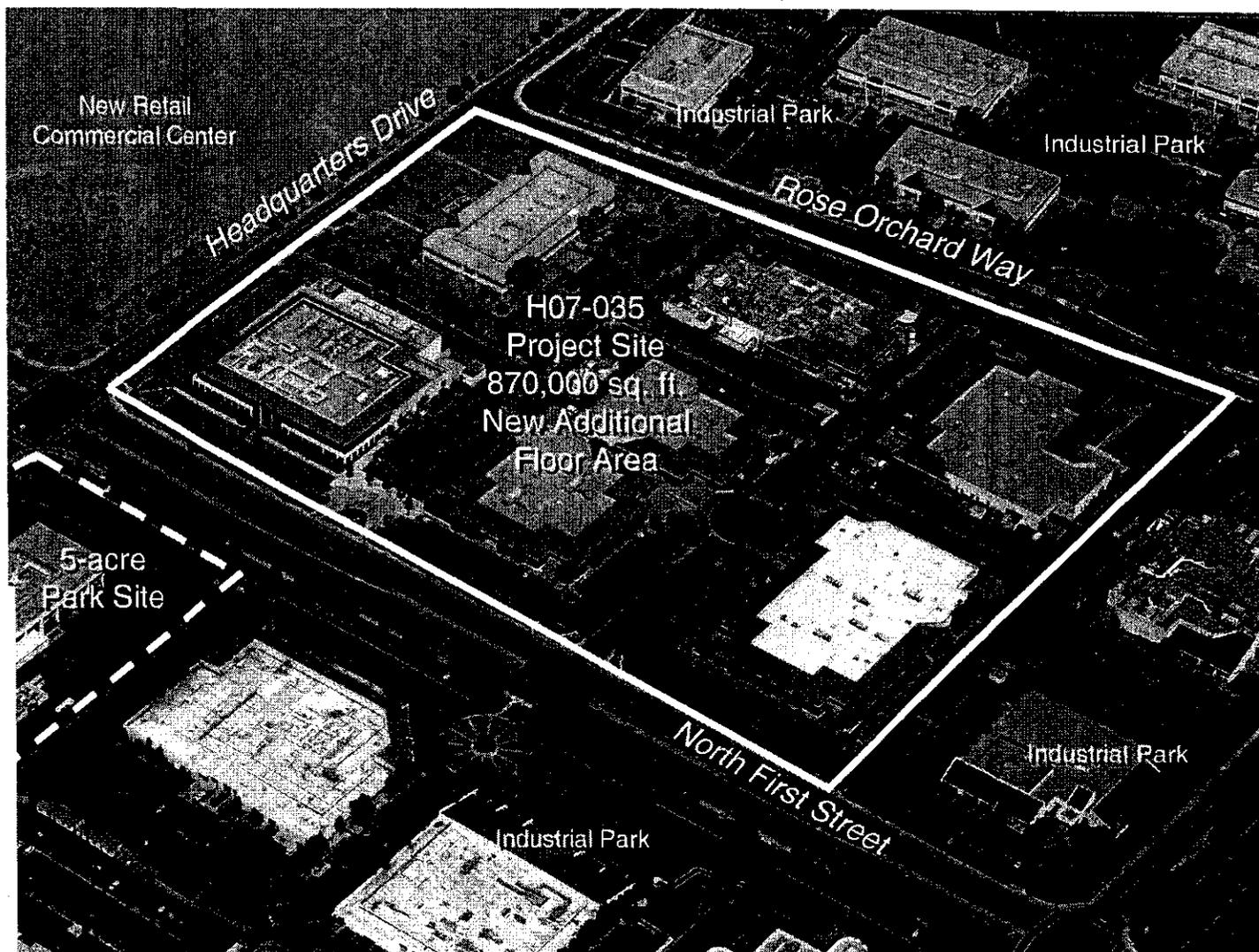
PDC07-054, PDC07-055, and H07-035 Site Locations



PDC07-054 Site Context



PDC07-055 Site Context



H07-035 Site Context

### Project Description

The two proposed Planned Development Rezonings, PDC07-054 and PDC07-055, would allow for the development of up to 998 attached residential units, and 6 acres of parkland. PDC07-054 would allow up to 444 attached residential units at a density of approximately 64 dwelling units per acre, plus 5 acres of parkland. PDC07-055 would allow up to 554 attached residential units at a density of approximately 80 dwelling units per acre, plus 1 acre of parkland. The associated Development Agreement also includes contribution of funds to the City to go towards park maintenance and operation.

The proposed Site Development Permit, H07-035, will preserve entitlement for future industrial development of the Novellus campus located on the northeast side of North First Street of up to 870,000 new additional square feet of industrial floor area (up to 270,251 square feet of industrial floor area to be transferred from the parcels for PDC07-054 and PDC07-055, located on the southwest side of North First Street, and up to 599,749 square feet of new industrial floor area). The site currently contains 418,707 square feet of floor area, so that the new 870,000 square feet of floor area would result in up to 1,288,707 total square feet of floor area (1.1 FAR). Actual development of the site would require subsequent Site Development Permit application(s) to review the specifics of the development proposals.

The maximum proposed building height for the residential development is 80 feet. Additional development standards which address setbacks, building design and other project details are included in the draft General Development Plan Standards (attached) and discussed below.

The subject industrial Site Development Permit does not include development details such as building massing and siting. Those details will be analyzed at the time of actual proposal for development, which will go through further Site Development Permit application(s).

## **ENVIRONMENTAL REVIEW**

The project site is located within the boundaries of the *North San José Area Development Policy*. The Final Environmental Impact Report (EIR) for the North San José Area Development Policies Update was certified and the project approved by the City Council in June 2005. Santa Clara County and the Cities of Milpitas and Santa Clara subsequently legally challenged the EIR. 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 for the PD Zoning applications to allow up to 998 residential units and for the Site Development Permit application to allow up to 870,000 square feet of new industrial development in accordance with an addendum to the Final EIR. The Initial Study analyzed potential impacts of the proposed residential units in full, since there are conceptual plans associated with the rezoning applications. For the Site Development Permit, the Initial Study only analyzed generalized impacts associated with the potential additional square footage, since there is not specific development proposal associated with this application. Future industrial development of the Novellus campus site will require further environmental review, including a subsequent Initial Study to determine potential effects to the environment, to be conducted as part of further development permits to be reviewed as part of this project.

For the project as a whole, the Initial Study evaluated impacts related to air quality, noise, cultural resources, geology, hydrology and hazardous materials. Based on the analysis in the Initial Study, it has been concluded that the North San José 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 as a whole, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or Negative Declaration. The subject Site Development Permit is considered a "paper" entitlement for the additional square footage only, and does not allow for development of the additional floor area without further review of potential environmental impacts.

## **GENERAL PLAN CONFORMANCE**

The parcels related to this project are designated Industrial Park, with the Transit Employment Residential overlay and Floating Park designation in the *San José 2020 General Plan Land Use/Transportation Diagram*. The Transit Employment Residential overlay allows residential development at a minimum average density of 55 units per acre as an alternate use to the underlying Industrial Park designation. The proposed residential development is consistent with the Transit Employment Residential land use designation and also the pertaining elements of the *North San José Area Development Policy* as incorporated into the General Plan. The proposed industrial development is consistent with the Industrial Park land use designation and would further several General Plan goals and strategies related to economic growth and sustainable development.

The site proposed for a park has an Industrial Park land use designation but is within an area designated for a park by a floating "P". The specific size, location and configuration of such park sites will only be finalized through acquisition of a particular parcel. No General Plan amendment is required to modify the general location, size or configuration of such park sites. The proposal will provide public parkland on the subject

parcel to serve existing and future residents on infill sites in the surrounding neighborhood. Development of a park at this site would further several General Plan goals and policies including the Parks and Recreation Goal (use parks to enhance livability), Parks and Recreation Policy No. 1 (within walking distance of residents), Parks and Recreation Policy No. 15 (support economic development), Parks and Recreation Policy No. 18 (park within a park deficient area), and Neighborhood Identity Policy No. 4 (park to support a neighborhood).

The proposed project overall is consistent with the General Plan Balanced Community Goal, which states, "Develop a balanced and complete community in terms of land use distribution and densities, housing types and styles, economic development and job opportunities and opportunities for social and cultural expression."

The project is consistent with the Economic Development Major Strategy of the General Plan in that locating new residential areas at specific locations in close proximity to employment areas, and in combination with specific transportation improvements, supports the intensification of industrial development within the North San José Area, the driving force behind the update of the *Policy*. This proposal allows for location of residential uses near industrial uses and near transit stations, and thus supports this Major Strategy. Industrial development capacity will be preserved with the transfer of the development capacity from the properties proposed for residential development to the Novellus Campus site.

The proposed project (up to 998 residential units, 6 acres of parkland, and up to 870,000 square feet of industrial floor area) is therefore consistent with the General Plan.

## **PUBLIC OUTREACH**

Two community meetings were held for this project. The first, with public notification of a 1,000-foot radius, was held to discuss the original rezoning application PDC06-013 on November 20, 2006. Approximately 47 community members attended this meeting. The second community meeting, with public notification of a 1,000-foot radius, was held to discuss the subject rezoning applications PDC07-054 and PDC07-055 on August 30, 2007. Approximately 22 community members attended this meeting.

Notices for the Planning Commission and City Council public hearings were distributed to the owners and tenants of all properties located within 1,000 feet of the project site. Signs were placed on the sites to provide information on the pending proposal. The Planning Department website contains information regarding the North San José area, including the *Policy*, development applications, staff reports, and hearing schedules. This website is available with the most current information regarding the status of the rezoning applications. Staff has also been available to discuss the project with members of the public.

As of this writing, staff has received 8 e-mails from members of the public regarding the proposed development (see attached). The public comments included preferences for the fewest units and the largest park possible, as well as concerns over potential effects to existing natural habitat, existing noise and potential for increased noise, potential for increased traffic and pollution, potential for disruption of existing nearby industrial business activity, and current lack of residential services such as parks and schools. On October 11, 2006, staff also received a petition with almost 200 signatures, regarding not this project in particular, but rather concerns about development plans for North San José in general. The petition is similar to petitions submitted by members of the North San José community for other development applications within North San José, and expressed concerns about possible redevelopment of the area to higher intensity commercial and high density housing. The petition states that certain key components of highly-desirable communities are not addressed by the current planning efforts.

## ANALYSIS

The primary issues for the proposed residential conversions part of this project are consistency with the *North San José Area Development Policy*, and the *Draft North San José Design Guidelines*.

### **Consistency with the North San José Area Development Policy (Policy)**

The *North San José Area Development Policy* provides for the development of up to 32,000 new residential dwelling units within North San José, including the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of either 55 DU/AC (up to 200 acres) or 90 DU/AC (up to 85 acres). The Policy states that proposed conversions should be evaluated through the zoning process for conformance with City policies, and according to the following specific criteria:

#### Limits on Conversion

1. *A maximum of 285 acres of land may be converted to residential use within the areas designated as Transit Employment Residential District on the City's General Plan Land Use / Transportation Diagram.*
2. *New residential density must have a minimum net density of 90 DU/AC on at least 85 of those acres. The remainder must have a minimum net density of 55 DU/AC.*

The City Council has approved four rezonings to date for high-density residential development within the North San José Policy Area totaling 2,617 units on 51.4 acres in area (this does not include the Baypointe (PDC06-061) and Northpointe (PDC06-093) sites, which are scheduled to go to City Council on September 25, 2007. These rezoning proposals, if approved, would add 889 residential units at between 55 and 90 DU/AC on 12.95 acres of land to the units already approved.). The project located at 4<sup>th</sup> Street and Gish Road (File Number PDC06-022) exceeded the minimum density of 90 DU/AC. Three projects (File Numbers PDC05-099, PDC06-085, and PDC06-038) were approved with densities within the range of between 55 DU/AC and 90 DU/AC. The proposed project would result in the conversion of an additional 13.9 acres of land. If approved, the subject rezonings will result in the conversion of a cumulative total of 78.25 acres (this includes the Baypointe and Northpointe projects) of the 285 provided for in the Policy. The proposed rezonings will meet or exceed the 55 DU/AC density requirement, but do not provide for conversion at 90 DU/AC.

#### Compatibility with Industrial Uses

1. *The site must not contain an existing important vital or 'driving' industrial use.*
2. *The site must not be adjacent to an industrial use that would be significantly adversely impacted by the residential conversion.*
3. *The site must not be in proximity to an industrial or hazardous use that would create hazardous conditions for the proposed residential development (e.g., an adequate buffer must be provided for new residential uses from existing industrial uses) in order to protect all occupants of the sites and enhance preservation of land use compatibility among sites within the Policy area. A risk assessment may be required to address compatibility issues for any proposed industrial to residential conversions.*

The subject sites for PDC07-054 and PDC07-055 are currently occupied by vacant industrial buildings and the conversion of the sites for residential and park purposes will not result in the displacement of a vital or "driving" industry.

A risk assessment completed as part of the Initial Study for this project concluded that surrounding businesses do not appear to represent a credible threat to the project, assuming worst-case release of hazardous materials.

An assessment of land use compatibility between residential and industrial uses, and park and industrial uses, completed as part the Initial Study for this project, concluded that surrounding businesses would not be significantly affected by the proposed residential and/or park uses.

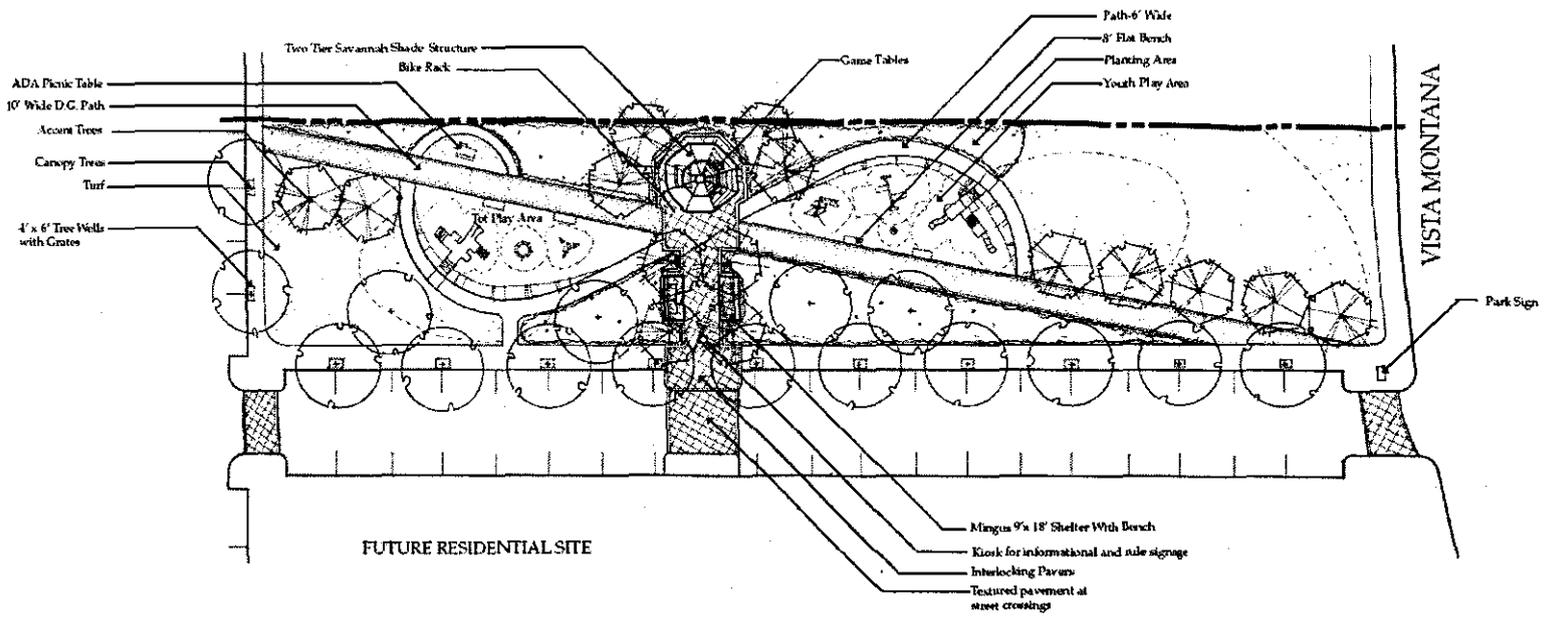
### Services and Amenities, Including Parks

1. *New parks, schools, community facilities and other supporting uses should be built within the Transit Employment Residential District overlay area to the extent feasible, but location of public facilities on land outside of the overlay area may be allowable to comply with other laws, policies and regulations. Suitable locations for these uses should be identified and included within a project when appropriate.*
2. *The site should be within 1,000 feet of an existing neighborhood or community park (at least 3 acres in size) or the proposed development through participation in the provisions of the City's Parkland Dedication Ordinance or voluntary donation would establish or contribute toward the establishment of a new park (at least 3 acres in size) within 1,000 feet of the project site. Staff will determine the most suitable site for a new park within the contiguous overlay area with the intent of identifying a centrally located and accessible park site. In some cases the most suitable site to provide a centrally located park site or to support a joint school-park use within a particular overlay area may be more than 1,000 feet from some properties within that overlay area. All residential projects are subject to the Parkland Dedication Ordinance and land dedication requirements will be consistent with the Ordinance in addition to the proximity requirement established here.*
3. *Master planning to identify sites for parks, schools and other public facilities as necessary must be completed within each of the seven new residential areas prior to any proposed conversion within that area.*

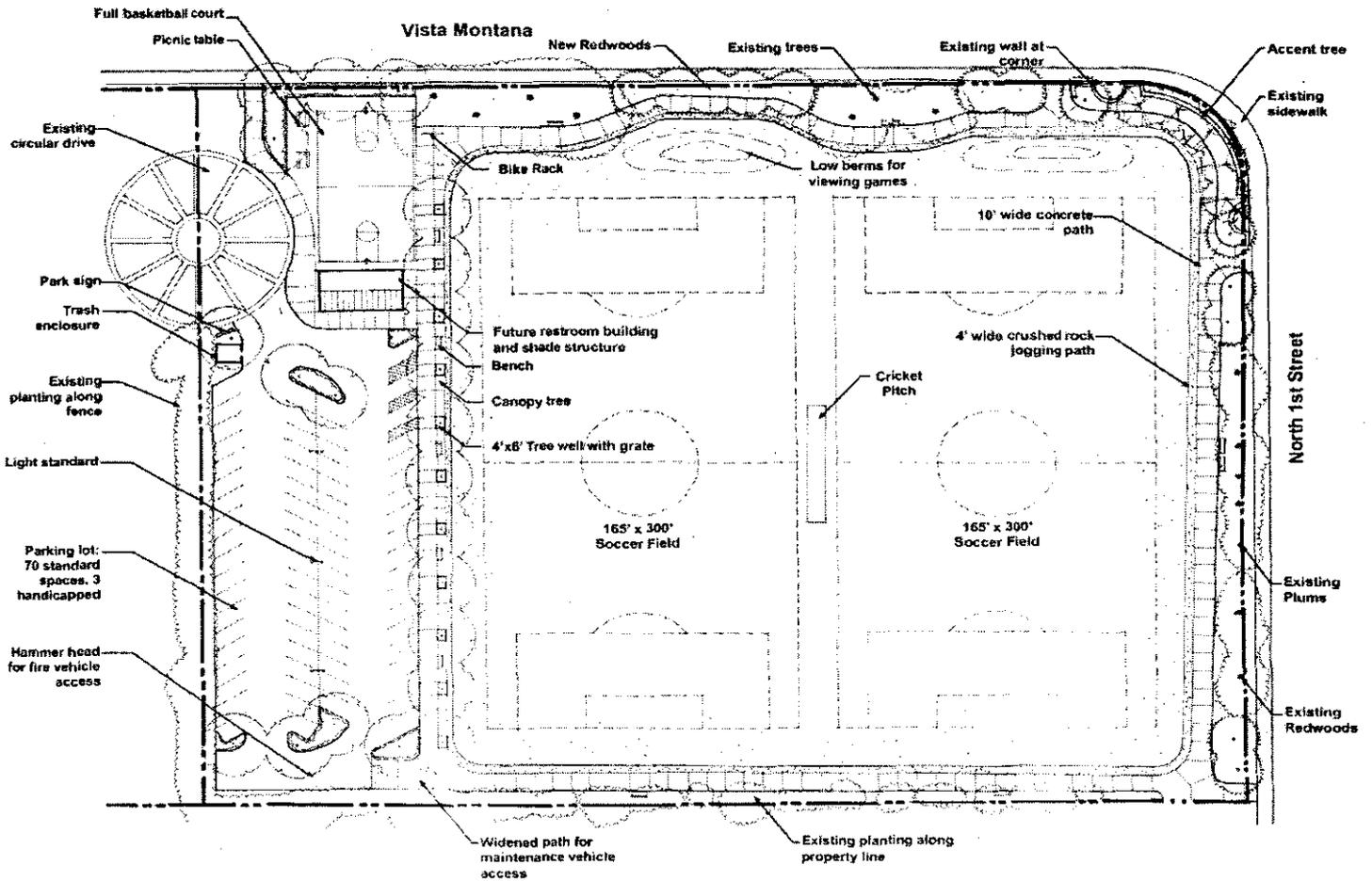
### Park size and configuration

The North San José Policy requires that a feasible site or sites for a minimum of 5 acres of new neighborhood parklands be identified within each overlay area of 20 acres or larger prior to approval of any project within that overlay (if contiguous acreage of a single Residential Overlay area is less than 20 acres, a 3-acre park within that area may be acceptable). Land for neighborhood parks in North San José is typically acquired through either the dedication of a portion of the proposed site or the acquisition of property in the vicinity of a project. The Vista Montana overlay area is just under 20-acres in size, such that a 3-acre park may be acceptable within the Residential Overlay area. This project, as part of the concurrent Development Agreement, proposes 6 acres of parkland (1 acre would be located within the Residential Overlay area, and 5 acres would be located just outside the Residential Overlay area), and proposes to provide funding to the City to go towards the maintenance and operation of the parks. For details of the park benefits, see the concurrent Development Agreement staff report.

Based on neighborhood parks plan prepared by staff for this Overlay area, staff had originally recommended that the park should be located within the Residential Overlay area. The applicant made a counter proposal to increase the total amount of parkland to six acres, provide additional funding for improvements and maintenance above the City's Parkland Dedication Ordinance and to include expansion of the associated industrial properties as part of the project. The applicant currently proposes to dedicate and improve the smaller 1 acre park (to be designated as a Neighborhood Park) within the Residential Overlay area. The larger 5-acre park (to be designated as a Community Park) will be located outside of the Residential Overlay area. Given the extraordinary benefit of the park sizes, improvements, and money for maintenance costs of the 5-acre park, staff considers that the public (both existing and future residents as well as existing and future employees in surrounding industrial areas) will benefit from this proposal more than they would if a smaller park was located entirely within the Residential Overlay area.



1-acre Neighborhood Park Conceptual Plan



5-acre Community Park Conceptual Plan

### School Needs

Following a lawsuit with the City of Santa Clara, the City of Milpitas and Santa Clara County, San José entered into a legal settlement agreement with those entities that included a modification to the text of the North San José Area Development Policy and an agreement to fund a school needs assessment study. Accordingly, the following text was added into the adopted Policy:

“Planning for a new school site and/or development of other strategies to address the need for expanded school capacity should be completed prior to the addition of 50 elementary, junior high or high school students within the new residential overlay areas.”

The Santa Clara Unified School District (SCUSD) has recently prepared a first draft of a Student Generation assessment that is intended to provide a projection of the likely near-term and long-term student generation rates for new residential development in North San José within the SCUSD area, including the subject project. The assessment will also address likely revenue to the school district associated with developer fees and tax increment increases. The City has reviewed the study and is not agreement with the methodology used, or the conclusion of the assessment which in City staff’s opinion, substantially exaggerates the number of students that will result from the proposed development in North San José.

Staff recognizes the importance of schools and other facilities (parks and recreational facilities, retail, etc.) to support the new residential development in North San José. While the outcome of the assessment is pending, it is anticipated that at least one new school will be needed over the time frame of the Policy. The City is obligated, per the terms of the settlement incorporated into the Policy, to plan for a school site (or pursue other strategies) prior to the addition of 50 students. As it will likely be two years or more before any of the new residential units are complete in North San José, the City has adequate time to complete this work in advance of the Policy requirement. Staff intends to incorporate a school strategy into a package of Vision North San José implementation policies to be brought to the City Council later this calendar year. The issue of school planning is also being addressed by the recently formed North San José Task Force to support and supplement the North San José Neighborhood Master Plan currently in preparation to address residential development and future community amenities (see attached Taskforce Work Program).

The NSJ Policy provides an opportunity to plan at the neighborhood scale as each project is reviewed through the rezoning or permit process, but as noted above, does not require that a new school site be identified prior to approval of any particular project. The development of residential units on the subject sites will not preclude future identification of appropriate school sites. This particular project will dedicate and improve 6 acres for parkland to meet the neighborhood planning needs established in the Policy. Development of a new school will likely require 5 to 10 acres of land. The City does not have the ability to require this particular development to resolve a citywide issue. Because the school needs are not yet well defined and the subject zoning application is making a significant contribution toward the provision of community facilities by dedicating and improving 6 acres of parkland, plus providing \$1,500,000 towards the operation and maintenance of the 5-acre park for 20 years, it is staff’s judgment that is it appropriate to proceed with a hearing for the project.

### Site Design

- 1. The proposed project must be designed to support transit use and pedestrian activity.*

### Setbacks

A primary concern is that an appropriate amount of separation (setback) be provided between the proposed multi-story projects and adjacent residential land uses. Consistent with the North San José street standards, the project proposes a 10-foot setback from new and existing local streets, a 15-foot setback from existing arterial streets and expressways and 60-74 feet of separation from the adjacent, existing residential development.

**PDC07-054**

This project proposes 4 stories of residential units over one level of parking at grade (due to a high water table in the area, the garages cannot be placed below ground. The proposed building will therefore have five stories above grade. The parking level will be wrapped by residential units set back 10 feet from the property line on the Vista Montana and Renaissance Drive sides. The side along North First Street will be set back 15 feet from the property line and will have the at-grade garage screened from public view by architectural and landscaping features that will bring the building down to street level. There would be an adequate 60-foot setback between the building and the adjacent attached unit residential parcels to the northwest of the project site. The building would be set back between 8 and 12 feet from the new private street.

**PDC07-055**

This project proposes to wrap units around the garage levels (the bottom-most garage level would be at-grade) at Tasman Drive, Vista Montana, and the new public street adjacent to the 1-acre park. The proposal includes four stories of residential units over two levels of parking along Vista Montana and Tasman Drive, five stories of units over one level of parking toward the center of the site, and four stories of units over one level of parking adjacent to the new private drive. The proposed building will therefore have up to six stories above grade. The building setback from Tasman Drive would be 15 feet, and 10 feet from all other street frontages (both private and public streets). The building would be set back an adequate distance of 74 feet from the adjacent single-family residential neighborhood to the northwest.

Street Blocks

The applicant is proposing to provide a new street grid system consistent with the North San José Policy goal of establishing a more walkable and urban residential neighborhood pattern. New streets are proposed along the interior property lines to provide for pedestrian access, building street frontages and a buffer to existing uses. Because of the site depth and that redevelopment of the adjacent properties is unlikely, the applicant is proposing dimensions for the new streets that do not fully meet the City's standards for public streets. Accordingly public pedestrian access along these streets will be provided through an easement, the streets have been designed to closely resemble public street conditions, and the one street adjacent to the proposed 1-acre park will be a public street in order to meet the City's primary objectives.

The draft North San José design standards recommend an average block perimeter of 1,500 linear feet, with a minimum street width for of 56 feet. (A minimum building setback of 10 feet would be in addition to the minimum right-of-way width of 56 feet, to result in a 76-foot building separation, sometimes more). The proposed private street for PDC07-055 would maintain a 74-foot building setback from the northwest property line, with the single-family residential buildings located some 15 feet beyond that. The proposed private street for PDC07-054 would maintain a 58 to 62-foot setback to the adjacent northwest property line, with the attached residential unit buildings located some 10 to 15 feet beyond that. Other recently approved projects within North San José are consistent with these private street standards. Specific to this project, the private streets may be used to establish this grid system. The attached conceptual site plans illustrate the proposed public and private street pattern for this project.

Street Design

The draft North San José design guidelines recommend that all non-arterial residential and industrial streets include on-street parking as a part of the urban character being promoted in the North San José area. Where possible, existing streets should also be retrofitted to include on-street parking. On-street parking provides a buffer between sidewalks and street traffic that promotes pedestrian comfort and will also help to support more ground level retail uses. Having a consistent treatment of streetscapes throughout North San José is also one of the key goals of the guidelines.

The site design proposed by the applicant includes a combination of right-of-way and building setback areas adequate to accommodate the addition of on-street parking along the non-arterial public and private streets consistent with these guidelines.

#### Garage Screening

The draft NSJ design guidelines require that parking included within a residential podium project be either depressed halfway below grade with landscape screening or, if built at grade, be fully screened behind commercial uses or residential units located at grade. The project design is consistent with this standard in that although the lowest parking level will be at-grade, most of the project will be wrapped with units, especially along the public street frontages. Where the garage will be exposed to the adjacent public and private streets, the building and landscaping designs will be such that the building materials will be brought down to the street level to screen parking and incorporating the garage portion in the overall building architectural treatment.

#### Streetscape Design

Consistent with the draft NSJ design guidelines, staff has recommended that residential units have “front doors” (stoops) along the non-arterial street facades, and/or streets that have on-street parking. Individual unit entries or multiple building entries promote pedestrian activity, establish an attractive residential streetscape, and suggest a more urban character. Individual unit entries are proposed along the ground floor units which wrap around the proposed parking garages, and multiple building entries are proposed at key points throughout the sites.

#### Project Architecture

The NSJ Policy and draft design guidelines strongly encourage the incorporation of green building techniques and the use of innovative architectural styles consistent with the focus on technology, industry and innovation for the North San José area. The conceptual architecture submitted by the applicant depicts a post-modern architectural style that uses various stone, wood, metal, and stucco finishes to express an urban character. Staff will work with the applicant at the Planned Development Permit stage to further refine the design character.

#### **Neighborhood/Community Concerns**

In general, community members have expressed a significant level of concern related to implementation of the North San José Area Development Policy, specifically over impacts associated with the proposed intensification within North San José, including increased traffic levels, availability of schools, retail, parks, and other services to support new development, and the City’s commitment to an inclusive public planning process.

Area residents at the second community meeting generally expressed that this project site is an adequate place for such proposed residential densities due to its proximity to existing VTA light rail stations (the project site is located half way between the Lick Mill Station and the Champion Station on the Mountain View/Winchester Line). The community members also expressed satisfaction with the 6 acres of parkland to be dedicated and improved by the project, as well as the proposed architectural and site design.

As discussed above, the project has been designed to wrap residential uses around the proposed garages as much as possible, especially along the public streets, in order to enliven the streets with pedestrian activity. In addition, dedication and improvement of 6 acres of parkland within this Transit Employment Residential Overlay area, plus maintenance of the 5-acre park, will be an extraordinary benefit to the City, and will be key to developing a new residential neighborhood consistent with the intent of the *North San José Area Development Policy*.

Additional concerns specific to the project can continue to be addressed through the Planned Development Permit process. The applicant has developed a project largely consistent with the City's policies in place at this time, including the neighborhood planning provisions included within the adopted *Policy*, and it is appropriate for this project to now be considered by the Planning Commission and City Council. Furthermore, approval of the subject project will not prevent the City from addressing school location or other needs and, by establishing a positive pattern of development, will help to establish the context for ongoing planning efforts.

### **CONCLUSION**

Approval of the proposed project will further the goals of the Vision North San José project, is consistent with the adopted *North San José Area Development Policy* and is generally consistent with the key elements of the draft design guidelines. Developing a neighborhood and community park system is a goal of the *North San José Area Development Policy* and staff recommends accordingly that the project be approved, including the 6 acres of proposed parkland.

### **RECOMMENDATION**

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

1. The project conforms to the General Plan Land Use/Transportation Diagram designation of Industrial Park with Transit Employment Residential District Overlay (55+DU/A).
2. The project is consistent with the *North San José Area Development Policy*
3. The project is consistent with the compatibility, street block, and open space guidelines in the Residential Design Guidelines and draft North San José design guidelines.
4. The project is compatible with existing and planned residential and industrial uses in the surrounding neighborhood.

#### Attachments:

Location Map

Addendum to the North San José Development Policies Update EIR (Resolution # 72768)

Development Standards

Letters from other departments and agencies

Letters of public concern

Plan set

North San José Taskforce Work Program

**NORTH SAN JOSÉ NEIGHBORHOODS PLANNING TASKFORCE  
WORK PROGRAM**

**SCHEDULE AND WORK PROGRAM**

The schedule and work program outlined below have been developed in collaboration with the Taskforce. With exceptions for Holidays, standing Taskforce meetings are the 2<sup>nd</sup> and 3<sup>rd</sup> Tuesday of the month from 6 – 8 p.m. Location of the Taskforce Meetings will rotate to different sites in North San José. The precise date that certain topics are addressed is subject to change based on readiness of work product for the Taskforce to consider.

Additional hours or topics *may* be added with the consent of the Taskforce, but will require that additional meetings be added into the schedule prior to the final January 24, 2008 meeting of the Taskforce.

In addition to the hours within the formal Taskforce meetings, it is anticipated that sub-committees of Taskforce members will be formed to work on the topics such as Parks, Design Guidelines, Retail, and Schools.

DATE	MEETING	TOPICS/OUTCOMES
25 July 2007	#1 Taskforce Kickoff	<input type="checkbox"/> Understand purpose of Taskforce <input type="checkbox"/> Understand expectations of Taskforce members <input type="checkbox"/> Develop priority work plan items
23 Aug. 2007	#2 Taskforce Meeting	<input type="checkbox"/> Work Program <input type="checkbox"/> Parks and Recreation
13 Sept. 2007	#3 Taskforce Meeting	<input type="checkbox"/> Schools
27 Sept. 2007	#4 Taskforce Meeting	<input type="checkbox"/> Transportation <input type="checkbox"/> Retail <input type="checkbox"/> Design Guidelines
11 Oct. 2007	#5 Taskforce Meeting	<input type="checkbox"/> Schools <input type="checkbox"/> Parks and Recreation
15 Oct. 2007	Informational Memo to City Council/Agency Board	<input type="checkbox"/> Update on Taskforce Work to Date
25 Oct. 2007	#6 Taskforce Meeting	<input type="checkbox"/> Design Guidelines <input type="checkbox"/> Transportation <input type="checkbox"/> Police, Fire
8 Nov. 2007	#7 Taskforce Meeting	<input type="checkbox"/> Water Supply/Flood Control <input type="checkbox"/> Future Uses of Agnews Site
15 Nov. 2007	Informational Memo to City Council/Agency Board	<input type="checkbox"/> Update on Taskforce Work to Date
29 Nov. 2007 *Special Date	#8 Taskforce Meeting	<input type="checkbox"/> Financing/Phasing <input type="checkbox"/> Schools <input type="checkbox"/> Parks and Recreation
13 Dec. 2007	#9 Taskforce Meeting	Draft Implementation Plan and Recommendations

**NORTH SAN JOSÉ NEIGHBORHOODS PLANNING TASKFORCE  
WORK PROGRAM**

<b>DATE</b>	<b>MEETING</b>	<b>TOPICS/OUTCOMES</b>
<b>15 Dec. 2007</b>	<b>Informational Memo to City Council/Agency Board</b>	<b>Update on Taskforce Work to Date</b>
<b>10 Jan. 2008</b>	<b>#10 Taskforce Meeting</b>	<input type="checkbox"/> <b>Financing/Phasing</b> <input type="checkbox"/> <b>Wrap up issues</b>
<b>15 Jan. 2008</b>	<b>Informational Memo to City Council/Agency Board</b>	<input type="checkbox"/> <b>Update on Taskforce Work to Date</b>
<b>24 Jan. 2008</b>	<b>#11 Final Taskforce Meeting</b>	<b>Final input into Implementation Plan and Recommendations</b>
<b>February 2008</b>	<b>Planning Commission</b>	<b>Review of Implementation Plan and Recommendations</b>
<b>February 2008</b>	<b>City Council/Agency Board</b>	<b>Consideration of Implementation Plan and Recommendations</b>



4.6.1

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

**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**

PDC07-054. Planned Development Rezoning from the IP Industrial Park Zoning District to the A (PD) Planned Development Zoning District to allow up to 444 attached residential units and a 5-acre park for a project located at the west side of North First Street and on the north and south sides of Vista Montana on a 12.07-gross-acre site from the Industrial Park (IP) Zoning District to the Planned Development A(PD) Zoning District..  
Council District 4. County Assessor's Parcel Numbers: 097-52-013 and 097-53-015

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Development Policies Update EIR," and findings were adopted by City Council Resolution No. 72768 on June 21, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology      | <input checked="" type="checkbox"/> Noise                       |
| <input checked="" type="checkbox"/> Cultural Resources      | <input checked="" type="checkbox"/> Hazardous Materials    | <input checked="" type="checkbox"/> Land Use                    |
| <input checked="" type="checkbox"/> Urban Services          | <input checked="" type="checkbox"/> Biotics                | <input checked="" type="checkbox"/> Air Quality                 |
| <input checked="" type="checkbox"/> Aesthetics              | <input checked="" type="checkbox"/> Airport Considerations | <input checked="" type="checkbox"/> Microclimate                |
| <input checked="" type="checkbox"/> Energy                  | <input checked="" type="checkbox"/> Relocation Issues      | <input checked="" type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Transportation          | <input checked="" type="checkbox"/> Utilities              | <input checked="" type="checkbox"/> Facilities and Services     |
| <input checked="" type="checkbox"/> Water Quality           | <input type="checkbox"/> _____                             |   |

**ANALYSIS:**

See Attached Initial Study for the Vista Montana Park project, File Nos. PDC07-054, PDC07-055, and H07-035.

Rodrigo Orduña, AICP  
Project Manager

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

9/19/07  
Date

Aloni Davidsen  
Deputy



07/25/2007

Scale: 1"= 350'  
Noticing Radius: 500 feet

**File No: PDC07-054**

**District: 4**

**Quad No: 35**

# Memorandum

**TO:** Rodrigo Orduna  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 09/20/07

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**PLANNING NO.:** PDC07-054  
**DESCRIPTION:** Planned Development Rezoning from the (IP) Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 444 attached residential units on a 12.1 gross acre site.  
**LOCATION:** westerly and southerly corners of N. First Street and Vista Montana  
**P.W. NUMBER:** 3-18025

Public Works received the subject project on 08/30/07 and submits the following comments and requirements.

## Project Conditions:

1. **Public Works Development Review Fees: Additional Public Works Review Fees are due. Prior to the project being cleared for the hearing and approval process, these fees shall be paid to the Development Services Cashier using the attached invoice(s). Additional fees due are as follows:**
  - a) A Zoning fee in the amount of \$5,608.00 (\$2,500 + \$7/du).
  - b) An additional complexity fee in the amount of \$5,608.00.
  - c) A Flood Review Fee of \$150.00.
  - d) An NPDES - C.3 Requirements Review Fee of \$2,320.00.
  - e) A Traffic Operational Study Review Fee of \$875.25

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

2. **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.

3. **Transportation:**

- a) An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR.
- b) Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2007 fee is \$7,463.00 per single-family unit and \$5,971 per multi-family unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance. Since this project proposes to transfer the existing industrial credit to the Novellus site (H07-035, southeasterly corner of Vista Montana and 1<sup>st</sup> Street), no credit will be applied to the residential traffic impact fee for this project.
- c) An operational traffic analysis was prepared for on site circulations, sight distance and queuing capacities. The analysis included cumulative studies of this project and the adjacent development to the west (PDC07-055). Based on the analysis, a traffic signal is warranted and required at Renaissance Drive and Vista Montana. This signal shall be constructed as part of the first phase development of either this project or the adjacent development (PDC07-055), whichever acquires the first Building Permit.

4. **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.

5. **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. At the PD Permit stage, submit the following:

- a) The project's Stormwater Control Plan showing the location and function of all post-construction treatment control measures, and all trees eligible for post-construction treatment control credits.
- b) The preliminary numeric sizing calculations based on the Stormwater Control Plan, prepared by a qualified stormwater professional (civil engineer, licensed architect or landscape architect), used to determine runoff quantity and to design/select the post-construction treatment control measures.
- c) Location, size, and identification (including description), of types of water quality treatment control measures such as swales, detention basins, bioretention, etc.
- d) Location, size and identification of proposed landscaping/plant material.
- e) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- f) 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.

**6. Flood: Portions in Zone AH, Elevation 5.00' 1929 National Geodetic Vertical Datum (NGVD) and Zone X**

- a) This project is proposing to construct podium garages for all the buildings and the placement of fill.
- b) The flood zone designation for portions of the project site is Flood Zone AH, Elevation 5.00', effective October 25, 2006, 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 portions of 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). Since the project site may be subject to tidal flooding, a higher flood elevation will be used.
- c) The following conditions apply:
  - i) Elevate the lowest floor of all proposed buildings, including basement, above 9.00' 1929 NGVD.
  - ii) This project should apply for a Conditional Letter of Map Revision Based on Fill (CLOMR-F) that provides comment on the proposed project by FEMA. The CLOMR-F is required prior to issuance of a building permit.
  - iii) The approved Letter of Map Revision Based on Fill (LOMR-F) is required prior to issuance of an occupancy permit.
  - iv) 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.

- v) 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.
- vi) The project site is also within the 1987 North San Jose Floodplain Management Study (NSJFMS) area. The NSJFMS has been updated to reflect the completed Downtown and Lower Guadalupe River Flood Protection Projects and to show the resulting blockage requirements for applicable projects in North San Jose. Based on the Final NSJFMS Update, the project site is within the ineffective flow area and is not subject to the blockage requirements.

7. **Sanitary Sewer:** Based on the flow monitoring data and sewer analysis, the existing sanitary sewer pipe in Vista Montana and Renaissance Drive do not have adequate capacity to serve the proposed development. This project shall upgrade the existing sanitary sewer pipes along Vista Montana and Renaissance Drive. The specific location and pipe size will be determined at PD permit stage.
8. **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.
9. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
10. **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 project frontages.
  - c) Construct City standard curb, gutter and 10' sidewalk with tree wells at the back of curb along all project frontages.
  - d) Extend the existing storm drainage system along the northerly Renaissance Drive frontage to property line.
  - e) Install a new traffic signal at Vista Montana and Renaissance Drive (see 3c, above).
  - f) Close unused driveway cut(s).
  - g) Construct standard City of San Jose 26' wide driveways.
  - h) Re-construct existing handicap ramps at all project corners to current City standard.
  - i) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
  - j) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any

necessary pavement restoration will be included as part of the final street improvement plans.

11. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project, and 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.
12. **Electrical:**
  - a) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
  - b) Locate and protect existing electrical conduit in driveway and/or sidewalk during construction.
13. **Street Trees:**
  - a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
  - b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
  - c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.
14. **Private Streets:**
  - a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
  - b) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.
15. **Reclaimed Water:** This project is required to use reclaimed water for all outdoor irrigation, which includes both public and private landscape.
16. **Referrals:** This project should be referred to the Santa Clara Valley Transportation Authority (VTA).

Planning and Building

09/20/07

Subject: PDC07-054

Page 6 of 6

Please contact the Project Engineer, Vivian Tom, at (408) 535-6819 if you have any questions.



Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division



ES:vt

6000\_25799183077.DOC



# Memorandum

**TO:** Joseph Horwedel  
Director of Planning

**FROM:** Officer Bill Miller #2786  
CPTED Detail

**PROJECT MANAGER:** RODRIGO ORDUNA  
**PLANNING FILE #:** PDC07-054

**DATE:** August 20, 2007

**LOCATION:** Westerly and southerly corners of N First Street and Vista Montana.

**DESCRIPTION:** Planned Development Rezoning from the (IP) Industrial Park Zoning to the A(PD) Planned Development Zoning District to allow up to 444 attached residential units on a 12.1 gross acre site. This is part of the same development proposal that was originally proposed as part of the application filing.

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The following comments are a guide for safety and security concerns that may affect a high-density development such as the one being proposed. These comments may change as the project develops further details. It should be noted that emphasis should be placed on security in the parking garage, guest parking issues, pedestrian pathways around the development, and access control to the residential units. It is recommended that a development this size have on-site security 24/7.

## ADDRESSING:

- A complex map is recommended which incorporates an elevated view of the complex buildings and addresses. It should be illuminated during the hours of darkness and positioned so as to be readily readable from main pedestrian access entrance(s), or placed contiguous to a vehicular entrance to the development where it will not cause stacking problems when being viewed.

## LIGHTING:

- Adequate lighting of guest parking and associated driveways, pedestrian pathways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with enough lighting of sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons, property, and vehicles on site.

## FENCING/ACCESS CONTROL:

- Access control should be implemented to the parking structure. Adequate pedestrian and vehicular access control to the development can mitigate many potentially problematic safety issues with regard to surveillance and unwanted entry. A slightly recessed access control gate should be utilized at all parking garage openings. It can be recessed enough so the development won't take on the appearance of a "fortress" but not so far away from the opening that a possible entrapment/ambush area is created.

- To further enhance safety, I strongly recommend that a “digital keypad” type entry system be utilized for apartment residence access, (over keycards, scanners, etc.). This type of entry allows for quick and unhampered emergency personnel access to the interior of the development in the event of a critical incident or medical emergency. This is because emergency personnel in route to an event can confidentially access the entry code via a mobile computer.
- When applicable, perimeter fencing of open design, such as wrought iron, tubular steel, or vinyl-clad, densely meshed, and heavy-posted chain link, should be installed in order to establish territoriality and defensible space, while maintaining natural surveillance.

#### **LINE OF SIGHT/NATURAL SURVEILLANCE:**

- Common use facility rooms such as conference, laundry, workout rooms, etc. should have doors that contain transparent material for surveillance. Designing a window contiguous to the door would serve the same purpose. Designing doors to these types of rooms so that they can be locked open during hours of use is another recommendation.
- Wide-angled peepholes should be incorporated into all dwelling front doors and to all solid doors where visual scrutiny to the door from public or private space is compromised.
- Stairwells and elevator lobbies should be of open design whenever structurally possible.
- It is highly desirable to design an elevator shaft and cab to be transparent, making occupants of the cab visible from the outside.
- Convex mirrors should be installed in elevator cabs and at stairwell landings.
- Trash enclosures should not hinder needed surveillance.
- Other line of sight obstructions including recessed doorways, alcoves, etc., should be avoided on building exterior walls, and interior hallways.

#### **PARKING STRUCTURE:**

- **The interior of the structure should be painted a light, highly reflective color.**
- **Metal halide, or other bright white light source, should be utilized. No dark areas should exist inside the structure.**
- All storage, maintenance, and trash rooms within the parking garage should have doors which cannot be locked from the inside, and that close and lock quickly and automatically upon exit.
- Alcoves and other visual obstructions that might constitute a hiding place should be eliminated whenever structurally possible. Pillars, columns and other open construction should be utilized over a solid wall design.

- Whenever possible, stairwells should be of open design. When, by necessity, a stairwell is enclosed, convex mirrors should be placed at each stairwell landing, and the stairwell doors should employ as much transparent material as fire code allows.
- Convex mirrors should be placed inside elevator cabs.
- Access control should be utilized for vehicular and pedestrian traffic.

#### **SECURITY SYSTEMS:**

- **CCTV security cameras are recommended, covering the following areas:**
  - Lobby areas
  - Residential corridors
  - Parking garage & entry/exit points
  - Mail rooms
  - Garage storage areas

#### **SIGNAGE/PARKING LOT:**

- All entrances to parking areas should be posted with appropriate signs per 22658(a) CVC, to assist in removal of vehicles at the property owners/managers request.
- "No Trespassing/Loitering" SJMC 10.20.140 (A) and 10.20.140 (D) posted at the entrances of parking lots and located in other appropriate places. Signs must be at least 2'x1' in overall size, with white background and black 2" lettering.

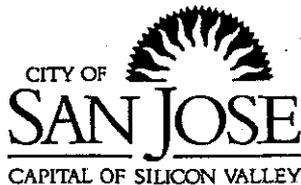
#### **MISCELLANEOUS:**

- File Emergency Notification Form 200-14 with the Police Dept.

Officer William R. Miller #2786  
Environmental Design Detail  
San Jose Police Department

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AUG 20 2007



CITY OF SAN JOSE *Memorandum*  
DEVELOPMENT SERVICES

**TO:** Rodrigo Orduna  
PBCE Dept.

**FROM:** David J. Mitchell  
PRNS Dept.

**SUBJECT:** PDC07-054  
APN 097-520-28

**DATE:** 8-17-07

The above referenced project is located on the northwesterly corner of Vista Montana and North First Street is a Planned Development Rezoning to allow construction of 444 residential units and a five acre park on southwesterly corner of Vista Montana and North First Street in CD4.

If the request to construct 444 residential units and the five acre park is approved by the City, the project will then be subject to the requirements of the Parkland Dedication Ordinance (PDO) or the Park Impact Ordinance (PIO). Due to the proposed size of the housing project is over 50 units and per the requirements of the PDO/PIO, the City can request the Developer to dedicated land as being proposed for the development of a five acre park.

If the project contains any low, very-low, and/or extremely-low income units and those units are restricted for at least 30 years or more, and then those units are exempt from the PDO/PIO requirements. Please provide the number of restricted units, if any, and any private recreational features within the proposed project to Development Services staff in order for the City to determine the actual parkland obligation associated with the proposed project. In order to receive credits for private recreation improvements, the project must either dedicate land for a public park purposes, and/or include at least one of the following elements ("Active Elements") on site:

1. tot lot (play facility for children up to pre-teenage which includes active play structures or apparatus)
2. picnic area (facility containing three tables, barbeque pits and trash receptacles)
3. game court (areas dedicated for active recreation game uses such as tennis, basketball, handball, racquetball, roller hockey, or shuffleboard. Area to include recognized safety zones.)
4. turf playing field (uninterrupted contiguous turf facility of at least 8,000 square feet to accommodate informal or formal active recreation activities such as field sports).
5. Private plaza area of at least 900 sq. ft. that is located adjacent to a public street with seating equaling 75% of the perimeter dimension and open at least 360 days to the general public.
6. Private garden area of at least 900 sq. ft. that is located adjacent to a public street with seating equaling 30% of the perimeter dimension and open at least 360 days to the general public.
7. Private pet amenities areas must be at least 300 sf enclosed area for the exclusive use of the project's residences.
8. Private garden plot area of at least 100 sf per plot for exclusive use of the project's residents.

Rodrigo Orduna  
August 17, 2007  
Subject: PDC-054  
Page 2

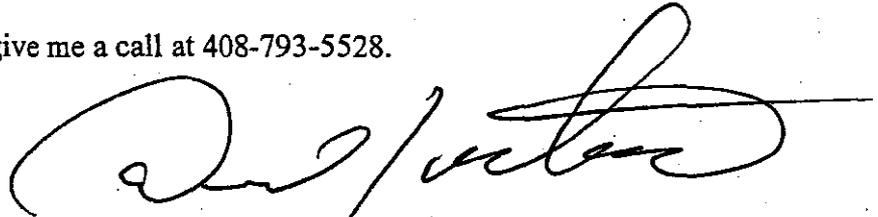
The square footage of land dedication or "Active Elements" can be matched to non-active recreational elements like swimming pools, spas, recreation rooms, craft rooms, and/or fitness centers.

Projects over five stories shall be excluded from the requirements that the project include at least one of the Active Elements described in the Associated Fees and Credit Resolution (No. 73587) (Underground parking does not count as a story).

A parkland credit is equal to the right to construct one new residential unit in the City of San José under the Park Impact Ordinance, Chapter 14.25 SJMC, or the Parkland Dedication Ordinance, Chapter 19.38 SJMC.

A copy of Ordinance No. 27949 and the Associated Fees and Credits Resolution No. 73587 are posted on the City of San José - Parks, Recreation, and Neighborhood Services web site under PDO-PIO or [www.sanjoseca.gov/prns](http://www.sanjoseca.gov/prns). In-lieu Park Fees are subject to change by the City Council. Fee in effect at the time of payment shall govern the amount to be paid.

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



DAVID J. MITCHELL  
Parks Planning Manager



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AUG 16 2007  
*Memorandum*  
CITY OF SAN JOSE  
DEVELOPMENT SERVICES

**TO:** Rodrigo Orduna

**FROM:** Nadia Naum-Stoian

**SUBJECT: INITIAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE: 08/13/07**

Re: Plan Review Comments

**PLANNING NO:** PDC07-054

**DESCRIPTION:** Planned Development Rezoning from the (IP) Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 444 attached residential units on a 12.1 gross acre site.

This is part of the same development proposal that was originally proposed as part of application file PDC06-013. This application file (PDC07-054) and a related file (PDC07-055) were created by splitting the original application file (PDC06-013). Application file number PDC06-013 is now closed and of no effect.

**LOCATION:** westerly and southerly corners of N. First Street and Vista Montana  
**ADDRESS:** westerly and southerly corners of N. First Street and Vista Montana (81 VISTA MONTANA)

**FOLDER #:** 07 024106 ZN

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

- These comments are based on the following information from drawings dated 7/25/07 by MBH Arch.

Largest building: >130,000 sq. ft.

Construction Type: min V 1HR required

Occupancy Group: R1/S3

Number of stories: 4 over garage on grade

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

a) Fire apparatus access roads are not in accordance with the requirements of the SJFC. Fire Apparatus Access is beyond the maximum allowed by Code of 150 feet from any portion of the buildings exterior walls -including interior courts.

The applicant has the option to apply for a variance, and propose means of mitigations for the Fire Code non-compliance. The additional dry-primed standpipe connections shown on sheet 3.6 could be part of the mitigation proposed through the variance process.

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

a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:

- be at least 20 feet wide;
- have an unobstructed vertical clearance of not less than 14 feet;
- be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds;
- have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
- be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet; and
- have a gradient less than or equal to 15%.
- **Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)**
  - i) **Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked**
  - ii) **Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked**

b) Hydrant locations as shown on sheet 3.6 are OK as long as:

All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections. There shall be multiple fire department connections –for both sprinkler system(s) and stand pipe system(s)-on opposite ends of the building subject to the approval of the San Jose Fire Department.

The required fire flow of 4500GPM was confirmed by MUNI dated 11/15/06. New hydrants to be designed to deliver minimum 1000GPM at 20PSI.

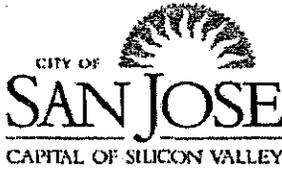
Provide Fire Department personnel route of travel for the interior podium for access to all interior rescue windows. The Fire Department requires all exterior stairways to have direct egress to all interior court(s) without obstructions for equipment (i.e., ladders, etc.) used by this Department for rescue as well as suppression.

Laddering details shown on sheet 3.5 are compliant.

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



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



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AUG 16 2007

CITY OF SAN JOSE  
DEVELOPMENT SERVICES

Memorandum

ENVIRONMENTAL SERVICES (ESD)

TO: Rodrigo Orduna  
Department of Planning,  
Building, & Code Enforcement

FROM: Junko Vroman  
Environmental Services

SUBJECT: Response to Development  
Application

DATE: Staff Review Agenda  
August 9, 2007

APPROVED: *Junko Vroman* DATE: *8-9-07*

PLANNING NO. :	PDC07-054
LOCATION:	westerly and southerly corners of N. First Street and Vista Montana
DESCRIPTION:	Planned Development Rezoning from the (IP) Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 444 attached residential units on a 12.1 gross acre site. This is part of the same development proposal that was originally proposed as part of application fil
APN:	09752028

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 975-2579.

Integrated Waste Management (IWM)

**Multi-Family Residential**

- Current layout presents solid waste hauler vehicle access issues to trash / recycling storage area. Collection vehicle access (drive through access, street width and turning radius) must be addressed. Property management staff may be able to push trash and recycling bins to street level, at curbside, for collection, or request push services from solid waste hauler at a premium charge.
- Ensure trash / recycling bins and storage area size is adequate for site programming.

1. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. Additionally, collection cannot be performed in covered or underground locations. All residential projects must be designed<sup>1</sup> such that they will accommodate garbage and recycling collection vehicles and program setout guidelines ([http://www.sanjoseca.gov/planning/pdf/dg\\_residential.pdf](http://www.sanjoseca.gov/planning/pdf/dg_residential.pdf)). If vehicle access is limited due to clearance issues, street parking, or inaccessible private streets, some services (such as street sweeping or yard trimmings collection) may not be performed, or the property owner may be subject to additional charges. These additional charges may include monthly charges for push services and yard trimmings cart collection. For hauler driver safety, push services are limited to at-grade, paved distances. In instances where push services are not available (e.g., hauler driver cannot push containers up or down ramps), the property owner will be responsible for placing solid waste containers in an accessible location for collection.<sup>2</sup> For questions regarding garbage and recycling collection issues, contact the Recycle Plus Program at (408) 535-3515.
2. The proposed multi-family development must follow the requirements for recycling container space<sup>3</sup>. All residential developments, where central garbage and recycling containers will serve two or more dwelling units, must have space for the storage and collection of recyclables. This includes the provision of recycling chutes wherever garbage chutes are provided. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures.
3. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Additional information may be found at <http://www.sirecycles.org/business/cddd.htm>. For further information, contact the Commercial Solid Waste Program at (408) 535-3515.

## Water Efficiency

### Residential

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

- **High Efficiency Toilets** (1.0 gal/flush) and/or **Dual Flush Toilets** (0.8-1.1 gal/flush for liquids, 1.6 gal/flush for solids) maximize water efficiency. High Efficiency Toilets use at least 20% less water than standard Ultra-Low Flush

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

<sup>2</sup> In accordance with the San Jose Municipal Code, section 9.10 – Solid Waste Management

<sup>3</sup> In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

Toilets (1.6 gal/flush) and Dual Flush Toilets save water by offering two separate flush settings.

- **Water Conserving Dishwashers** can save several gallons of water per load over conventional dishwashers and are typically more energy efficient.
- **High Efficiency Clothes Washers** are more water-and energy-efficient, using from 35 to 50 percent less water and saving up to 50 percent in energy costs over conventional clothes washers.

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

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

### Urban Runoff

Per City of San Jose Stormwater Policy 6-29 all new and redevelopment projects are required to implement post-construction best management practices and treatment control measures to the *maximum extent practicable*. Vegetative swales, bioretention units, and landscape-based BMPs are recommended as the preferred choice for post-construction treatment control measures.

All projects that create or replace 10,000 square feet of impervious surface are required to develop a Stormwater Control Plan with hydraulically sized post-construction treatment control measures to address water quality. The Stormwater Control Plan should be included as a plan set sheet and clearly identify the following: location, size and identification of source control measures and water quality treatment control measures; details of all proposed water quality treatment control measures; location, size and identification of proposed landscaping/plant materials; calculations illustrating that water quality treatment control measures meet numerical sizing standards; existing natural hydrologic features and significant natural resources; soil types; depth to groundwater; 100 year flood elevation; existing and proposed topographic contours with drainage areas and sub areas delineated and arrows showing flow direction; type of impervious surface in each drainage area; and treatment control measure maintenance requirements.

For technical guidance please refer to the SCVURPPP ([www.scvurppp.org](http://www.scvurppp.org)) C.3 Handbook and the CASQA New and Redevelopment Handbook ([www.cabmphandbooks.com/Development.asp](http://www.cabmphandbooks.com/Development.asp))

For details on Post-Construction Urban Runoff Management Policy please see City of San Jose Policy 6-29 ([www.sanjoseca.gov/planning/stormwater/Policy\\_6-29\\_Memo\\_Revisions.pdf](http://www.sanjoseca.gov/planning/stormwater/Policy_6-29_Memo_Revisions.pdf))

## **Source Control**

### **Swimming Pools/Water Features**

Swimming pool and decorative fountain water feature water discharge must conform to the City of San Jose (City) policy for Pool and Spa Water Discharge (Refer to Attachment A). The operation and maintenance of proposed swimming pool area must conform to the guidelines outlined in the Swimming Pool Best Management Practices (BMPs). For a copy of the Swimming Pool BMPs, contact Source Control staff at (408) 945-3000.

### **South Bay Water Recycling (SBWR)**

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

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

### **Green Building**

Strongly encourage the incorporation of Build It Green's residential green building check list into project design.

- New residences developed on the site shall be designed and constructed to meet the requirements of the *Energy Star*<sup>TM</sup> program for new homes. Such residences improve energy efficiency by a minimum of 15% as compared to residences that simply meet the Title 24 requirements. The additional efficiency is typically accomplished through the use of tight construction, energy-saving windows, improved insulation, and super-efficient heating/cooling systems.
- All new buildings shall include a photovoltaic (i.e., solar electric) system on rooftops. An average-sized residential system (2.5 kW) in California produces in excess of 4,000 kWh annually, which equates to 62% of the average electricity demand per residential unit. Commercial systems are generally larger than residential systems and produce commensurately more electricity. (Each square

foot of photovoltaic cells produces approximately 10 watts of power in bright sunlight.)

- The project shall use recycled materials to reduce the use of raw materials and divert material from landfills. Construction material used shall be at least 5-10 percent salvaged or refurbished materials, specifically, a minimum of 25-50 percent of building materials shall contain at least 20 percent post consumer recycled content material, or a minimum of 40 percent post industrial recycled content material.
- The project shall use local and regional materials in order to reduce natural resources necessary from transporting materials over long distances. Of the building materials used, 20-50 percent shall be manufactured within 500 miles of the building site.
- The project shall use rapidly renewable materials in order to reduce the depletion of virgin materials and reduce use of petroleum-based materials. Specifically five percent of total building materials shall be made from rapidly renewable building materials.
- For components of the project where buildings would be made from wood, such as flooring and framing, the project should use a minimum of 50 percent wood-based materials certified in accordance with the Forest Stewardship Council Guidelines (<<http://www.fscoaz.org/index.html>>).
- The project shall select materials with volatile organic compound limits set by the SCAQMD Rule #1168.

# CITY OF SAN JOSE

## ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

### Policy for Pool and Spa Water Discharge

#### STORM DRAIN DISCHARGE

No water from a pool or spa may be drained to a street, storm drain, or anywhere where water might drain to a creek or seasonal stream, unless there is no reasonable alternative, and the following conditions are met:

- The Watershed Protection Division of ESD is contacted for permission prior to discharge;
- There is no residual chlorine in the pool or spa water;
- No copper algicides have been used in the maintenance of the pool or spa water; and
- The water does not contain residues of chemicals or other substances that may have a negative impact on the environmental quality of the receiving waters.

#### SANITARY SEWER DISCHARGE

Pool and spa water may be discharged to the sanitary sewer if the following safety measures are followed:

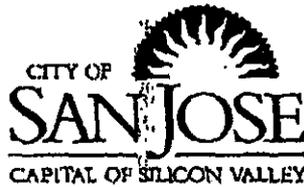
- Backflow is prevented by maintaining an "air gap" between the discharge line and the sewer;
- Discharge flow rate is kept at the level that can be handled by a standard garden hose (This will help to ensure that no flooding of the sanitary sewer will occur); and
- The Watershed Protection Division is contacted regarding the discharge of special cleaning wastes (such as acid wash).

#### SOLIDS DISPOSAL

The following guidelines should be followed to dispose of any solids:

- No diatomaceous earth or filter backwash debris may be discharged to either the storm drain or sanitary sewer;
- Filter out any solids, such as diatomaceous earth and filter backwash debris, before allowing the discharge of pool or spa water; and
- Backwash diatomaceous earth filters can be disposed of onto dirt, and spent diatomaceous earth can be dumped into the garbage.

For more information, please contact the Watershed Protection Division at (408) 945-3000.



# Memorandum

**TO:** Rodrigo Orduna  
Planning Department

**FROM:** Tim Town  
Municipal Water System

**SUBJECT:** Muni Water Comments  
On Proposed Development

**DATE:** August 7, 2007

San Jose Municipal Water System has reviewed the proposed development PDC07-054 regarding a Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 444 single-family attached residences on a 12.1 gross acre site located on both sides of Vista Montana between North First Street and Renaissance Drive, and has the following comments:

There are existing potable water mains available to serve the domestic and fire protection needs of the site. The Fire Department may have special requirements for this development, which may require the construction of additional water facilities. Likewise, domestic needs may warrant modifications to the domestic service facilities.

A recycled water main is located on Vista Montana and may be used for non-potable uses within this development. The design and construction of recycled water facilities shall conform to SBWR Rules and Regulations, and be submitted to Muni Water/SBWR for approval. Standard Details, Specifications and Notes are available to assist with the design and are available by calling (408) 277-3671.

This development shall be subject to the following potable and recycled water fees:

Meter Fee  
Engineering & Inspection Fee

In addition, this development will be responsible for the cost of constructing all potable and recycled water facilities to serve the site. If you have any questions please contact Muni Water/SBWR at 277-3671. Thanks for the opportunity to comment.

*Timothy S. N. Town*  
Timothy S. N. Town  
Associate Civil Engineer  
Municipal Water System

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

**PLANNED DEVELOPMENT ZONING PDC07-054**

**DRAFT**

The following Development Standards are to be placed on the Land Use Plan for this Planned Development Zoning once the Zoning is approved by the City Council. Where these standards conflict with the information on the plan set, these development standards take precedence.

**PERMITTED USES**

Attached residential uses including resident-serving support uses such as offices, club houses, fitness rooms, meeting rooms, and other residential amenities. The use of these amenities shall be restricted to the residents and their guests. Home occupations in conformance with the Zoning Ordinance, as amended, are permitted by right.

Minimum 5-acre park.

Minimum net density: 55 dwelling units per acre

Up to 444 attached residences.

Until such time that the property redevelops, the existing structures shall have the use allowances of the Industrial Park (IP) Zoning District, as amended. Special and Conditional uses in that district shall require issuance of a Planned Development Permit. Small additions or changes to existing or new structures shall be subject to separate review and approval by the Director of Planning, Building, and Code Enforcement. Upon demolition and/or redevelopment of the site(s), the new development shall conform to the residential densities and development standards specified herein.

**DEVELOPMENT STANDARDS**

**Maximum Height:**

95 feet for buildings fronting Vista Montana for a horizontal building depth perpendicular to Vista Montana of up to 300 feet

80 feet at all other locations

**Perimeter Setbacks from Property Line (minimum):**

North First Street Frontage 15 feet to Building

Vista Montana Frontage 10 feet to Building

Renaissance Drive Frontage 10 feet to Building

Northwest Property Line  
Adjacent to the New Private Street

58 feet to Building

**Setback Encroachments:**

Minor architectural projections, such as minor building faces, landscape retaining walls, chimneys, sills, eaves, canopies, bay windows, stoops, porches, balconies, and stairs may project into all setbacks as follows:

Porches and landscape retaining walls may project to a maximum of 10 feet into the setback.

All other allowed projections may project to a maximum of 5 feet into the setback, by no more than 10 feet in width, for no more than 20% of the building elevation length.

**Private Street Width (minimum):**

Northwest property line to back of sidewalk

50 feet

**Parking:**

**Vehicular Parking**

Per the Zoning Ordinance, as amended (a 10% reduction for proximity to transit is applicable per the Zoning Ordinance, as amended).

Tandem parking is permitted within garage open parking configuration to satisfy the total required parking for residential uses.

**Guest Parking**

Per Zoning Ordinance, as amended

**Bicycle Parking**

Per Zoning Ordinance, as amended

**Motorcycle Parking**

Per Zoning Ordinance, as amended

**Open Space:**

A combination of common and private open space at a ratio of at least 160 square feet per unit

**Building Design:**

The building and site design shall comply with the City of San José design guidelines, as amended, to the satisfaction of the City Council and the Director of Planning, Building, and Code Enforcement. The Director of Planning, Building, and Code Enforcement maintains the discretion to approve and implement minor changes to the City Council approved land use plan and development standards with respect to heights, building locations, setbacks, open space, and parking through issuance of Planned Development Permit.

**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.

**Signage:**

All signage for residential uses shall comply with the standards for signage within the Multiple Residence (RM) Zoning District, as amended.

**Homeowners' Association:**

A Home Owners' Association shall be established for all owners of all ownership residential units. The Association will be responsible for maintenance of all common areas including but not limited to parking, vehicular and pedestrian circulation, and all common landscaping.

**Performance Standards:**

Per Zoning Ordinance for residential uses, as amended

**GENERAL NOTES**

**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 José 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.

**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.

**Street Trees:**

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

**Tree Preservation and Removal:**

Trees proposed for removal shall be mitigated as follows:

- A. Ordinance size trees shall be replaced at a 4:1 ratio with 24-inch box trees.
- B. 12” – 17” diameter trees shall be replaced at a 2:1 ratio with 24-inch box trees.
- C. Less than 12” diameter trees shall be replaced at a 1:1 ratio with 15-gallon trees.

**Water Pollution Control Plant Notice**

Pursuant to part 2.75 of chapter 15.12 of the San José Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San José – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San José – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the State of California Regional Water Quality Control Board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

**Post-Construction Storm Water Treatment Controls:**

The City’s National Pollutant Discharge System (NPDES) Permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned Development Permit plans for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the Director of Planning, Building, and Code Enforcement.

**Public Works Conditions:**

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

- 1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
- 2. **Transportation:**
  - a) An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR.
  - b) Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2007 fee is \$7,463.00 per single-family unit and \$5,971 per multi-family unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance. Since this project proposes to transfer the existing industrial credit to the Novellus site (H07-035, southeasterly corner of Vista Montana and 1<sup>st</sup> Street), no credit will be applied to the residential traffic impact fee for this project.
  - c) An operational traffic analysis was prepared for on site circulations, sight distance and queuing capacities. The analysis included cumulative studies of this project and the adjacent development to the west (PDC07-055). Based on the analysis, a traffic signal is

warranted and required at Renaissance Drive and Vista Montana. This signal shall be constructed as part of the first phase development of either this project or the adjacent development (PDC07-055), whichever acquires the first Building Permit.

3. **Grading/Geology:**

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

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

- a) The project's Stormwater Control Plan showing the location and function of all post-construction treatment control measures, and all trees eligible for post-construction treatment control credits.
- b) The preliminary numeric sizing calculations based on the Stormwater Control Plan, prepared by a qualified stormwater professional (civil engineer, licensed architect or landscape architect), used to determine runoff quantity and to design/select the post-construction treatment control measures.
- c) Location, size, and identification (including description), of types of water quality treatment control measures such as swales, detention basins, bioretention, etc.
- d) Location, size and identification of proposed landscaping/plant material.
- e) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- f) 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.

5. **Flood: Portions in Zone A & Zone A99**
  - a) This project is proposing to construct podium garages for all the buildings and the placement of fill. Portions of the project site are in Flood Zone A.
  - b) The flood zone designation for portions of the project site is Flood Zone A (no established base flood elevation), effective October 7, 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 a new LOMR issued by FEMA on June 30, 2006 and effective on October 25, 2006 that shows the project site in Zone AH, elevation 5.00' NGVD 1929. Since the project site may be subject to tidal flooding, a higher flood elevation will be used.
  - c) The following conditions apply:
    - i) Elevate the lowest floor of all proposed buildings, including basement, above 9.00' 1929 NGVD.
    - ii) This project should apply for a Conditional Letter of Map Revision Based on Fill (CLOMR-F) that provides comment on the proposed project by FEMA. The CLOMR-F is required prior to issuance of a building permit.
    - iii) The approved Letter of Map Revision Based on Fill (LOMR-F) is required prior to issuance of an occupancy permit.
    - iv) 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.
    - v) 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.
    - vi) The project site is also within the 1987 North San Jose Floodplain Management Study (NSJFMS) area. The NSJFMS has been updated to reflect the completed Downtown and Lower Guadalupe River Flood Protection Projects and to show the resulting blockage requirements for applicable projects in North San Jose. Based on the Final NSJFMS Update, the project site is within the ineffective flow area and is not subject to the blockage requirements.
6. **Sanitary Sewer:** Based on the flow monitoring data and sewer analysis, the existing sanitary sewer pipe in Vista Montana and Renaissance Drive do not have adequate capacity to serve the proposed development. This project shall upgrade the existing sanitary sewer pipes along Vista Montana and Renaissance Drive. The specific location and pipe size will be determined at PD permit stage.
7. **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.
8. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
9. **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 project frontages.
  - c) Construct City standard curb, gutter and 10' sidewalk with tree wells at the back of curb along all project frontages.
  - d) Extend the existing storm drainage system along the northerly Renaissance Drive frontage to property line.
  - e) Install a new traffic signal at Vista Montana and Renaissance Drive (see 3c, above).
  - f) Close unused driveway cut(s).
  - g) Construct standard City of San Jose 26' wide driveways.
  - h) Re-construct existing handicap ramps at all project corners to current City standard.
  - i) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
  - j) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
10. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project, and 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.
11. **Electrical:**
- a) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
  - b) Locate and protect existing electrical conduit in driveway and/or sidewalk during construction.
12. **Street Trees:**
- a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
  - b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
  - c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.
13. **Private Streets:**
- a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
  - b) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.
14. **Reclaimed Water:** This project is required to use reclaimed water for all outdoor irrigation, which includes both public and private landscape.

## **ENVIRONMENTAL MITIGATION**

The environmental Mitigation Measures listed as part of the “Vista Montana Park” Initial Study, File Nos. PDC07-054, PDC07-055, and H07-035, which was certified for the subject project, are required and shall be included in the project at the Planned Development Permit stage. The project environmental mitigation is included in the findings adopted for the project in City Council Resolution 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.

Additionally, the project shall comply with the following mitigation measures. Alternative mitigation may be approved by the Director of Planning through a Planned Development Permit.

### **Air Quality During Demolition**

1. The following dust control measures shall be implemented by project contractors during demolition and on-site recycling of materials and shall be reflected as notes on the project plans prior to issuance of demolition permits:
  - Water to control dust generation during demolition of structures and break-up of pavement. Concrete crusher should add water to materials at point(s) of entry and whenever materials will be dropped or dumped;
  - Cover all trucks hauling demolition debris from the site;
  - Use dust-proof chutes to load debris into trucks whenever feasible. Watering should be used to control dust generation during transport and handling of recycled materials;
  - All crushing or screening equipment used on site for the recycling of materials will be permitted by the Bay Area Air Quality Management District or the state’s portable equipment statewide registration program, and utilize Best Available Control Technology for that type of equipment.

### **Air Quality During Construction**

2. The following construction practices shall be implemented during all phases of construction on the project site and shall be reflected as notes on the project plans prior to issuance of grading or building permits:
  - Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non toxic stabilizers or dust palliatives;
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two (2) feet of freeboard;
  - Pave, apply water three times daily, or apply (non toxic) soil stabilizers on all parking areas and staging areas at construction sites;
  - Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff related impacts to water quality;

- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets;
  - 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;
  - Minimize idling time (5 minutes maximum);
  - Maintain properly tuned equipment;
  - Limit the hours of operation of heavy equipment and/or the amount of equipment in use.
3. The following construction practices shall be implemented during all phases of construction on the project site and shall be reflected as notes on the project plans prior to issuance of grading or building permits:
- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit, as established by City ordinance. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
  - Equip all internal combustion engine driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.
  - Locate stationary noise generating equipment (e.g., portable concrete crusher) as far as possible from sensitive receptors.
  - Utilize "quiet" air compressors and other stationery noise sources where technology exists.
  - The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction 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 contractor or project applicant shall designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The applicant shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

**Hydrology, Drainage, and Water Quality**

6. The project will use permeable podiums which consist of paving stones underlain with gravel or drain rock overlying a sloped concrete structural pad with waterproofing/protection board/drain mat. Where feasible the project will direct storm water runoff from the impervious areas of the site to permeable pavement and media filtration units.
7. The project shall comply with Provision C.3 of the City of San José's NPDES Permit, which provides enhanced performance standards for the management of storm water for new and redevelopment projects.
8. The project shall comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), and Post-Construction Hydromodification Management Policy (Policy 8-14), which establish general guidelines and minimum Best Management Practices (BMPs) for specific land uses. BMPs that may be used on the site include:
  - Landscape swales;
  - Planter boxes;
  - Mechanical treatment units (hydrodynamic separators);
  - Location of all storm drain inlets to be stenciled with, "No Dumping! Flows to Bay"; and
  - Covering all trash enclosures and materials handling areas.
9. Prior to construction of any phase of the project, the City shall require the applicant(s) to submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The
10. Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:
  - Soil stabilization practices;
  - Sediment control practices;
  - Sediment tracking control practices;
  - Wind erosion control practices; and
  - Non-storm water management and waste management and disposal control practices.
11. Prior to issuance of a Grading Permit, the applicant shall be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

12. Each phase of development shall comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

**Biological Resources**

13. All trees to be removed from the site shall be replaced at the City's tree replacement ratios.
14. In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building & Code Enforcement, at the Planned 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) will be identified for additional tree planting. Alternative sites may be located in the nearby neighborhood and include street trees in surrounding neighborhood streets, trees in 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 after prior input from the applicant and the community.
  - A donation of \$300 per mitigation tree to San José Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.
16. Trees proposed for retention on the site shall be protected under the following Tree Preservation Guidelines prepared by the project arborist and outlined below.
  - Prior to initiation of construction activity, temporary barricades shall be installed around all trees in the construction area. Six-foot high, chain link fences are to be mounted on steel posts, driven two feet into the ground, at no more than 10-foot spacing. The fences shall enclose the entire area under the drip line of the trees or as close to the drip line area as practical. These barricades will be placed around individual trees and/or groups of trees as the existing environment dictates. The temporary barricades will serve to protect trunks, roots and branches from mechanical injuries, will inhibit stockpiling of construction materials or debris within the sensitive 'drip line' areas and will prevent soil compaction from increased vehicular/pedestrian traffic. No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground around the tree canopy shall not be altered. These barricades should remain in place until final inspection of the building permit, except for work specifically required in the approved plans to be done under the trees to be protected. Designated areas beyond the drip lines of any trees should be provided for construction materials and on site parking.
  - During and upon completion of any trenching/grading operation within a tree's drip line, should any roots greater than one (1) inch in diameter be damaged, broken or severed, root pruning to include flush cutting and sealing of exposed roots should be accomplished under the supervision of a qualified arborist to minimize root deterioration beyond the soil line within twenty-four (24) hours.

- Pruning of the foliar canopies to include removal of deadwood is recommended and should be initiated prior to construction operations. Such pruning will provide any necessary construction clearance, will lessen the likelihood or potential for limb breakage, reduce ‘wind-sail’ effect and provide an environment suitable for healthy and vigorous growth.
- A program of fertilization by means of deep root soil injection is recommended with applications in spring and summer for those trees to be impacted by construction. Such fertilization will serve to stimulate feeder root development, offset shock/stress as related to construction and/or environmental factors, encourage vigor, alleviate soil compaction and compensate for any encroachment of natural feeding root areas. Inception of this fertilizing program is recommended prior to the initiation of construction activity.
- A supplemental irrigation program for pine and redwood trees shall be accomplished at regular three to four week intervals during the period of May 1st through October 31st. Irrigation is to be applied at or about the ‘drip line’ in an amount sufficient to supply approximately 15 gallons of water for each inch in trunk diameter. Irrigation can be provided by means of a soil needle, ‘soaker’ or permeable hose. When using ‘soaker’ or permeable hoses, water is to be run at low pressure, avoiding runoff/puddling, allowing the needed moisture to penetrate the soil to feeder root depths.
- Mulching with wood chips (maximum depth three inches) within tree environments (outer foliar perimeter) shall be used, as appropriate, to lessen moisture evaporation from soil, protect and encourage adventitious roots and minimize possible soil compaction.
- Periodic inspections by the project arborist shall be completed during construction activities, particularly as trees are impacted by trenching/grading operations. Inspections at approximate four week intervals would be sufficient to assess and monitor the effectiveness of the Tree Preservation Plan and to provide recommendations for any additional care or treatment.

#### **Hazardous Materials and Hazards**

17. Although hazardous materials contamination that could impact future residential uses has not been identified on the site, the project includes the following measures to avoid potential impacts in the event hazardous materials contamination is encountered during building demolition and site excavation:

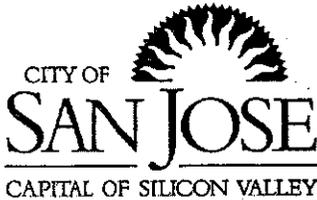
- The project will comply with all procedures outlined in the Soil Management Plan for the demolition and excavation activities on site. A qualified engineer or geologist will visit the site during demolition activities to monitor the removal of pavement and concrete slabs. The qualified engineer or geologist will observe exposed soils for evidence of odors or staining. If potentially contaminated soil is identified during site observation, additional assessment will be conducted consisting of soil sampling, laboratory analysis and data evaluation.
- Soils exported from the site will be tested in compliance with the Soil Management Plan.
- Future residents of the site would be unlikely to have contact with existing soils on the site since most of the units proposed by the project will be built over a podium structure. In the event future residents could come into contact with soils in unexcavated areas of the site, samples will be taken at depths of six to twelve inches below the ground surface in these areas following site clearance and prior to building construction. Samples shall be analyzed for metals, VOCs, petroleum hydrocarbons, and organochlorine pesticides. Any contaminated soils identified in these areas will be remediated to a level appropriate for residential use. Results of the sampling

shall be submitted for review to the Environmental Principal Planner in the Department of Planning, Building and Code Enforcement and the City's Environmental Compliance Officer prior to issuance of building permits in the sampling area.

### **Cultural Resources**

18. A qualified archaeologist shall be retained to inspect the development areas after the removal of existing buildings, parking lots, and landscaping areas to search for archaeological deposits which may have survived previous building episodes on the property. In the event any materials are discovered, the project archaeologist shall provide the Director of Planning, Building, and Code Enforcement with a proposal to evaluate the discovery through a program of limited hand excavation to determine: 1) if the deposit is historically undisturbed, and 2) if the deposit(s) possess research qualities which may make them eligible for inclusion on the California Register of Historic Resources. In the event that evaluation demonstrates the presence of historically intact and significant resource deposits, work should remain halted in the area designated by the project archaeologist until a mitigation plan is submitted to the Director of Planning, Building, and Code Enforcement for review and approval. Mitigation measures may include limited data recovery through hand excavation coupled with a program of archaeological monitoring inside the area designated as archaeologically sensitive. The mitigation plan will ensure that all significant archaeological materials are identified, recorded, and/or removed for additional analysis prior to work recommencing in the area of the archaeological discovery.
19. In the event any unanticipated prehistoric or significant historic era cultural materials are exposed during construction, all grading and/or excavation operations within 50 feet of the find shall be halted, the Director of Planning,
20. Building and Code Enforcement shall be notified, and a qualified professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.
21. In the event that human remains are found, all project-related construction shall cease within a 50-foot radius of the find in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
  - In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
  - A final report shall be submitted to the Director of Planning, Building and Code Enforcement. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning, Building and Code Enforcement.

4.G.2



Department of Planning, Building and Code Enforcement

JOSEPH HORWEDEL, DIRECTOR

**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**

PDC07-055. Planned Development Rezoning from the IP Industrial Park Zoning District to the A (PD) Planned Development Zoning District to allow up to 554 attached residential units and a 1-acre park for a project located at the northwest corner of Tasman Drive and Vista Montana on an 8.68-gross-acre site from the Industrial Park (IP) Zoning District to the Planned Development A(PD) Zoning District..

Council District 4.

County Assessor's Parcel Numbers: 097-52-028 and 097-52-029

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Development Policies Update EIR," and findings were adopted by City Council Resolution No. 72768 on June 21, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology      | <input checked="" type="checkbox"/> Noise                       |
| <input checked="" type="checkbox"/> Cultural Resources      | <input checked="" type="checkbox"/> Hazardous Materials    | <input checked="" type="checkbox"/> Land Use                    |
| <input checked="" type="checkbox"/> Urban Services          | <input checked="" type="checkbox"/> Biotics                | <input checked="" type="checkbox"/> Air Quality                 |
| <input checked="" type="checkbox"/> Aesthetics              | <input checked="" type="checkbox"/> Airport Considerations | <input checked="" type="checkbox"/> Microclimate                |
| <input checked="" type="checkbox"/> Energy                  | <input checked="" type="checkbox"/> Relocation Issues      | <input checked="" type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Transportation          | <input checked="" type="checkbox"/> Utilities              | <input checked="" type="checkbox"/> Facilities and Services     |
| <input checked="" type="checkbox"/> Water Quality           | <input type="checkbox"/> _____                             |   |

**ANALYSIS:**

See Attached Initial Study for the Vista Montana Park project, File Nos. PDC07-054, PDC07-055, and H07-035.

Rodrigo Orduña, AICP  
Project Manager

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

9/19/07  
Date

Atomi Sanchez  
Deputy



07/25/2007

Scale: 1"= 350'  
Noticing Radius: 500 feet

**File No: PDC07-055**

**District: 4**

**Quad No: 35**

# Memorandum

**TO:** Rodrigo Orduna  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 09/20/07

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**PLANNING NO.:** PDC07-055  
**DESCRIPTION:** Planned Development Rezoning from the IP Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 554 attached residential units and a 1-acre park on a 8.7 gross acre site.  
**LOCATION:** northwesterly corner of Vista Montana and W. Tasman Drive  
**P.W. NUMBER:** 3-18025

Public Works received the subject project on 07/30/07 and submits the following comments and requirements.

## **Project Conditions:**

1. **Public Works Development Review Fees: Additional Public Works Review Fees are due. Prior to the project being cleared for the hearing and approval process, these fees shall be paid to the Development Services Cashier using the attached invoice(s). Additional fees due are as follows:**
  - a) A Zoning fee in the amount of \$6,378.00 (\$2,500 + \$7/du).
  - b) An additional complexity fee in the amount of \$6,378.00.
  - c) A Flood Review Fee of \$150.00.
  - d) An NPDES - C.3 Requirements Review Fee of \$2,320.00.
  - e) A Traffic Operational Study Review Fee of \$875.25

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

2. **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.

**3. Transportation:**

- a) An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR.
- b) Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2007 fee is \$7,463.00 per single-family unit and \$5,971 per multi-family unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance. This project proposes to transfer part of the existing industrial credit, approximately 58,000 s.f. to the Novellus site (H07-035, southeasterly corner of Vista Montana and 1<sup>st</sup> Street), the remaining credit will be calculated and applied to the residential traffic impact fee for this project.
- c) An operational traffic analysis was prepared for on site circulations, sight distance and queuing capacities. The analysis included cumulative studies of this project and the adjacent development to the east (PDC07-054). Based on the analysis, a traffic signal is warranted and required at Renaissance Drive and Vista Montana. This signal shall be constructed as part of the first phase development of either this project or the adjacent development (PDC07-054), whichever acquires the first Building Permit.

**4. 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.

- 5. 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. At the PD Permit stage, submit the following:

- a) The project's Stormwater Control Plan showing the location and function of all post-construction treatment control measures, and all trees eligible for post-construction treatment control credits.
- b) The preliminary numeric sizing calculations based on the Stormwater Control Plan, prepared by a qualified stormwater professional (civil engineer, licensed architect or landscape architect), used to determine runoff quantity and to design/select the post-construction treatment control measures.
- c) Location, size, and identification (including description), of types of water quality treatment control measures such as swales, detention basins, bioretention, etc.
- d) Location, size and identification of proposed landscaping/plant material.
- e) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- f) 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.

**6. Flood: Portions in Zone AH, Elevation 5.00' 1929 National Geodetic Vertical Datum (NGVD) and Zone X**

- a) This project is proposing to construct podium garages for all the buildings and the placement of fill.
- b) The flood zone designation for portions of the project site is Flood Zone AH, Elevation 5.00', effective October 25, 2006, 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 portions of 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). Since the project site may be subject to tidal flooding, a higher flood elevation will be used.
- c) The following conditions apply:
  - i) Elevate the lowest floor of all proposed buildings, including basement, above 9.00' 1929 NGVD.
  - ii) This project should apply for a Conditional Letter of Map Revision Based on Fill (CLOMR-F) that provides comment on the proposed project by FEMA. The CLOMR-F is required prior to issuance of a building permit.
  - iii) The approved Letter of Map Revision Based on Fill (LOMR-F) is required prior to issuance of an occupancy permit.
  - iv) 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.

- v) 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.
  - vi) The project site is also within the 1987 North San Jose Floodplain Management Study (NSJFMS) area. The NSJFMS has been updated to reflect the completed Downtown and Lower Guadalupe River Flood Protection Projects and to show the resulting blockage requirements for applicable projects in North San Jose. Based on the Final NSJFMS Update, the project site is within the ineffective flow area and is not subject to the blockage requirements.
7. **Sanitary Sewer:** Based on the flow monitoring data and sewer analysis, the existing sanitary sewer pipe in Vista Montana does not have adequate capacity to serve the proposed development. This project shall upgrade the existing sanitary sewer pipes along Vista Montana. The specific location and pipe size will be determined at PD permit stage.
8. **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.
9. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
10. **Street Improvements:**
- a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - b) Construct the proposed new public street (adjacent to the one-acre park at east side of project) to City standard. The right-of-way width shall be 56' with 36' curb to curb and 10' sidewalk on both sides.
  - c) Construct cul-de-sac bulb at the end of the proposed public street and provide standard driveway to the new private street at the north end of project.
  - d) Construct City standard curb, gutter and 10' sidewalk with tree wells at the back of curb along all project frontages.
  - e) Extend the existing storm drainage system (cross connect between the existing 18" and 24" mains) along Vista Montana. The size of pipe will be determined at PD permit stage.
  - f) Install a new traffic signal at Vista Montana and Renaissance Drive (see 3c, above).
  - g) Close unused driveway cut(s).
  - h) Construct standard City of San Jose 26' wide driveways.
  - i) Re-construct existing handicap ramps at all project corners to current City standard.

- j) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- k) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

11. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project, and 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.

12. **Electrical:**

- a) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
- b) Locate and protect existing electrical conduit in driveway and/or sidewalk during construction.

13. **Street Trees:**

- a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
- b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
- c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.

14. **Private Streets:**

- a) The proposed new street at the north end of project shall be a private street. Public pedestrian and bicycle easements shall be required for public access to the one-acre park.
- b) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
- c) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.

15. **Reclaimed Water:** This project is required to use reclaimed water for all outdoor irrigation, which includes both public and private landscape.

16. **Referrals:** This project should be referred to the Santa Clara Valley Transportation Authority (VTA).

Planning and Building

09/20/07

Subject: PDC07-055

Page 6 of 6

Please contact the Project Engineer, Vivian Tom, at (408) 535-6819 if you have any questions.



Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division



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# Memorandum

**TO:** Joseph Horwedel  
Director of Planning

**FROM:** Officer Bill Miller #2786  
CPTED Detail

**PROJECT MANAGER:** RODRIGO ORDUNA  
**PLANNING FILE #:** PDC07-055

**DATE:** August 20, 2007

**LOCATION:** Northwesterly corner of Vista Montana and Tasman Drive.

**DESCRIPTION:** Planned Development Rezoning from the (IP) Industrial Park Zoning to the A(PD) Planned Development Zoning District to allow up to 554 attached residential units and a 1-acre park on a 8.7 gross acre site. This is part of the same development proposal that was originally proposed as part of the application.

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The following comments are a guide for safety and security concerns that may affect a high-density development such as the one being proposed. These comments may change as the project develops further details. It should be noted that emphasis should be placed on security in the parking garage, guest parking issues, pedestrian pathways around the development, and access control to the residential units. It is recommended that a development this size have on-site security 24/7.

## ADDRESSING:

- A complex map is recommended which incorporates an elevated view of the complex buildings and addresses. It should be illuminated during the hours of darkness and positioned so as to be readily readable from main pedestrian access entrance(s), or placed contiguous to a vehicular entrance to the development where it will not cause stacking problems when being viewed.

## LIGHTING:

- Adequate lighting of guest parking and associated driveways, pedestrian pathways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with enough lighting of sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons, property, and vehicles on site.

## FENCING/ACCESS CONTROL:

- Access control should be implemented to the parking structure. Adequate pedestrian and vehicular access control to the development can mitigate many potentially problematic safety issues with regard to surveillance and unwanted entry. A slightly recessed access control gate should be utilized at all parking garage openings. It can be recessed enough so the development won't take on the appearance of a "fortress" but not so far away from the opening that a possible entrapment/ambush area is created.

- To further enhance safety, I strongly recommend that a “digital keypad” type entry system be utilized for apartment residence access, (over keycards, scanners, etc.). This type of entry allows for quick and unhampered emergency personnel access to the interior of the development in the event of a critical incident or medical emergency. This is because emergency personnel in route to an event can confidentially access the entry code via a mobile computer.
- When applicable, perimeter fencing of open design, such as wrought iron, tubular steel, or vinyl-clad, densely meshed, and heavy-posted chain link, should be installed in order to establish territoriality and defensible space, while maintaining natural surveillance.

#### LINE OF SIGHT/NATURAL SURVEILLANCE:

- Common use facility rooms such as conference, laundry, workout rooms, etc. should have doors that contain transparent material for surveillance. Designing a window contiguous to the door would serve the same purpose. Designing doors to these types of rooms so that they can be locked open during hours of use is another recommendation.
- Wide-angled peepholes should be incorporated into all dwelling front doors and to all solid doors where visual scrutiny to the door from public or private space is compromised.
- Stairwells and elevator lobbies should be of open design whenever structurally possible.
- It is highly desirable to design an elevator shaft and cab to be transparent, making occupants of the cab visible from the outside.
- Convex mirrors should be installed in elevator cabs and at stairwell landings.
- Trash enclosures should not hinder needed surveillance.
- Other line of sight obstructions including recessed doorways, alcoves, etc., should be avoided on building exterior walls, and interior hallways.

#### PARKING STRUCTURE:

- **The interior of the structure should be painted a light, highly reflective color.**
- **Metal halide, or other bright white light source, should be utilized. No dark areas should exist inside the structure.**
- All storage, maintenance, and trash rooms within the parking garage should have doors which cannot be locked from the inside, and that close and lock quickly and automatically upon exit.
- Alcoves and other visual obstructions that might constitute a hiding place should be eliminated whenever structurally possible. Pillars, columns and other open construction should be utilized over a solid wall design.

- Whenever possible, stairwells should be of open design. When, by necessity, a stairwell is enclosed, convex mirrors should be placed at each stairwell landing, and the stairwell doors should employ as much transparent material as fire code allows.
- Convex mirrors should be placed inside elevator cabs.
- Access control should be utilized for vehicular and pedestrian traffic.

#### **SECURITY SYSTEMS:**

- **CCTV security cameras are recommended, covering the following areas:**
  - Lobby areas
  - Residential corridors
  - Parking garage & entry/exit points
  - Mail rooms
  - Garage storage areas

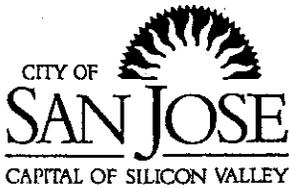
#### **SIGNAGE/PARKING LOT:**

- All entrances to parking areas should be posted with appropriate signs per 22658(a) CVC, to assist in removal of vehicles at the property owners/managers request.
- "No Trespassing/Loitering" SJMC 10.20.140 (A) and 10.20.140 (D) posted at the entrances of parking lots and located in other appropriate places. Signs must be at least 2'x1' in overall size, with white background and black 2" lettering.

#### **MISCELLANEOUS:**

- File Emergency Notification Form 200-14 with the Police Dept.

Officer William R. Miller #2786  
Environmental Design Detail  
San Jose Police Department



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CITY OF SAN JOSE  
DEVELOPMENT SERVICES

# Memorandum

**TO:** Rodrigo Orduna  
PBCE Dept.

**FROM:** David J. Mitchell  
PRNS Dept.

**SUBJECT:** PDC07-055  
APN 097-720-28

**DATE:** 8-17-07

The above referenced project is located on the northwesterly corner of Vista Montana and Tasman Drive is a Planned Development Rezoning to allow construction of 554 residential units and a 1 acre park on 8.7 gross acre site in CD4.

If the request to construct 554 residential units and the one acre park is approved by the City, the project will then be subject to the requirements of the Parkland Dedication Ordinance (PDO) or the Park Impact Ordinance (PIO). Due to the proposed size of the housing project is over 50 units and per the requirements of the PDO/PIO, the City can request the Developer to dedicated land as being proposed for the development of a 1 acre park

If the project contains any low, very-low, and/or extremely-low income units and those units are restricted for at least 30 years or more, and then those units are exempt from the PDO/PIO requirements. Please provide the number of restricted units, if any, and any private recreational features within the proposed project to Development Services staff in order for the City to determine the actual parkland obligation associated with the proposed project. In order to receive credits for private recreation improvements, the project must either dedicate land for a public park purposes, and/or include at least one of the following elements ("Active Elements") on site:

1. tot lot (play facility for children up to pre-teenage which includes active play structures or apparatus)
2. picnic area (facility containing three tables, barbeque pits and trash receptacles)
3. game court (areas dedicated for active recreation game uses such as tennis, basketball, handball, racquetball, roller hockey, or shuffleboard. Area to include recognized safety zones.)
4. turf playing field (uninterrupted contiguous turf facility of at least 8,000 square feet to accommodate informal or formal active recreation activities such as field sports).
5. Private plaza area of at least 900 sq. ft. that is located adjacent to a public street with seating equaling 75% of the perimeter dimension and open at least 360 days to the general public.
6. Private garden area of at least 900 sq. ft. that is located adjacent to a public street with seating equaling 30% of the perimeter dimension and open at least 360 days to the general public.
7. Private pet amenities areas must be at least 300 sf enclosed area for the exclusive use of the project's residences.
8. Private garden plot area of at least 100 sf per plot for exclusive use of the project's residents.

Rodrigo Orduna  
August 17, 2007  
Subject: PDC-055  
Page 2

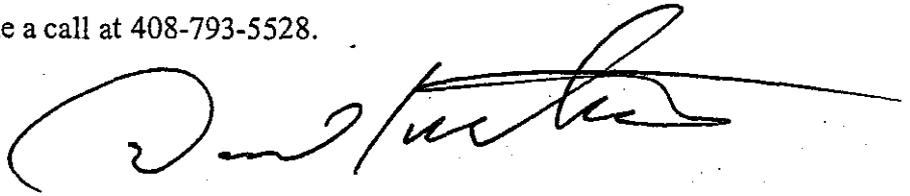
The square footage of land dedication or "Active Elements" can be matched to non-active recreational elements like swimming pools, spas, recreation rooms, craft rooms, and/or fitness centers.

Projects over five stories shall be excluded from the requirements that the project include at least one of the Active Elements described in the Associated Fees and Credit Resolution (No. 73587) (Underground parking does not count as a story).

A parkland credit is equal to the right to construct one new residential unit in the City of San José under the Park Impact Ordinance, Chapter 14.25 SJMC, or the Parkland Dedication Ordinance, Chapter 19.38 SJMC.

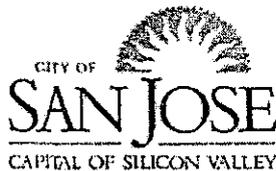
A copy of Ordinance No. 27949 and the Associated Fees and Credits Resolution No. 73587 are posted on the City of San José - Parks, Recreation, and Neighborhood Services web site under PDO-PIO or [www.sanjoseca.gov/prns](http://www.sanjoseca.gov/prns) . In-lieu Park Fees are subject to change by the City Council. Fee in effect at the time of payment shall govern the amount to be paid.

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



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DAVID J. MITCHELL  
Parks Planning Manager



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AUG 16 2007

CITY OF SAN JOSE  
DEVELOPMENT SERVICES

# Memorandum

## ENVIRONMENTAL SERVICES (ESD)

**TO:** Rodrigo Orduna  
Department of Planning,  
Building, & Code Enforcement

**FROM:** Junko Vroman  
Environmental Services

**SUBJECT:** Response to Development  
Application

**DATE:** Staff Review Agenda  
August 9, 2007

**APPROVED:** *Junko Vroman* **DATE:** *8-9-07*

PLANNING NO.:	PDC07-055
LOCATION:	northwesterly corner of Vista Montana and W. Tasman Drive
DESCRIPTION:	Planned Development Rezoning from the IP Industrial Park Zoning District to the A(PD)-Planned Development Zoning District to allow up to 554 attached residential units and a 1-acre park on a 8.7 gross acre site. This is part of the same development proposal that was originally proposed as part of app
APN:	09752028

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 975-2579.

### Integrated Waste Management (IWM)

#### Multi-Family Residential

- Current layout presents solid waste hauler vehicle access issues to trash / recycling storage area. Collection vehicle access (drive through access, street width and turning radius) must be addressed. Property management staff may be able to push trash and recycling bins to street level, at curbside, for collection, or request push services from solid waste hauler at a premium charge.
- Ensure trash / recycling bins and storage area size is adequate for site programming.

1. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. Additionally, collection cannot be performed in covered or underground locations. All residential projects must be designed<sup>1</sup> such that they will accommodate garbage and recycling collection vehicles and program setout guidelines ([http://www.sanjoseca.gov/planning/pdf/dg\\_residential.pdf](http://www.sanjoseca.gov/planning/pdf/dg_residential.pdf)). If vehicle access is limited due to clearance issues, street parking, or inaccessible private streets, some services (such as street sweeping or yard trimmings collection) may not be performed, or the property owner may be subject to additional charges. These additional charges may include monthly charges for push services and yard trimmings cart collection. For hauler driver safety, push services are limited to at-grade, paved distances. In instances where push services are not available (e.g., hauler driver cannot push containers up or down ramps), the property owner will be responsible for placing solid waste containers in an accessible location for collection.<sup>2</sup> For questions regarding garbage and recycling collection issues, contact the Recycle Plus Program at (408) 535-3515.
2. The proposed multi-family development must follow the requirements for recycling container space<sup>3</sup>. All residential developments, where central garbage and recycling containers will serve two or more dwelling units, must have space for the storage and collection of recyclables. This includes the provision of recycling chutes wherever garbage chutes are provided. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures.
3. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Additional information may be found at <http://www.sjrecycles.org/business/cddd.htm>. For further information, contact the Commercial Solid Waste Program at (408) 535-3515.

## Water Efficiency

### **Residential**

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

- **High Efficiency Toilets** (1.0 gal/flush) and/or **Dual Flush Toilets** (0.8-1.1 gal/flush for liquids, 1.6 gal/flush for solids) maximize water efficiency. High Efficiency Toilets use at least 20% less water than standard Ultra-Low Flush

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

<sup>2</sup> In accordance with the San Jose Municipal Code, section 9.10 – Solid Waste Management

<sup>3</sup> In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

Toilets (1.6 gal/flush) and Dual Flush Toilets save water by offering two separate flush settings.

- **Water Conserving Dishwashers** can save several gallons of water per load over conventional dishwashers and are typically more energy efficient.
- **High Efficiency Clothes Washers** are more water-and energy-efficient, using from 35 to 50 percent less water and saving up to 50 percent in energy costs over conventional clothes washers.

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

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

### **Urban Runoff**

Per City of San Jose Stormwater Policy 6-29 all new and redevelopment projects are required to implement post-construction best management practices and treatment control measures to the *maximum extent practicable*. Vegetative swales, bioretention units, and landscape-based BMPs are recommended as the preferred choice for post-construction treatment control measures.

All projects that create or replace 10,000 square feet of impervious surface are required to develop a Stormwater Control Plan with hydraulically sized post-construction treatment control measures to address water quality. The Stormwater Control Plan should be included as a plan set sheet and clearly identify the following: location, size and identification of source control measures and water quality treatment control measures; details of all proposed water quality treatment control measures; location, size and identification of proposed landscaping/plant materials; calculations illustrating that water quality treatment control measures meet numerical sizing standards; existing natural hydrologic features and significant natural resources; soil types; depth to groundwater; 100 year flood elevation; existing and proposed topographic contours with drainage areas and sub areas delineated and arrows showing flow direction; type of impervious surface in each drainage area; and treatment control measure maintenance requirements.

For technical guidance please refer to the SCVURPPP ([www.scvurppp.org](http://www.scvurppp.org)) C.3 Handbook and the CASQA New and Redevelopment Handbook ([www.cabmphandbooks.com/Development.asp](http://www.cabmphandbooks.com/Development.asp))

For details on Post-Construction Urban Runoff Management Policy please see City of San Jose Policy 6-29 ([www.sanjoseca.gov/planning/stormwater/Policy\\_6-29\\_Memo\\_Revisions.pdf](http://www.sanjoseca.gov/planning/stormwater/Policy_6-29_Memo_Revisions.pdf))

## **Source Control**

### **Swimming Pools/Water Features**

Swimming pool and decorative fountain water feature water discharge must conform to the City of San Jose (City) policy for Pool and Spa Water Discharge (Refer to Attachment A). The operation and maintenance of proposed swimming pool area must conform to the guidelines outlined in the Swimming Pool Best Management Practices (BMPs). For a copy of the Swimming Pool BMPs, contact Source Control staff at (408) 945-3000.

### **South Bay Water Recycling (SBWR)**

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

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

### **Green Building**

Strongly encourage the incorporation of Build It Green's residential green building check list into project design.

- New residences developed on the site shall be designed and constructed to meet the requirements of the *Energy Star*<sup>™</sup> program for new homes. Such residences improve energy efficiency by a minimum of 15% as compared to residences that simply meet the Title 24 requirements. The additional efficiency is typically accomplished through the use of tight construction, energy-saving windows, improved insulation, and super-efficient heating/cooling systems.
- All new buildings shall include a photovoltaic (i.e., solar electric) system on rooftops. An average-sized residential system (2.5 kW) in California produces in excess of 4,000 kWh annually, which equates to 62% of the average electricity demand per residential unit. Commercial systems are generally larger than

residential systems and produce commensurately more electricity. (Each square foot of photovoltaic cells produces approximately 10 watts of power in bright sunlight.)

- The project shall use recycled materials to reduce the use of raw materials and divert material from landfills. Construction material used shall be at least 5-10 percent salvaged or refurbished materials, specifically, a minimum of 25-50 percent of building materials shall contain at least 20 percent post consumer recycled content material, or a minimum of 40 percent post industrial recycled content material.
- The project shall use local and regional materials in order to reduce natural resources necessary from transporting materials over long distances. Of the building materials used, 20-50 percent shall be manufactured within 500 miles of the building site.
- The project shall use rapidly renewable materials in order to reduce the depletion of virgin materials and reduce use of petroleum-based materials. Specifically five percent of total building materials shall be made from rapidly renewable building materials.
- For components of the project where buildings would be made from wood, such as flooring and framing, the project should use a minimum of 50 percent wood-based materials certified in accordance with the Forest Stewardship Council Guidelines (<http://www.fscoaz.org/index.html>).
- The project shall select materials with volatile organic compound limits set by the SCAQMD Rule #1168.

# CITY OF SAN JOSE

## ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

### Policy for Pool and Spa Water Discharge

#### STORM DRAIN DISCHARGE

No water from a pool or spa may be drained to a street, storm drain, or anywhere where water might drain to a creek or seasonal stream, unless there is no reasonable alternative, and the following conditions are met:

- The Watershed Protection Division of ESD is contacted for permission prior to discharge;
- There is no residual chlorine in the pool or spa water;
- No copper algicides have been used in the maintenance of the pool or spa water; and
- The water does not contain residues of chemicals or other substances that may have a negative impact on the environmental quality of the receiving waters.

#### SANITARY SEWER DISCHARGE

Pool and spa water may be discharged to the sanitary sewer if the following safety measures are followed:

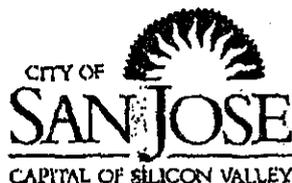
- Backflow is prevented by maintaining an "air gap" between the discharge line and the sewer;
- Discharge flow rate is kept at the level that can be handled by a standard garden hose (This will help to ensure that no flooding of the sanitary sewer will occur); and
- The Watershed Protection Division is contacted regarding the discharge of special cleaning wastes (such as acid wash).

#### SOLIDS DISPOSAL

The following guidelines should be followed to dispose of any solids:

- No diatomaceous earth or filter backwash debris may be discharged to either the storm drain or sanitary sewer;
- Filter out any solids, such as diatomaceous earth and filter backwash debris, before allowing the discharge of pool or spa water; and
- Backwash diatomaceous earth filters can be disposed of onto dirt, and spent diatomaceous earth can be dumped into the garbage.

For more information, please contact the Watershed Protection Division at (408) 945-3000.



# Memorandum

**TO:** Rodrigo Orduna  
Planning Department

**FROM:** Tim Town  
Municipal Water System

**SUBJECT:** Muni Water Comments  
On Proposed Development

**DATE:** August 7, 2007

San Jose Municipal Water System has reviewed the proposed development PDC07-055 regarding a Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 554 single-family attached residences and a one acre park on a 8.7 gross acre site located at the northeast corner of Tasman Drive and Renaissance Drive, and has the following comments:

There are existing potable water mains available to serve the domestic and fire protection needs of the site. The Fire Department may have special requirements for this development, which may require the construction of additional water facilities. Likewise, domestic needs may warrant modifications to the domestic service facilities.

A recycled water main is located at the perimeter of the site and may be used for non-potable uses within this development. The design and construction of recycled water facilities shall conform to SBWR Rules and Regulations, and be submitted to Muni Water/SBWR for approval. Standard Details, Specifications and Notes are available to assist with the design and are available by calling (408) 277-3671.

This development shall be subject to the following potable and recycled water fees:

Meter Fee  
Engineering & Inspection Fee

In addition, this development will be responsible for the cost of constructing all potable and recycled water facilities to serve the site. If you have any questions please contact Muni Water/SBWR at 277-3671. Thanks for the opportunity to comment.

*Timothy S.N. Town*  
Timothy S. N. Town  
Associate Civil Engineer  
Municipal Water System

02

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

**PLANNED DEVELOPMENT ZONING PDC07-055**

**DRAFT**

The following Development Standards are to be placed on the Land Use Plan for this Planned Development Zoning once the Zoning is approved by the City Council. Where these standards conflict with the information on the plan set, these development standards take precedence.

**PERMITTED USES**

Attached residential uses including resident-serving support uses such as offices, club houses, fitness rooms, meeting rooms, and other residential amenities. The use of these amenities shall be restricted to the residents and their guests. Home occupations in conformance with the Zoning Ordinance, as amended, are permitted by right.

Minimum 1-acre park.

Minimum net density: 55 dwelling units per acre

Up to 554 attached residences.

Until such time that the property redevelops, the existing structures shall have the use allowances of the Industrial Park (IP) Zoning District, as amended. Special and Conditional uses in that district shall require issuance of a Planned Development Permit. Small additions or changes to existing or new structures shall be subject to separate review and approval by the Director of Planning, Building, and Code Enforcement. Upon demolition and/or redevelopment of the site(s), the new development shall conform to the residential densities and development standards specified herein.

**DEVELOPMENT STANDARDS**

**Maximum Height:** 70 feet

**Perimeter Setbacks from Property Line (minimum):**

Tasman Drive Frontage 15 feet to Building

Renaissance Drive Frontage 10 feet to Building

Vista Montana Frontage 10 feet to Building

New Public Street Frontage 10 feet to Building

Northwest Property Line 74 feet to Building  
Adjacent to the New Private Street

**Setback Encroachments:**

Minor architectural projections, such as minor building faces, landscape retaining walls, chimneys, sills, eaves, canopies, bay windows, stoops, porches, balconies, and stairs may project into all setbacks as follows:

Porches and landscape retaining walls may project to a maximum of 10 feet into the setback.

All other allowed projections may project to a maximum of 5 feet into the setback, by no more than 10 feet in width, for no more than 20% of the building elevation length.

**Private Street Width (minimum):**

Northwest property line to back of sidewalk                      64 feet

**Parking:**

**Vehicular Parking**

Per the Zoning Ordinance, as amended (a 10% reduction for proximity to transit is applicable per the Zoning Ordinance, as amended).

Tandem parking is permitted within garage open parking configuration to satisfy the total required parking for residential uses.

**Guest Parking**

Per Zoning Ordinance, as amended

**Bicycle Parking**

Per Zoning Ordinance, as amended

**Motorcycle Parking**

Per Zoning Ordinance, as amended

**Open Space:**

A combination of common and private open space at a ratio of at least 160 square feet per unit

**Building Design:**

The building and site design shall comply with the City of San José design guidelines, as amended, to the satisfaction of the City Council and the Director of Planning, Building, and Code Enforcement. The Director of Planning, Building, and Code Enforcement maintains the discretion to approve and implement minor changes to the City Council approved land use plan and development standards with respect to heights, building locations, setbacks, open space, and parking through issuance of Planned Development Permit.

**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.

**Signage:**

All signage for residential uses shall comply with the standards for signage within the Multiple Residence (RM) Zoning District, as amended.

**Homeowners' Association:**

A Home Owners' Association shall be established for all owners of all ownership residential units. The Association will be responsible for maintenance of all common areas including but not limited to parking, vehicular and pedestrian circulation, and all common landscaping.

**Performance Standards:**

Per Zoning Ordinance for residential uses, as amended

**GENERAL NOTES**

**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 José 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.

**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.

**Street Trees:**

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

**Tree Preservation and Removal:**

Trees proposed for removal shall be mitigated as follows:

- A. Ordinance size trees shall be replaced at a 4:1 ratio with 24-inch box trees.
- B. 12" – 17" diameter trees shall be replaced at a 2:1 ratio with 24-inch box trees.
- C. Less than 12" diameter trees shall be replaced at a 1:1 ratio with 15-gallon trees.

**Water Pollution Control Plant Notice**

Pursuant to part 2.75 of chapter 15.12 of the San José Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San José – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San José – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the State of California Regional Water Quality Control Board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

**Post-Construction Storm Water Treatment Controls:**

The City’s National Pollutant Discharge System (NPDES) Permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned Development Permit plans for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the Director of Planning, Building, and Code Enforcement.

**Public Works Conditions:**

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

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:**
  - a) An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR.
  - b) Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2007 fee is \$7,463.00 per single-family unit and \$5,971 per multi-family unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance. Since this project proposes to transfer the existing industrial credit to the Novellus site (H07-035, southeasterly corner of Vista Montana and 1<sup>st</sup> Street), no credit will be applied to the residential traffic impact fee for this project.
  - c) An operational traffic analysis was prepared for on site circulations, sight distance and queuing capacities. The analysis included cumulative studies of this project and the adjacent development to the east (PDC07-054). Based on the analysis, a traffic signal is warranted and required at Renaissance Drive and Vista Montana. This signal shall be constructed as part of the first phase development of either this project or the adjacent development (PDC07-054), whichever acquires the first Building Permit.
3. **Grading/Geology:**
  - a) A grading permit is required prior to the issuance of a Public Works Clearance.

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

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

- a) The project's Stormwater Control Plan showing the location and function of all post-construction treatment control measures, and all trees eligible for post-construction treatment control credits.
- b) The preliminary numeric sizing calculations based on the Stormwater Control Plan, prepared by a qualified stormwater professional (civil engineer, licensed architect or landscape architect), used to determine runoff quantity and to design/select the post-construction treatment control measures.
- c) Location, size, and identification (including description), of types of water quality treatment control measures such as swales, detention basins, bioretention, etc.
- d) Location, size and identification of proposed landscaping/plant material.
- e) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- f) 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.

5. **Flood: Portions in Zone A & Zone A99**

- a) This project is proposing to construct podium garages for all the buildings and the placement of fill. Portions of the project site are in Flood Zone A.
- b) The flood zone designation for portions of the project site is Flood Zone A (no established base flood elevation), effective October 7, 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 a new LOMR issued by FEMA on June 30, 2006 and effective on October 25, 2006 that shows the project site in Zone AH, elevation 5.00' NGVD 1929. Since the project site may be subject to tidal flooding, a higher flood elevation will be used.

- c) The following conditions apply:
- i) Elevate the lowest floor of all proposed buildings, including basement, above 9.00' 1929 NGVD.
  - ii) This project should apply for a Conditional Letter of Map Revision Based on Fill (CLOMR-F) that provides comment on the proposed project by FEMA. The CLOMR-F is required prior to issuance of a building permit.
  - iii) The approved Letter of Map Revision Based on Fill (LOMR-F) is required prior to issuance of an occupancy permit.
  - iv) 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.
  - v) 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.
  - vi) The project site is also within the 1987 North San Jose Floodplain Management Study (NSJFMS) area. The NSJFMS has been updated to reflect the completed Downtown and Lower Guadalupe River Flood Protection Projects and to show the resulting blockage requirements for applicable projects in North San Jose. Based on the Final NSJFMS Update, the project site is within the ineffective flow area and is not subject to the blockage requirements.
6. **Sanitary Sewer:** Based on the flow monitoring data and sewer analysis, the existing sanitary sewer pipe in Vista Montana does not have adequate capacity to serve the proposed development. This project shall upgrade the existing sanitary sewer pipes along Vista Montana. The specific location and pipe size will be determined at PD permit stage.
7. **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.
8. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
9. **Street Improvements:**
- a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - b) Construct the proposed new public street (adjacent to the one-acre park at east side of project) to City standard. The right-of-way width shall be 56' with 36' curb to curb and 10' sidewalk on both sides.
  - c) Construct cul-de-sac bulb at the end of the proposed public street and provide standard driveway to the new private street at the north end of project.
  - d) Construct City standard curb, gutter and 10' sidewalk with tree wells at the back of curb along all project frontages.

- e) Extend the existing storm drainage system (cross connect between the existing 18” and 24” mains) along Vista Montana.
  - f) Install a new traffic signal at Vista Montana and Renaissance Drive (see 3c, above).
  - g) Close unused driveway cut(s).
  - h) Construct standard City of San Jose 26’ wide driveways.
  - i) Re-construct existing handicap ramps at all project corners to current City standard.
  - j) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
  - k) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
10. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project, and 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.
11. **Electrical:**
- a) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
  - b) Locate and protect existing electrical conduit in driveway and/or sidewalk during construction.
12. **Street Trees:**
- a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
  - b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
  - c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current “Guidelines for Planning, Design, and Construction of City Streetscape Projects”. Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.
13. **Private Streets:**
- a) The proposed new street at the north end of project shall be a private street. Public pedestrian and bicycle easements shall be required for public access to the one-acre park.
  - b) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
  - c) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.
14. **Reclaimed Water:** This project is required to use reclaimed water for all outdoor irrigation, which includes both public and private landscape.

### ENVIRONMENTAL MITIGATION

The environmental Mitigation Measures listed as part of the “Vista Montana Park” Initial Study, File Nos. PDC07-054, PDC07-055, and H07-035, which was certified for the subject project, are required and shall be included in the project at the Planned Development Permit stage. The project environmental mitigation

is included in the findings adopted for the project in City Council Resolution 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.

Additionally, the project shall comply with the following mitigation measures. Alternative mitigation may be approved by the Director of Planning through a Planned Development Permit.

#### **Air Quality During Demolition**

1. The following dust control measures shall be implemented by project contractors during demolition and on-site recycling of materials and shall be reflected as notes on the project plans prior to issuance of demolition permits:
  - Water to control dust generation during demolition of structures and break-up of pavement. Concrete crusher should add water to materials at point(s) of entry and whenever materials will be dropped or dumped;
  - Cover all trucks hauling demolition debris from the site;
  - Use dust-proof chutes to load debris into trucks whenever feasible. Watering should be used to control dust generation during transport and handling of recycled materials;
  - All crushing or screening equipment used on site for the recycling of materials will be permitted by the Bay Area Air Quality Management District or the state's portable equipment statewide registration program, and utilize Best Available Control Technology for that type of equipment.

#### **Air Quality During Construction**

2. The following construction practices shall be implemented during all phases of construction on the project site and shall be reflected as notes on the project plans prior to issuance of grading or building permits:
  - Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non toxic stabilizers or dust palliatives;
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two (2) feet of freeboard;
  - Pave, apply water three times daily, or apply (non toxic) soil stabilizers on all parking areas and staging areas at construction sites;
  - Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff related impacts to water quality;
  - Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets;
  - 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;
  - Minimize idling time (5 minutes maximum);
  - Maintain properly tuned equipment;
  - Limit the hours of operation of heavy equipment and/or the amount of equipment in use.
3. The following construction practices shall be implemented during all phases of construction on the project site and shall be reflected as notes on the project plans prior to issuance of grading or building permits:
- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit, as established by City ordinance. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
  - Equip all internal combustion engine driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.
  - Locate stationary noise generating equipment (e.g., portable concrete crusher) as far as possible from sensitive receptors.
  - Utilize "quiet" air compressors and other stationery noise sources where technology exists.
  - The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction 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 contractor or project applicant shall designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The applicant shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

#### **Hydrology, Drainage, and Water Quality**

6. The project will use permeable podiums which consist of paving stones underlain with gravel or drain rock overlying a sloped concrete structural pad with waterproofing/protection board/drain mat. Where feasible the project will direct storm water runoff from the impervious areas of the site to permeable pavement and media filtration units.

7. The project shall comply with Provision C.3 of the City of San José's NPDES Permit, which provides enhanced performance standards for the management of storm water for new and redevelopment projects.
8. The project shall comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), and Post-Construction Hydromodification Management Policy (Policy 8-14), which establish general guidelines and minimum Best Management Practices (BMPs) for specific land uses. BMPs that may be used on the site include:
  - Landscape swales;
  - Planter boxes;
  - Mechanical treatment units (hydrodynamic separators);
  - Location of all storm drain inlets to be stenciled with, "No Dumping! Flows to Bay"; and
  - Covering all trash enclosures and materials handling areas.
9. Prior to construction of any phase of the project, the City shall require the applicant(s) to submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The
10. Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:
  - Soil stabilization practices;
  - Sediment control practices;
  - Sediment tracking control practices;
  - Wind erosion control practices; and
  - Non-storm water management and waste management and disposal control practices.
11. Prior to issuance of a Grading Permit, the applicant shall be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.
12. Each phase of development shall comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

**Biological Resources**

13. All trees to be removed from the site shall be replaced at the City's tree replacement ratios.
14. In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building & Code Enforcement, at the Planned 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) will be identified for additional tree planting. Alternative sites may be located in the nearby neighborhood and include street trees in surrounding neighborhood streets, trees in 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 after prior input from the applicant and the community.
  - A donation of \$300 per mitigation tree to San José Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.
16. Trees proposed for retention on the site shall be protected under the following Tree Preservation Guidelines prepared by the project arborist and outlined below.
  - Prior to initiation of construction activity, temporary barricades shall be installed around all trees in the construction area. Six-foot high, chain link fences are to be mounted on steel posts, driven two feet into the ground, at no more than 10-foot spacing. The fences shall enclose the entire area under the drip line of the trees or as close to the drip line area as practical. These barricades will be placed around individual trees and/or groups of trees as the existing environment dictates. The temporary barricades will serve to protect trunks, roots and branches from mechanical injuries, will inhibit stockpiling of construction materials or debris within the sensitive 'drip line' areas and will prevent soil compaction from increased vehicular/pedestrian traffic. No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground around the tree canopy shall not be altered. These barricades should remain in place until final inspection of the building permit, except for work specifically required in the approved plans to be done under the trees to be protected. Designated areas beyond the drip lines of any trees should be provided for construction materials and on site parking.
  - During and upon completion of any trenching/grading operation within a tree's drip line, should any roots greater than one (1) inch in diameter be damaged, broken or severed, root pruning to include flush cutting and sealing of exposed roots should be accomplished under the supervision of a qualified arborist to minimize root deterioration beyond the soil line within twenty-four (24) hours.
  - Pruning of the foliar canopies to include removal of deadwood is recommended and should be initiated prior to construction operations. Such pruning will provide any necessary construction clearance, will lessen the likelihood or potential for limb breakage, reduce 'wind-sail' effect and provide an environment suitable for healthy and vigorous growth.

- A program of fertilization by means of deep root soil injection is recommended with applications in spring and summer for those trees to be impacted by construction. Such fertilization will serve to stimulate feeder root development, offset shock/stress as related to construction and/or environmental factors, encourage vigor, alleviate soil compaction and compensate for any encroachment of natural feeding root areas. Inception of this fertilizing program is recommended prior to the initiation of construction activity.
- A supplemental irrigation program for pine and redwood trees shall be accomplished at regular three to four week intervals during the period of May 1st through October 31st. Irrigation is to be applied at or about the 'drip line' in an amount sufficient to supply approximately 15 gallons of water for each inch in trunk diameter. Irrigation can be provided by means of a soil needle, 'soaker' or permeable hose. When using 'soaker' or permeable hoses, water is to be run at low pressure, avoiding runoff/puddling, allowing the needed moisture to penetrate the soil to feeder root depths.
- Mulching with wood chips (maximum depth three inches) within tree environments (outer foliar perimeter) shall be used, as appropriate, to lessen moisture evaporation from soil, protect and encourage adventitious roots and minimize possible soil compaction.
- Periodic inspections by the project arborist shall be completed during construction activities, particularly as trees are impacted by trenching/grading operations. Inspections at approximate four week intervals would be sufficient to assess and monitor the effectiveness of the Tree Preservation Plan and to provide recommendations for any additional care or treatment.

#### **Hazardous Materials and Hazards**

17. Although hazardous materials contamination that could impact future residential uses has not been identified on the site, the project includes the following measures to avoid potential impacts in the event hazardous materials contamination is encountered during building demolition and site excavation:

- The project will comply with all procedures outlined in the Soil Management Plan for the demolition and excavation activities on site. A qualified engineer or geologist will visit the site during demolition activities to monitor the removal of pavement and concrete slabs. The qualified engineer or geologist will observe exposed soils for evidence of odors or staining. If potentially contaminated soil is identified during site observation, additional assessment will be conducted consisting of soil sampling, laboratory analysis and data evaluation.
- Soils exported from the site will be tested in compliance with the Soil Management Plan.
- Future residents of the site would be unlikely to have contact with existing soils on the site since most of the units proposed by the project will be built over a podium structure. In the event future residents could come into contact with soils in unexcavated areas of the site, samples will be taken at depths of six to twelve inches below the ground surface in these areas following site clearance and prior to building construction. Samples shall be analyzed for metals, VOCs, petroleum hydrocarbons, and organochlorine pesticides. Any contaminated soils identified in these areas will be remediated to a level appropriate for residential use. Results of the sampling shall be submitted for review to the Environmental Principal Planner in the Department of Planning, Building and Code Enforcement and the City's Environmental Compliance Officer prior to issuance of building permits in the sampling area.

### **Cultural Resources**

18. A qualified archaeologist shall be retained to inspect the development areas after the removal of existing buildings, parking lots, and landscaping areas to search for archaeological deposits which may have survived previous building episodes on the property. In the event any materials are discovered, the project archaeologist shall provide the Director of Planning, Building, and Code Enforcement with a proposal to evaluate the discovery through a program of limited hand excavation to determine: 1) if the deposit is historically undisturbed, and 2) if the deposit(s) possess research qualities which may make them eligible for inclusion on the California Register of Historic Resources. In the event that evaluation demonstrates the presence of historically intact and significant resource deposits, work should remain halted in the area designated by the project archaeologist until a mitigation plan is submitted to the Director of Planning, Building, and Code Enforcement for review and approval. Mitigation measures may include limited data recovery through hand excavation coupled with a program of archaeological monitoring inside the area designated as archaeologically sensitive. The mitigation plan will ensure that all significant archaeological materials are identified, recorded, and/or removed for additional analysis prior to work recommencing in the area of the archaeological discovery.
19. In the event any unanticipated prehistoric or significant historic era cultural materials are exposed during construction, all grading and/or excavation operations within 50 feet of the find shall be halted, the Director of Planning,
20. Building and Code Enforcement shall be notified, and a qualified professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.
21. In the event that human remains are found, all project-related construction shall cease within a 50-foot radius of the find in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
  - In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-enter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
  - A final report shall be submitted to the Director of Planning, Building and Code Enforcement. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning, Building and Code Enforcement.

## Orduna, Rodrigo

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**From:** Cynthia Bradley [CBradley@scu.edu]  
**Sent:** Thursday, August 16, 2007 8:15 AM  
**To:** rodrigo.orduna@sanjoseca.gov  
**Subject:** Mr. Rodrigo Orduna,

Mr. Rodrigo Orduna,

I support the rezoning plan that has the fewest houses, and a 5 acre park:

PDC07-054

Thank you,  
Cynthia Bradley  
4271 N First St  
San Jose, CA 95134

## Orduna, Rodrigo

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**From:** Marian Fricano [MFricano@scu.edu]  
**Sent:** Thursday, August 16, 2007 7:58 AM  
**To:** rodrigo.orduna@sanjoseca.gov  
**Subject:** Community Meeting at Novellus Campus

Dear Mr. Orduna,

I received your information about the meeting to be held on August 30th concerning the Novellus Campus project. I will be in Exeter California on that date, and unable to attend. I live in Oakcrest Park, so I am very near this proposed development.

In addition, I have been a volunteer at the Coyote Creek Riparian Station in Alviso in the past, banding birds to document bird populations decline in our area.

I am very interested to see as much park land as possible built into any development in this area. At present, there are mature trees that egrets use to sleep on at night. In addition, this entire area has been used by many birds for years. There are sharp shinned hawks, white crowned sparrows, yellow crowned sparrows, etc., as well as many birds that use it as they migrate through this area.

Therefore, as a former bird bander, and current resident, I hope you will definitely consider only the rezoning application: PDC07-054.

Thank you so very much,  
Marian E. Fricano

Marian Fricano  
Head, Access Services  
University Library  
Santa Clara University  
Phone: (408) 554-5439  
email:  
mfricano@scu.edu  
www.scu.edu/library/

"Customer Services: Where service excellence is an everyday occurrence."

**Roche, Jeff**

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**From:** Annavie Giongco [agiongco@svb.com]  
**Sent:** Thursday, August 24, 2006 2:56 PM  
**To:** jeff.roche@sanjoseca.gov  
**Subject:** Vista Montana rezoning project

Hi Jeff,

My name is Anna Giongco. I am a homeowner at California Impressions which is located behind WebEx and SuperTex company located in Vista Montana and Tasman. I would like to inquire about the rezoning of Vista Montana. Is SuperTex and WebEx part of the rezoning project? The amount of noise created by the generator is making our life miserable and sleep impossible for us.

Please let me know how/where can I bring up our situation.

Thank you very much for your time.

Anna Giongco  
Cell 408-690-1040

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## Roche, Jeff

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**From:** Arthur Boudeville [aboudeville@sbcglobal.net]  
**Sent:** Wednesday, August 02, 2006 4:01 PM  
**To:** jeff.roche@sanjoseca.gov  
**Subject:** Planning Department

### Public Comments

Folder Number: 2006 007092 ZN  
Project Manager: Jeff Roche

I am the HOA president for San Jose Renaissance which is located on Renaissance Drive. We are very concerned about the proposed development on 900+ single family homes all around us. As Renaissance Drive is a single lane road in either direction, we are concerned about the additional traffic along that road and also the noise and pollution.

Name: Arthur Boudeville  
Email: aboudeville@sbcglobal.net  
Telephone Number:

Web Server: [www.sjpermits.org](http://www.sjpermits.org)  
Client Information: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; .NET CLR 1.1.4322)

## Roche, Jeff

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**From:** George Greeley [ggreeley@xbow.com]  
**Sent:** Thursday, July 27, 2006 1:22 PM  
**To:** jeff.roche@sanjoseca.gov  
**Subject:** Planning Department

### Public Comments

Folder Number: 2006 007092 ZN  
Project Manager: Jeff Roche

Jeff,  
Our company, Crossbow Technology, Inc. is located at 4145 N. First Street. We have read the signs posted on the street. Our company has serious concerns about the proposed demolition and construction of the buildings adjacent to ours and the high probability of serious disruption to our business.

We design, assemble and test inertial instruments and wireless sensors in our building. We have had to stop testing our products when we have had a crane lift an air conditioning unit to our roof due to the influence of the crane's metal structure on our testing equipments. The presence of demolition and land-moving equipment is a serious concern to us since it represents the possibility of an extended disruption.

Can you please inform me as to any schedule that has been established for this development and how our company can be protected or compensated for any business disruption that the project causes?

Can you also tell me who currently owns our property, 4145 N. First Street? We subleased this building from Novellus, but we are unclear if they are still the owner, or not.

We look forward to hearing from you.

Sincerely,  
George P. Greeley  
Director, Human Resources & Facilities  
Crossbow Technology, Inc.

Name: George Greeley  
Email: ggreeley@xbow.com  
Telephone Number: 408-965-3337

Web Server: www.sjpermits.org  
Client Information: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; .NET CLR 1.1.4322; .NET CLR 2.0.50727)

## Roche, Jeff

---

**From:** Ziad AbiKaram [zabikaram@yahoo.com]  
**Sent:** Monday, July 17, 2006 12:57 PM  
**To:** jeff.roche@sanjoseca.gov  
**Subject:** Planning Department

### Public Comments

Folder Number: 2006 007092 ZN

Project Manager: Jeff Roche

will this include any "BMR" housing, Below Market Rate Housing, Section 8?  
any other subsidized housing?

what is completion date of the project?

Thanks

Ziad

Name: Ziad AbiKaram

Email: zabikaram@yahoo.com

Telephone Number: 408-205-7586

Web Server: [www.sjpermits.org](http://www.sjpermits.org)

Client Information: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1;  
SV1; InfoPath.1)

## Roche, Jeff

---

From: Peter Wang [wangpeter@yahoo.com]  
Sent: Monday, July 17, 2006 11:25 AM  
To: jeff.roche@sanjoseca.gov  
Subject: Planning Department

### Public Comments

Folder Number: 2006 007092 ZN

Project Manager: Jeff Roche

Hi,

Is there a plan for a new school for this new community? Where would the kids go for elementary, middle and high schools?

Thanks,

Peter

Name: Peter Wang  
Email: wangpeter@yahoo.com  
Telephone Number:

Web Server: [www.sjpermits.org](http://www.sjpermits.org)

Client Information: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.0; {1B9CEE81-A994-4D08-8BDB-10FD018D97D4}); .NET CLR 1.1.4322)

## Roche, Jeff

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**From:** Vara Ramakrishnan [vara@acm.org]  
**Sent:** Sunday, July 16, 2006 8:00 PM  
**To:** jeff.roche@sanjoseca.gov  
**Subject:** Planning Department

Public Comments  
Folder Number: 2006 007092 ZN  
Project Manager: Jeff Roche

We live in California Impressions, at 4260 Verdigris Circle, adjoining the proposed development. We are wondering if there is a park or open space planned as part of the development, and what specifically is planned for the commercial zoned space in the development.

Thanks and good luck,

Vara

Name: Vara Ramakrishnan  
Email: vara@acm.org  
Telephone Number: 408 432 0432

Web Server: [www.sjpermits.org](http://www.sjpermits.org)  
Client Information: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.0; FunWebProducts)

## **Concerns Regarding the North San Jose Development Plan**

As residents of North San Jose, we are concerned regarding the plans to redevelop the area into high-density commercial and residential. We feel that certain key components of highly-desirable communities are not addressed by the ad-hoc planning currently occurring, and that the long-term viability of North San Jose is at risk before development has even begun.

### **Traffic and Access**

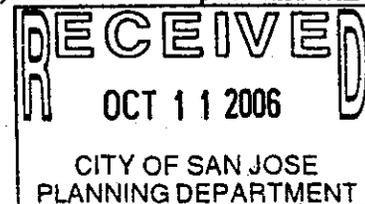
- x The proposed 3,900 new units translates to approx. 24,000 more daily trips on our roads.
- x San Jose has lowered the acceptable Level Of Service standard to E/F (failing) for nearby intersections. This is lower than their normal standards allow!
- ✓ Traffic must be limited on side streets like River Oaks Parkway.
- ✓ An updated comprehensive Environmental Impact Report is necessary to guarantee future needs are met.

### **Education**

- x Thousands of residents currently living in the North San Jose area have no local access to a school. This forces many young families to move out as their children grow up.
- x The projected increase in population is 50,000 but San Jose currently has no plans to add additional schools. This is unacceptable.
- ✓ We demand adequate local schools for the projected population.

### **Parks and Open Space**

- x The current parkland (none) is insufficient for current population, but 20 acres of parkland was promised when River Oaks Village was built.
- x Any new development will require additional parkland.
- ✓ 20 new acres are required now for the current residents.
- ✓ New allocations are required for any future developments.



### **Height and Density Buffers**

- x The interface between existing developments and new structures needs to take into account the existing community aesthetic. Would you want to live next to an 11 story building?
- ✓ Density and height buffers need to be placed around the lower density communities.

### **Trees and Beautification**

- x Trees unify our neighborhood visually and promotes a highly walkable public pedestrian route.
- ✓ San Jose strongly prohibits removal of existing trees. Any new developments should preserve these trees as part of our community heritage

### **Retail Opportunities**

- x The few existing commercial strips are insufficient for the current population.
- ✓ A large increase in population demands a well thought out retail development plan.

### **In Closing**

The current proposals are poorly planned, and not designed for the long term sustainability of the area. Ad-hoc hodgepodge development can ruin our wonderful community!

To join our email list and for more information: <http://groups.yahoo.com/group/northsanjose>

**STATEMENT OF CONCERN REGARDING  
THE NORTH SAN JOSE REDEVELOPMENT PLAN**  
PLEASE TYPE OR LEGIBLY PRINT IN BLACK OR BLUE INK

We, the undersigned residents of North San Jose, are concerned regarding the plans to redevelop the area into high-density commercial and residential. We feel that certain key components of highly-desirable communities are not addressed by the ad-hoc planning currently occurring, and that the long-term viability of North San Jose is at risk before development has even begun. We request the city of San Jose address our concerns as presented in the document posted online:

<http://groups.yahoo.com/group/northsanjose/files/concerns.pdf>

Signature	Date MO/DAY/YR	Printed Name	Residence Address
<i>Nitina</i>	9/9/06	NITIN KHANNA	410 MILAN DR #109
<i>Jean Marlowe</i>	9/9/06	JEAN MARLOWE	435 MILAN DR #101
<i>Vishnu Ganduru</i>	9/9/06	VISHNU GANDURU	410 MILAN DR # <del>115</del> 115
<i>Mirko Rancic</i>	9/9/06	MIRKO RANIC	410 MILAN DR # 117
<i>Tai-Yun Wynyard</i>	9/9/06	Tai-Yun Wynyard	410 MILAN DR #107
<i>Ralph Wynyard</i>	9/9/06	Ralph Wynyard	410 MILAN DR #107
<i>Rozbeh Shariff</i>	9/9/06	Rozbeh Shariff	410 MILAN DR #122
<i>Winston Li</i>	9/9/06	Winston Li	1120 MILAN DR #111
<i>Tim Yoshikawa</i>	9/9/06	TIM YOSHIKAWA	420 MILAN DR #109 d110
<i>R MORACE</i>	9-9-06	R MORACE	420 MILAN DR #106
<i>Bill Hoff</i>	9-9-06	BILL HOFF	120 MILAN DR
<i>D Polejauer</i>	9-9-06	D Polejauer	435 MILAN DR #115
<i>ASMA SHAH</i>	9-9-06	ASMA SHAH	435 MILAN DR # 120
<i>David Nguyen</i>	9-9-06	David Nguyen	445 MILAN DR #112
<i>Hunjung Kim</i>	9-9-06	Hunjung Kim	445 " #109
<i>RENEE TOLIN</i>	9-9-06	RENEE TOLIN	445 " 116
<i>Karri Kootorria</i>	9/9/06	Karri Kootorria	445 MILAN DR # 100
<i>Chris Franchuk</i>	9/9/06	CHRIS FRANCHUK	445 MILAN DR # 201
<i>Trudy Fornandey</i>	9/9/06	Trudy Fornandey	475 MILAN DR # 202
<i>David Meidell</i>	9/9/06	DAVID MEIDELL	475 MILAN DR # 101
<i>STEVEN KIRKMAN</i>	9/9/06	STEVEN KIRKMAN	435 MILAN DR #122
<i>Alane Rennie</i>	9/10/06	Alane Rennie	450 NAVARO #101
<i>JAMES FRANUSMIL</i>	9/10/06	JAMES FRANUSMIL	450 NAVARO #107
<i>MIKE SMITHKACH</i>	9/10/06	MIKE SMITHKACH	450 NAVARO #109
<i>ERIE LEE</i>	9/10/06	ERIE LEE	450 NAVARO WAY #108

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Signature	Date MO/DAY/YR	Printed Name	Residence Address
1.	9/10/06	Masoud Sahraian	450 Navajo #116
2.	9/10/06	David Borell	450 Navajo #221
3.	9/10/06	Yuri Vaudyshev	460 Navajo #120
4.	9/10/06	Curtis Snow	460 Navajo #200
5.	9/10/06	Shawn Lolo	460 Navajo #121
6.	9/10/06	Melanie Almusa	460 Navajo Way #108
7.	9/10/06	Colleen Kelly	460 Navajo Way #111
8.	9/10/06	John Park	470 Navajo Way #202
9.	9/10/06	Peter White	470 Navajo Way #211
10.	9/13/06	Peter Popov	435 Milan Dr 106
11.	9/13/06	Mary Anne Velard	435 Milan Dr #121
12.	9/13/06	Sudha Vijay	435 Milan Dr #107
13.	9-13-06	Augustine M. Lopez	445 Milan Dr #106
14.	9-13-06	Jocelyn Chan	445 Milan #111
15.	9-13-06	Shideh Darman	445 Milan #102
16.	9-14-06	Kwok C Yau	435 Milan #202
17.	9-14-06	Jyoti Saini	390 Elm Village Dr #125
18.	9/14/06	Carlos Botet	445 Milan #107
19.	9/14/06	Harrison Kornfeld	455 Navajo Way #108 S.J.
20.	9-14-06	John Buechler	435 Milan Dr #117 S.J.
21.	9-14-06	David Buechler	435 Milan Dr #118 S.J.
22.	9-14-06	Tarik Isani	435 Milan Dr #222
23.	9-14-06	Huiling Qian	435 Milan Dr #222
24.	9-14-06	Frank LU	470 Navajo Way #108
25.	9-17-06	Marcelle Kube	435 Milan Dr #101

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Signature	Date MO/DAY/YR	Printed Name	Residence Address
	9/9/06	Nelly & John BRACKEN	415 HILAN DR + 219
	9/9/06	Dana Madlem	460 Navaro Way #222
	9/9/06	Alison Madlem	460 Navaro Way #222
	9/9/06	SANGJIN LEE	465 Navaro Way #117
	9/9/06	David Prives	455 Navaro Way #108
	9/9/06	Z. Napoli	455 NAVARO #504
	9/9/06	STEVEN CORCORAN	440 NAVARO PL #220
	9/9/06	DAVID WOGMAN	440 NAVARO PL #108
	9/9/06	Loretta McNicholas	425 NAVARO WAY #115
	9/9/06	Ben Taheri	425 NAVARO WAY #109
	9/9/06	PAULA NIZMAZ	425 NAVARO WAY #106
	9/9/06	Rodney Furukawa	425 Navaro Way 218
	9/10/06	BELINDA SO	440 NAVARO PLACE #110
	9/10/06	JOSEPH BRORAC	425 NAVARO WAY #111
	9/10/06	MICHAEL FOWL	465 Navaro (222)
	9/10/06	Alex Prazm	465 Navaro Way #118
	9/10/06	D. MARSICO	455 Navaro Way #107
	9/10/06	DAN M. TAM	440 NAVARO PL, #106
	9/10/06	BOBBIE TAM	440 NAVARO PL, #106
	9/11/06	JEROME LE	440 NAVARO PL #219

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Signature	Date MO/DAY/YR	Printed Name	Residence Address
	9/9/06	Adrian Lane	440 NAVARO PL. #102 SAN JOSE CA
	9/9/06	CHERRY LEW	440 NAVARO PL. #116 S.T. #49116
	9/9/06	G. BAILEY	440 NAVARO #120
	9/9/06	ALAN YAN	440 NAVARO PL #111
	9/9/06	SANDA MALIK	440 NAVARO 109
	9/9/06	Yiu Chuen To	440 NAVARO 107
	9/9/06	RITU ARORA	440 NAVARO 202
	9/9/06	Nancy Pinarve	425 NAVARO #120
	9/9/06	Vivian Lin	425 NAVARO #221
	9-9-06	DAVID SAMBRANO	425 NAVARO #121
	9-9-06	Michael Crowell	425 NAVARO #117
	9.9.06	SENG SOURINHO	425 NAVARO #108
	9.9.06	Kohsuke Kamaguchi	425 NAVARO WAY #107
	9/9/06	Chieko Honma	425 NAVARO Way #202
	9/9/06	VINCENT FROELICH	440 NAVARO WAY 005
	9/9/06	BALAZS	465 NAVARO WAY 206
	9/9/06	SIVALLI B	465 NAVARO WAY, #116
	9/9/06	A. CHANDRAMANI	455 " #11
	9/9/06	JENNIFER JON	455 NAVARO Way #109
	9/9/06	ROY SOTERO	455 NAVARO Way #108
	9/9	Danny Ho	440 Navaro Pl., #117
	9/9/06	Greg White	440 Navaro Pl. #103
	9/9/06	Jay Zaveri	425 Navaro Way #119
	9/9/06	AVANI TOLIA	SAME AS ABOVE
	9/9/06	Nelly Bracken	425 Navaro Way #122

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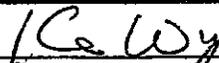
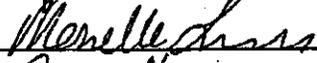
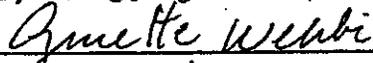
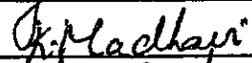
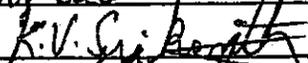
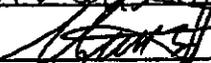
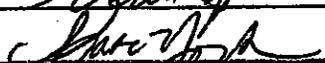
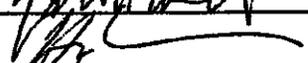
<http://groups.yahoo.com/group/northsanjose/files/concerns.pdf>

	Signature	Date MO/DAY/YR	Printed Name	Residence Address
1.		9/6/06	GUILLAUME BRASSARD	411 CAMILLE CIRCLE #13
2.	R Shah	9/6/06	RUPALI SHAN	411 CAMILLE C #12
3.	Miriam Chen	9/9/06	Miriam Chen	409-11 Camille Cir.
4.	V. Mamatha	09/09/06	MAMATHA VYTLA	409-14 CAMILLE CIR
5.		9/9/06	M. Taheri	450-111 NOVAKOVAYA
6.	Steffen Vulpius	9/9/06	Steffen Vulpius	407 Camille Cir #16
7.	Joy S Butler	9/9/06	Joy S Butler	407 Camille C. #14
8.	Purvi Patel	9/9/06	PURVI PATEL	405-11 Camille Cir
9.	W.J. Shikh Unruh	9/9/06	W.J. Shikh Unruh	405-13 Camille Cir
10.		9/9/06	PADMA ARELLA	401-12 Camille Cir
11.	Jim Foran	9/9/06	JIM FORAN	403-12 CAMILLE CIR.
12.		9/9/06	VEN VENMA	403-15 CAMILLE CIR
13.	Ellen Silver	9-9-06	ELLEN SILVER	403-17 Camille Circle
14.	Stephan Hoefl	9-9-06	Stephan Hoefl	403-17 Camille Circle
15.		9-9-06	Tamara Collins	420-13 Camille Cir.
16.		9/9/06	Lauren Feinstein	433-15 Camille Cir.
17.		9/9/06	SCOTT TRIVIGAL	439-11 CAMILLE CIR
18.	Greg Wardle	9/9/06	Greg Wardle	439-14 CAMILLE CIR
19.		9/9/06	Julian Jaramillo	439-16 Camille Cir.
20.		9/9/06	Prithviraj Talwar	444-14 Camille Cir
21.		9/9/06	RON MINHAS	434-13 CAMILLE CIR.
22.		9/20/06	Laura Carns	417-16 Camille Cir
23.		9/20/06	Michael Carns	417-16 Camille Cir
24.				
25.				

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<http://groups.yahoo.com/group/northsanjose/files/concerns.pdf>

Signature	Date MO/DAY/YR	Printed Name	Residence Address
1. 	09/09/06	KE WU	415-17 CAMILLE CIR.
2. 	09/09/06	Monelle Lewis	415-16 Camille Cir
3. 	9/09/06	GINETTE WEHAI	415-CAMILLE CIR.
4. 	9/09/06	Madhavi Kilaru	415-11 CAMILLE CIR
5. 	9/09/06	SRIKANTH KILARU	415-11 CAMILLE CIR
6. 	9/9/06	MATT YORK	419-13 Camille Cir
7. 	9/9/06	Kate York	419-13 Camille Cir.
8. 	9/9/06	Yalin Wei	419-14 - Camille Cir.
9. 	9/9/06	HISHAM ABDELHAMID	423-12 CAMILLE CIR/16
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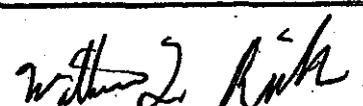
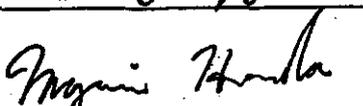
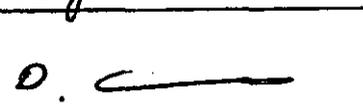
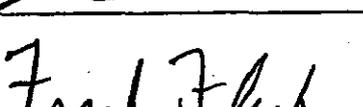
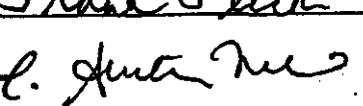
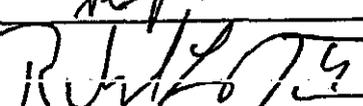
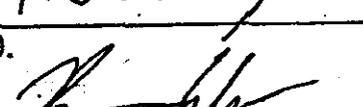
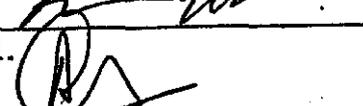
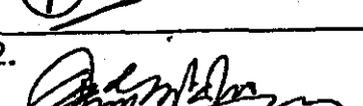
<http://groups.yahoo.com/group/northsanjose/files/concerns.pdf>

Signature	Date MO/DAY/YR	Printed Name	Residence Address
1. <i>Raj Mohan Sarma</i>	09/09/06	RAJM SARMA	421-14 CAMILLE CIR
2. <i>Ying-Ying Chang</i>	09/09/06	YING-YING CHANG	452 Camille Cir # 11
3. <i>Michele Hira</i>	09/09/06	MICHELE HIRAI	425-15 CAMILLE CIR #15
4. <i>Michael Khait</i>	09/09/06	Michael Khait	429-16 camille cir
5. <i>Camille Grabowski</i>	9/9/06	CAMILLE GRABOWSKI	429-17 CAMILLE CIR.
6. <i>Yan Wen</i>	9/9/06	YAN WEN	427-15 Camille Cir.
7. <i>John Zeppezauer</i>	9/9/06	John Zeppezauer	427 #12 Camille Cir.
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Signature	Date MO/DAY/YR	Printed Name	Residence Address
1. 	9/9/06	William Rickett	414 Galleria Dr #7 San Jose, CA 95134
2. 	9/9/06	Mayumi Honda	"
3. 	9/9/06	DEREK CUNNINGHAM	414 Galleria Dr #3 SAN JOSE, CA 95134
4. 	9/9/06	LIAM CUNNINGHAM	"
5. 	9/9/06	Frank Fleck	414 Galleria Dr #2 San Jose CA 95134
6. 	9/9/06	J. Aurelia Nelson	414 Galleria Dr. #2 San Jose, CA 95134
7. 	9/9/06	Ken TAN	414 Galleria Dr #6 San Jose CA 95134
8. 	9/9/06	Mandy Cheng	414 Galleria Dr #6 San Jose CA 95134
9. 	9/9/06	Richard Jones	414-8 Galleria Dr.
10. 	9/9/06	Beshara Elmud	418 Galleria Dr #2 San Jose, CA 95134
11. 	9/9/06	ANSHU NARULA	418-10 GALLERIA DRIVE SAN JOSE
12. 	9/9/06	Amir WALIA	418-12, Galleria Drive San Jose, CA 95134

13.	<u>Vial</u>	9/9/06	Christophe Vial	418-9 Galleria Dr. San Jose, CA 95134
14.	<u>Arjun</u>	9/9/06	RASIV PILLAY	418-10 GALLERIA DR SAN JOSE, CA 95134
15.	<u>Bertha</u>	9/9/06	Bertha Birton	418-8 Galleria Dr San Jose CA 95134
16.	<u>Wjck</u>	9/9/06	Bill Overstool	418 GALLERIA DR #3 SJ 95134
17.	<u>Jyoti Kapoor</u>	9/9/06	JYOTI KAPOOR	419-2 GALLERIA DR SAN JOSE CA 95134
18.	<u>Sandra Wolford</u>	9/9/06	SANDRA WOLFORD	419-6 GALLERIA DR SAN JOSE 95134
19.	<u>Amr Reddy</u>	9/9/06	RUMAN REDDY	419-8 GALLERIA DR SAN JOSE 95134
20.	<u>Isabelle Reddy</u>	9/9/06	ISABELLE REDDY	419-8 Galleria dr. SAN JOSE 95134
21.	<u>Ramya</u>	9/11/06	Laura Y. Chu	418-8 Galleria Dr. San Jose, CA 95134
22.	<u>YIT LEE</u>	9/11/06	YIT LEE	435 MILAN #117 SAN JOSE, CA 95134
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	Signature	Date MO/DAY/YR	Printed Name	Residence Address
1.		9/11/06	N.P. SPICER	422-2 Galleria
2.		9/11/06	Harry Dole	422-12 "
3.		9/11/06	ARTOR DUKO	422-7 "
4.		9/11/06	Felix Mantanas	418-7 "
5.		9/11/06	Anne Le	418-1 "
6.		9-11-06	M. CARTER	422-10 "
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Signature	Date MO/DAY/YR	Printed Name	Residence Address
1. <i>MAWSON</i>	9/9/06	MIKE ARONSON	440-4 Galleria Dr San Jose CA 95134
2. <i>Suh Kerksey</i>	9/9/06	SRIDAR KANDASWAMY	402-2 Galleria Drive SAN JOSE CA 95134
3. <i>Jill Bunnay</i>	9/9/06	JILL BUNNEY	402-4 GALLERIA DRIVE SAN JOSE, CA 95134
4. <i>John Giardini</i>	9/9/06	John Giardini	402-10 Galleria Dr San Jose, CA 95134
5. <i>Nancy Giardini</i>	9/9/06	NANCY Giardini	402-10 Galleria San Jose
6. <i>Chuanchuan Wang</i>	9/9/06	Chuanchuan Wang	402-3 Galleria Dr. San Jose, CA 95134
7. <i>Andrew Kuo</i>	9/9/06	Andrew Kuo	402-3 Galleria San Jose, CA
8. <i>Nelly Hassanein</i>	9/9/06	Nelly Hassanein	402-11 Galleria Dr San Jose CA 95134
9. <i>Subhadarshi Mishra</i>	9/9/06	SUBHADARSHI MISHRA	410-11 Galleria Dr San Jose, CA, 95134
10. <i>Namrata Mishra</i>	9/9/06	NAMRATA MISHRA	440-11 Galleria Dr San Jose, CA - 95134
11. <i>Rafael Goldfarb</i>	9/9/06	Rafael Goldfarb	440-7 Galleria Dr San Jose, CA 95134
12. <i>Sonia Goldfarb</i>	9/9/06	SONIA GOLDFARB	440-7 Galleria Dr San Jose, CA 95134



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	Signature	Date MO/DAY/YR	Printed Name	Residence Address
1.	<i>[Signature]</i>	9/9/06	BOK LUN JOE	434 GALLERIA DR # 3
2.	<i>[Signature]</i>	9/9/06	BEN RAHARDJA	434 GALLERIA DR #3
3.	<i>[Signature]</i>	9/9/06	MANOHAR SHETTY	430 GALLERIA DR # 4
4.	<i>[Signature]</i>	9/9/06	RAMYA SHETTY	430 GALLERIA DR # 4
5.	<i>[Signature]</i>	9/9/06	MURALIKRISHNA MOHAN	434 Galleria Dr. #9
6.	<i>[Signature]</i>	9/9/06	CHARLES GUSHA	434 Galleria Dr. #2
7.	<i>[Signature]</i>	9/9/07	Lynda L. Fudold	434 Galleria Dr #2
8.	<i>[Signature]</i>	9/9/07	Margaret McDonald	434-4 Galleria Dr.
9.	<i>[Signature]</i>	09/09/06	LATHA MOHAN	434-8 Galleria Dr.
10.	MARK CHOW	9/9/06	<i>[Signature]</i>	434-10 Galleria Dr
11.	Henry N. die	9/9/06	LIANG-NIO LIE	434-12 Galleria Dr.
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## SITE DEVELOPMENT PERMIT

**FILE NO.** H07-035

**LOCATION OF PROPERTY** southeast corner of North First Street, and Headquarters Drive (4000 North First Street, APNs 097-79-001, 097-79-002, 097-79-003, 097-79-009, 097-79-011, and 097-79-012)

**ZONING DISTRICT** IP Industrial Park

**GENERAL PLAN DESIGNATION** Industrial Park

**PROPOSED USE** Master Site Development Permit for development of up to 870,000 square feet of new additional Industrial Park uses, including transfer of 270,251 square feet of floor area credits, on a 26.99 gross acre site.

**ENVIRONMENTAL STATUS** Environmental Impact Report found complete (North San José Policy Update EIR certified June 21, 2005 per City Council Resolution No 72768 – State Clearinghouse #2004102067)

**OWNER** Novellus Systems, Inc.  
4000 North First Street  
San José, CA 95134

### FACTS

The Director of Planning finds that the following are the relevant facts regarding this proposed project:

1. The subject property is located on the southeast corner of North First Street, and Headquarters Drive (4000 North First Street, APNs 097-79-001, 097-79-002, 097-79-003, 097-79-009, 097-79-011, and 097-79-012).
2. The subject property is located in the IP Industrial Park Zoning District.
3. The subject property has a designation of Industrial Park on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
4. The subject property is 26.99 gross acres in size.
5. The subject property is currently occupied with Industrial Park uses totaling approximately 418,707 square feet of floor area.
6. The surrounding area is currently characterized by industrial park uses. Pending applications are on file for a proposed shopping center, a proposed 5-acre park, and proposed attached residential units at a density of over 55 DU/AC to be located in the vicinity of the subject site.

7. This Site Development Permit is to reserve industrial development capacity per the provisions of the *North San José Area Development Policy* to allow entitlement for up to 870,000 square feet of new additional Industrial Park floor area. This Site Development Permit does not provide for construction on the subject site without further review and approval through a subsequent development permit process to be considered at the time of actual development.
8. As per the requirements of the California Environmental Quality Act (CEQA), an Initial Study was conducted to determine the potential effects to the environment, and the Environmental Impact Report (EIR) for the North San José Policy Update, certified June 21, 2005 per City Council Resolution No 72768 – State Clearinghouse #2004102067, was found complete and an Addendum was prepared for this project.
9. Future industrial development of the subject site based on this Site Development Permit shall require further environmental review, including a subsequent Initial Study to determine potential effects to the environment, to be conducted as part of subsequent development permit process to be considered at the time of actual development.
10. The project proposes a Floor Area Ratio of 1.1

## FINDINGS

1. The interrelationship between the orientation, location and elevations of the proposed building(s) and structure(s) and other uses on-site are mutually compatible and aesthetically harmonious in that:
  - a. Review of all buildings, structures, and other features on the site will be reviewed as part of review of subsequent development permits that would be in effect and the project would be subject to at the time of actual development.
2. The orientation, location and elevation of the proposed building(s) and structure(s) and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood in that:
  - a. Review of all buildings, structures, and other features on the site will be reviewed as part of review of subsequent development permits that would be in effect and the project would be subject to at the time of actual development.
3. The environmental impacts of the project will not have an unacceptable negative effect on adjacent property or properties in that:
  - a. Future industrial development of the subject site based on this Site Development Permit shall require further environmental review, including a subsequent Initial Study to determine potential effects to the environment, to be conducted as part of further development permits to be reviewed as part of this project.
4. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior hearing, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood in that:
  - a. Review of all exterior landscaping, building, equipment, and utility treatment features will be reviewed as part of review of subsequent development permits that would be in effect and the project would be subject to at the time of actual development.

5. Traffic access, pedestrian access and parking are adequate in that:
  - a. Sufficient driveway curb cuts and driveways will be provided on site to provide access to the site without interfering with off-site circulation.
  - b. Pedestrian walkways will be provided to all major building entrances. A perimeter sidewalk will be provided.
  - c. The proposed number and size of parking spaces will comply with or exceed the requirements of the Zoning Ordinance.
6. This site has a designation of Industrial Park on the adopted San José 2020 General Plan Land Use/Transportation Diagram and the proposed industrial park uses associated with this application are consistent with this designation.

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Site Development Permit shall automatically expire two years from and after the date of issuance hereof by said Director if within such two-year period construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Site Development Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
3. **Subsequent Development Permit(s).** This Site Development Permit is to allow entitlement for up to 870,000 square feet of new additional Industrial Park floor area only, and does not allow for development of the additional floor area without further review and approval of any and all development permits that would be in effect and the project would be subject to at the time of actual development.
4. **Environmental Clearance.** Future industrial development of the subject site based on this Site Development Permit shall require further environmental review, including a subsequent Initial Study to determine potential effects to the environment, to be conducted as part of further development permits to be reviewed as part of this project.
5. **Conformance with Plans.** Further development of the subject site shall conform to approved Site Development Permit plans entitled, "Site Development Permit, Novellus, Industrial Park (IP) Development," dated September 6, 2007, on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).

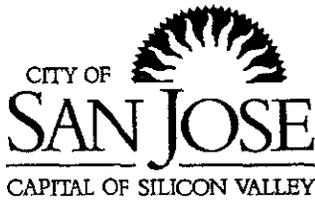
6. **Revocation.** This Site Development Permit is subject to revocation for violation of any of its provisions or conditions.
7. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
8. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

**APPROVED** this 16<sup>th</sup> day of October, 2007.

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

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Deputy



4.G.3

Department of Planning, Building and Code Enforcement

JOSEPH HORWEDEL, DIRECTOR

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

H07-035. Master Site Development Permit for development of up to 870,000 square feet of new additional Industrial Park floor area, including transfer of up to 270,251 square feet of floor area credits for a project located at the southeast corner of North First Street and Headquarters Drive on a 26.99-gross-acre site in the Industrial Park (IP) Zoning District with street address 3620 through 40000 North First Street.

Council District 4.

County Assessor's Parcel Numbers: 097-79-001, 097-79-002, 097-79-003, 097-79-009, 097-79-011, and 097-79-012

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Development Policies Update EIR," and findings were adopted by City Council Resolution No. 72768 on June 21, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

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

ANALYSIS:

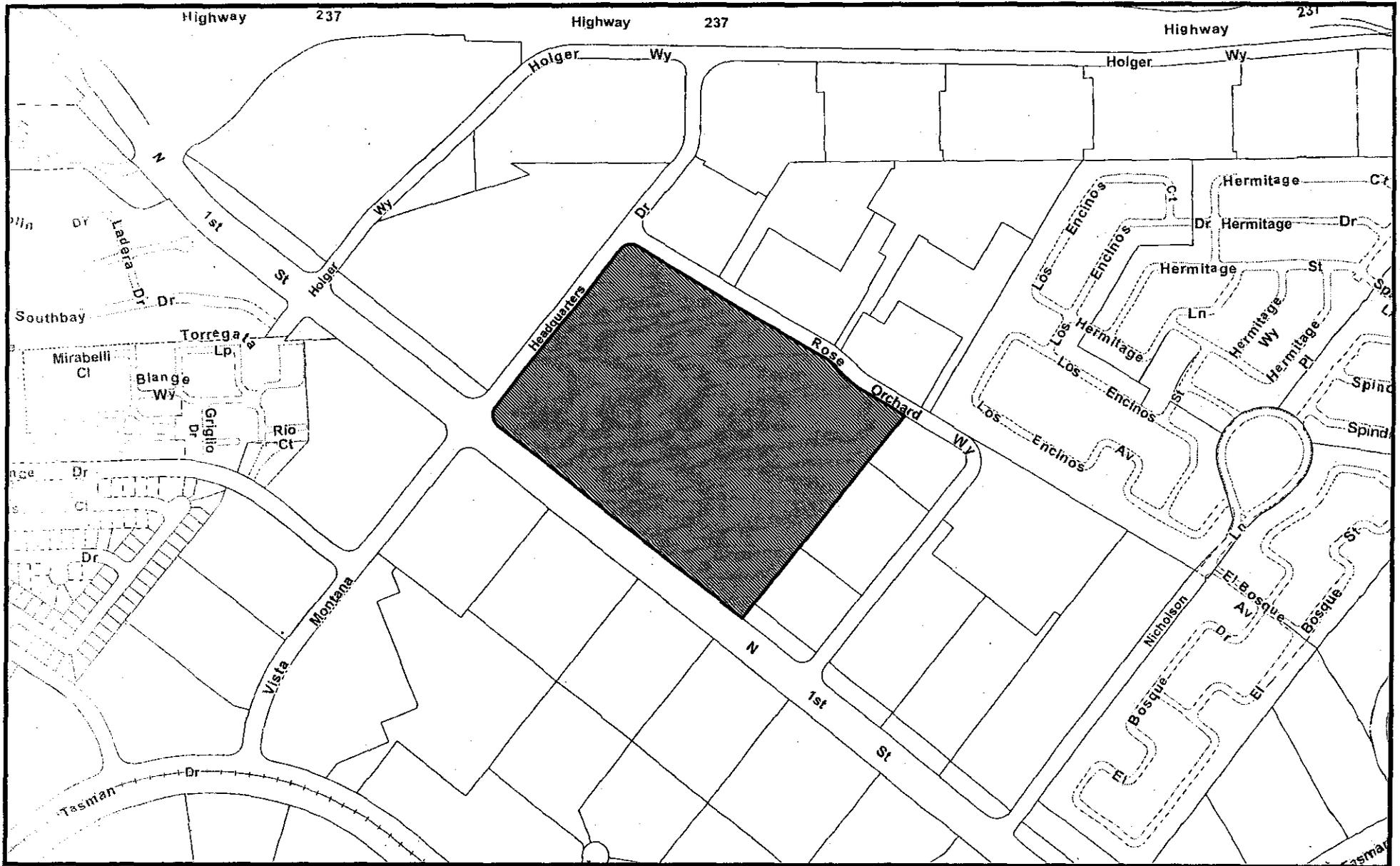
See Attached Initial Study for the Vista Montana Park project, File Nos. PDC07-054, PDC07-055, and H07-035.

Rodrigo Orduña, AICP
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

9/19/07
Date

Atomi Danielson
Deputy



09/10/2007

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

**File No: H07-035**  
**District: 4**  
**Quad No: 35**

# Memorandum

**TO:** Rodrigo Orduna  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 09/20/07

---

**PLANNING NO.:** H07-035  
**DESCRIPTION:** Master Site Development Permit for development of up to new additional 870,000 square feet of Industrial Park uses, including transfer of 290,000 square feet of floor area credits, on a 27 gross acre site.  
**LOCATION:** Southeasterly Corner of N. 1<sup>st</sup> Street and Vista Montana  
**P.W. NUMBER:** 3-18025

Public Works received the subject project on 09/11/07 and submits the following comments and requirements.

**THE CURRENT MASTER SITE PERMIT DOES NOT PROVIDE ON-SITE STRUCTURE LAYOUT AND OTHER NECESSARY INFORMATION. WHEN THE APPLICANT FILES THE DEVELOPMENT PERMIT FOR CONSTRUCTION OF NEW BUILDINGS, PUBLIC WORKS WILL PROVIDE MORE DETAILED REVIEW. THE FOLLOWING PUBLIC WORKS COMMENTS AND CONDITIONS CAN BE ANTICIPATED:**

**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.

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  7. **Complexity Surcharge:** 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.

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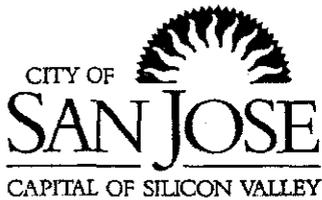
Please contact the Project Engineer, Vivian Tom, at (408) 535-6819 if you have any questions.



Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division

ES:vt

4.G.3



Department of Planning, Building and Code Enforcement

JOSEPH HORWEDEL, DIRECTOR

**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 José 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**

H07-035. Master Site Development Permit for development of up to 870,000 square feet of new additional Industrial Park floor area, including transfer of up to 270,251 square feet of floor area credits for a project located at the southeast corner of North First Street and Headquarters Drive on a 26.99-gross-acre site in the Industrial Park (IP) Zoning District with street address 3620 through 40000 North First Street.

Council District 4.

County Assessor's Parcel Numbers: 097-79-001, 097-79-002, 097-79-003, 097-79-009, 097-79-011, and 097-79-012

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Development Policies Update EIR," and findings were adopted by City Council Resolution No. 72768 on June 21, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology      | <input checked="" type="checkbox"/> Noise                       |
| <input checked="" type="checkbox"/> Cultural Resources      | <input checked="" type="checkbox"/> Hazardous Materials    | <input checked="" type="checkbox"/> Land Use                    |
| <input checked="" type="checkbox"/> Urban Services          | <input checked="" type="checkbox"/> Biotics                | <input checked="" type="checkbox"/> Air Quality                 |
| <input checked="" type="checkbox"/> Aesthetics              | <input checked="" type="checkbox"/> Airport Considerations | <input checked="" type="checkbox"/> Microclimate                |
| <input checked="" type="checkbox"/> Energy                  | <input checked="" type="checkbox"/> Relocation Issues      | <input checked="" type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Transportation          | <input checked="" type="checkbox"/> Utilities              | <input checked="" type="checkbox"/> Facilities and Services     |
| <input checked="" type="checkbox"/> Water Quality           | <input type="checkbox"/> _____                             |   |

**ANALYSIS:**

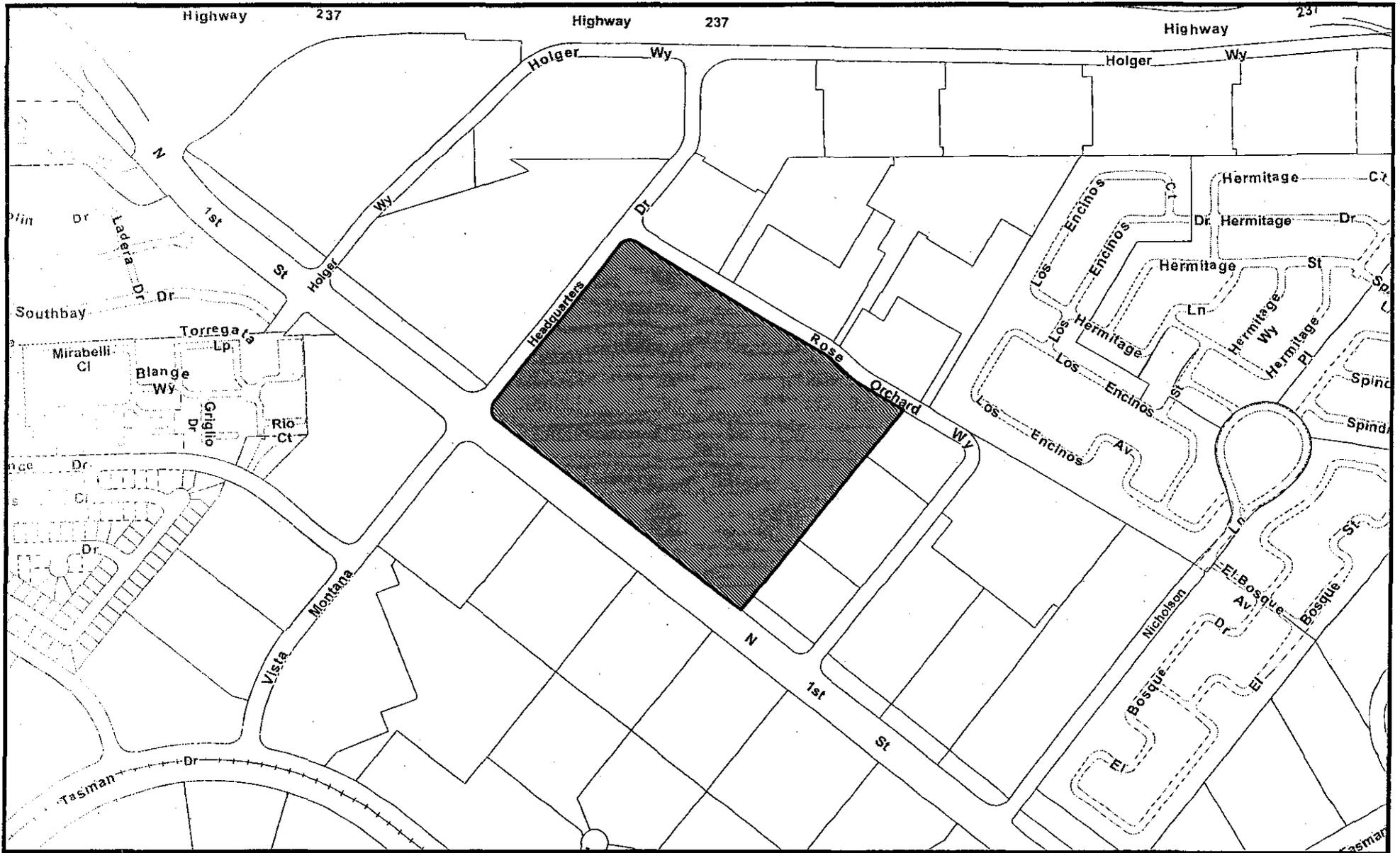
See Attached Initial Study for the Vista Montana Park project, File Nos. PDC07-054, PDC07-055, and H07-035.

Rodrigo Orduña, AICP  
Project Manager

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

9/19/07  
Date

Atomi Sanchez  
Deputy



09/10/2007

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

**File No: H07-035**

**District: 4**

**Quad No: 35**

# Memorandum

**TO:** Rodrigo Orduna  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 09/20/07

---

**PLANNING NO.:** H07-035  
**DESCRIPTION:** Master Site Development Permit for development of up to new additional 870,000 square feet of Industrial Park uses, including transfer of 290,000 square feet of floor area credits, on a 27 gross acre site.  
**LOCATION:** Southeasterly Corner of N. 1<sup>st</sup> Street and Vista Montana  
**P.W. NUMBER:** 3-18025

Public Works received the subject project on 09/11/07 and submits the following comments and requirements.

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Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division



ES:vt

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CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, Third Floor  
San José, CA 95113

Hearing Date/Agenda Number  
P.C. 9/26/07 Item: 4.g.4.

File Number  
DA-Novellus – Novellus Systems Development Agreement

Application Type  
Development Agreement

Council District  
4

Planning Area  
North San José

Assessor's Parcel Number(s)  
097-52-013, 027,028,097-53-015; 097-79-001-003,005-009,011,012.

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Richard Buikema

Location: Both sides of North First Street at Vista Montana Drive and Headquarters Drive.

Gross Acreage: 45.1

Net Acreage: NA

Net Density: NA

Existing Zoning: IP- Industrial Park

Existing Use: Vacant

Proposed Zoning: A(PD) Planned Development

Proposed Use: Multi-Family Attached and Research and Development/Industrial Office

### GENERAL PLAN

Completed by: RB

Land Use/Transportation Diagram Designation  
Industrial Park w/Transit Employment Residential Overlay

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: RB

North: Single Family and Multi-Family Residential A(PD) – Planned Development

East: Industrial Office IP Industrial Park,

South: Industrial Park / Office IP Industrial Park

West: Industrial Park/ Office A(PD) Planned Development

### ENVIRONMENTAL STATUS

Completed by: RB

Environmental Impact Report found complete (North San José Policy Update EIR certified June 21, 2005 per City Council Resolution No 72768 – State Clearinghouse #2004102067)  
 Negative Declaration circulated on

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: RB

Annexation Title: Lick No. 21

Date: December 14, 1981

### PLANNING DEPARTMENT RECORRENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial

Date: September 19, 2007

Approved by: Andrew Crabtree  
 Action  
 Recommendation

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APPLICANT/OWNER/

Novellus Systems, Inc  
4000 North First Street  
San José, CA 95134

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PUBLIC AGENCY CORBENTS RECEIVED

Completed by: RB

Department of Public Works, Fire Department

None Received

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Other Departments and Agencies

None Received

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GENERAL CORRESPONDENCE

None Received

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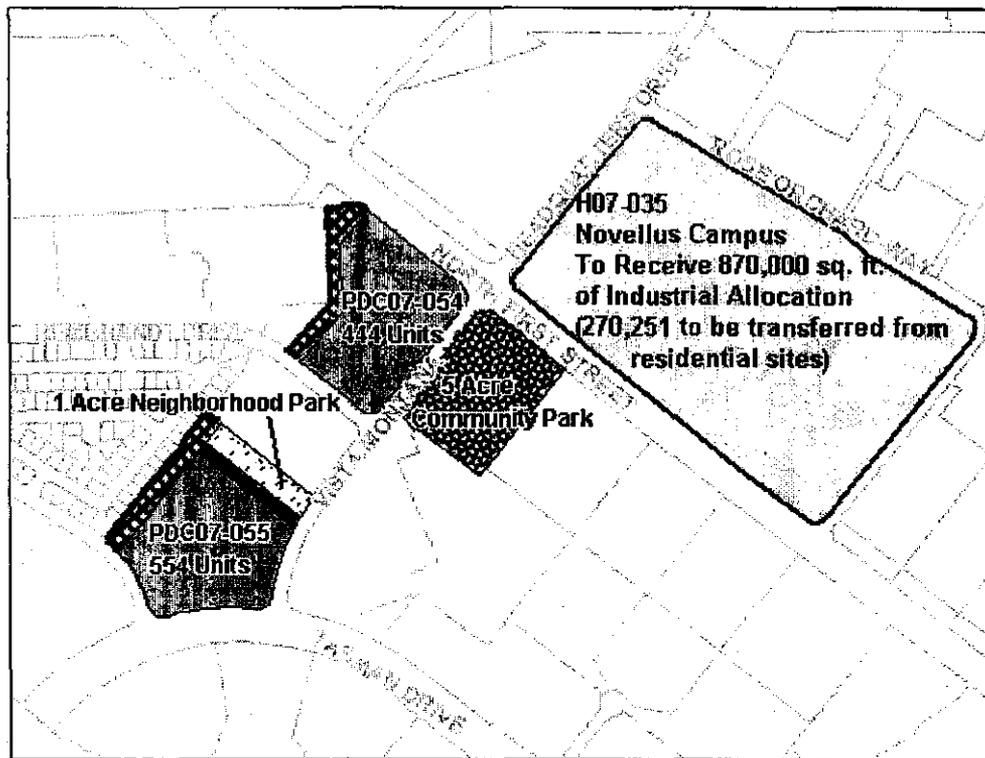
ANALYSIS AND RECORBENDATIONS

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**BACKGROUND**

The applicant, Novellus Systems, Inc., has requested a Development Agreement (DA) by and between the City of San José and Novellus Systems, Inc. The DA is related to two pending Planned Development Rezoning applications (PDC07-054 – 444 Units on 12.1 Acres, and PDC07-055 – 554 Units on 8.7 Acres) and a Site Development Permit (H07-035). In summary, the City with the DA will preserve and transfer residential and industrial development capacity (per the North San José Area Development Policy) for Novellus for an extended period, in exchange for contributions from Novellus towards the construction and maintenance of two new City parks (a 5-Acre Community Park and a 1-Acre Neighborhood Park) in conjunction with their pending Planned Development Rezoning proposal for approximately 1000 units. As a result, the City will receive dedication and improvement of parkland as part of two proposed residential projects beyond what would have been normally required by the Parkland Dedication Ordinance. In addition, the Agreement provides for the formal transfer of industrial development capacity from the residential development sites to an existing Novellus campus (on the southeast corner of North First and Headquarters Drive) to facilitate the eventual expansion on the site.

A Development Agreement is a contract negotiated between a project proponent and a public agency that governs the land uses to be allowed for a particular project, and which will benefit both parties. In this instance, the proposal is that the City would benefit in that the subject Agreement would facilitate the development of two public parks that would not have occurred to the extent proposed without the subject Agreement. Novellus would benefit by receiving residential allocation of up to 1,000 units from Phase 1 of the NSJ Policy phasing program and the transfer of industrial capacity from the sites proposed for residential development, to a second site which will continue in industrial use by Novellus.



Key Components for the Development Agreement

## ENVIRONMENTAL REVIEW

The project site is located within the boundaries of the *North San José Area Development Policy*. The Final Environmental Impact Report (EIR) for the North San José Area Development Policies Update was certified and the project approved by the City Council in June 2005. Santa Clara County and the Cities of Milpitas and Santa Clara subsequently legally challenged the EIR. 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, hydrology and hazardous materials. Based on the analysis in the Initial Study, it has been concluded that the North San José 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 Negative Declaration.

## GENERAL PLAN CONFORMANCE

The Development Agreement is related to projects which are designated Industrial Park, with the Transit Employment Residential overlay and Floating Park designation on the *San José 2020 General Plan Land Use/Transportation Diagram*. The Transit Employment Residential overlay allows residential development at a minimum average density of 55 units per acre as an alternate use to the underlying Industrial Park designation. The proposed residential development, as analyzed in the corresponding staff report, is consistent with the Transit Employment Residential land use designation and also the pertaining elements of the North San Jose Area Development Policy as incorporated into the General Plan. The proposed industrial development is consistent with the Industrial Park land use designation and would further several General Plan goals and strategies related to economic growth and sustainable development.

The site proposed for a park has an Industrial Park land use designation but is within an area designated for a park by a floating "P". The specific size, location and configuration of such park sites will only be finalized through acquisition of a particular parcel. No General Plan amendment is required to modify the general location, size or configuration of such park sites. The proposal will provide public parkland on the subject parcel to serve existing and future residents on infill sites in the surrounding neighborhood. Development of a park at this site would further several General Plan goals and policies including the Parks and Recreation Goal (use parks to enhance livability), Parks and Recreation Policy No. 1 (within walking distance of residents), Parks and Recreation Policy No. 15 (support economic development), Parks and Recreation Policy No. 18 (park within a park deficient area), and Neighborhood Identity Policy No. 4 (park to support a neighborhood).

The proposed project overall is consistent with the General Plan Balanced Community Goal, which states, "Develop a balanced and complete community in terms of land use distribution and densities, housing types and styles, economic development and job opportunities and opportunities for social and cultural expression."

The project is consistent with the Economic Development Major Strategy of the General Plan in that locating new residential areas at specific locations in close proximity to employment areas, and in combination with specific transportation improvements, supports the intensification of industrial development within the North San José Area, the driving force behind the update of the Policy. This proposal allows for location of residential uses near industrial uses and near transit stations, and thus supports this Major Strategy. Industrial development capacity will be preserved with the transfer of the development capacity from the properties proposed for residential development to the Novellus Campus on sites. The Agreement will facilitate the long-term growth of Novellus within the North San José area by providing Novellus with certainty as to its future growth potential on their current campus.

## **ANALYSIS**

### Review Criteria for Development Agreements

City Ordinance No. 24209 establishes criteria by which the City may enter into a Development Agreement. For the City Council to approve an Agreement, it must find that the proposed development is consistent with the General Plan, meets important economic, social, environmental or planning goals of the City, and facilitates the development of the subject property. Additionally, the proposed development must be found to either incur unusually substantial public improvement costs and to demonstrate commitment to a very high standard of quality beyond the standard City requirements or the development must be found to make a substantial contribution to the economic development of the City. In the latter case, the development must be for industrial office, research and development or similar use, involve a parcel of at least 5 acres in size, and create or retain at least five hundred jobs, be used as a corporate headquarters by the primary user of the development and qualify as a "Special Handling" project per City requirements. Development Agreements are approved through the adoption of a City ordinance by the City Council. The effective date of the Agreement is the effective date of the ordinance unless a later date or the occurrence of a specific event is specified in the Agreement.

Development Agreements may be amended or cancelled by the mutual consent of the parties to the Agreement or their successors in interest. An amendment may be granted upon a finding by the City Council that the amendment is consistent with either the General Plan and zoning codes in effect at the time the ordinance authorizing the agreement was adopted, or at the time of any amendment. Review of an amendment is limited to consideration of those elements proposed to be added or changed.

### **Development Capacity Allocation**

The *North San José Area Development Policy* provides for the development of up to 32,000 new residential dwelling units within North San José, including the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of 55 DU/AC. The total amount of new industrial and residential development capacity is divided into four phases, with 25 percent of the total amount of development in each category of land use assumed for each phase. The phasing plan limits how much industrial or residential development may occur in advance of the construction of supporting infrastructure improvements and commercial development.

Typically, Residential or Industrial development capacity is considered to be reserved for a particular site upon issuance of a Site Development Permit or Planned Development Permit. The actual allocation of the development capacity occurs with the issuance of Building Permits. Development capacity is not reserved for a property through adoption of a zoning or rezoning action. The Policy also allows for the reservation of allocation with a legally binding mechanism such as a Development Agreement that includes allocations that last for the term of the Development Agreement based upon a demonstration that the project will provide extraordinary benefit to the City.

As a part of the subject Agreement, Residential development capacity of 1000 units is proposed to be reserved, for up to five years, in conjunction with the approval of the previously mentioned Planned Development Rezoning applications. This will provide assurances to Novellus that the proposed units will be able to proceed during Phase 1 of the North San José Policy. No residential units have been allocated thus far; however, 717 residential units of the 8,000 unit total in North San José have reserved allocation. An additional 1,900 units have received zoning approval and rezoning requests (including this project) for an additional 6,691 additional units are currently pending.

### **Benefit to Novellus**

#### **Reservation of Industrial Floor Area Credits**

Novellus will receive 870,000 square feet of additional industrial square footage capacity [270,251 square feet to be transferred from the Novellus properties subject to the pending Planned Development Rezonings (PDC07-054 and PDC07-055)]. Of this, 599,749 square feet is being reserved for the site out of the industrial development capacity provided in Phase 1 of the North San José Area Development Policy. (At the point that only 870,000 square feet of development capacity remain within Phase 1 of the North San José Area Development Policy, reservation of all or a portion of the 870,000 square feet may be modified to be reserved from the next phase of NSJ ADP industrial development capacity at the discretion of the Planning Official). This allocation shall be in effect for the 20-year term of the agreement.

#### **Reservation of Phase 1 Residential Allocation**

Allocation will be reserved [for the properties subject to the pending Planned Development Rezonings (PDC07-054 and PDC07-055)] for 998 units of residential capacity out of the residential development capacity provided in Phase 1 of the NSJ ADP for a period of 5 years subsequent from the date of the Agreement. Novellus may transfer up to 500 units from their residential unit reservation to an adjacent property also located within the Transit Employment Residential Overlay.

### **Benefit to City**

In exchange for receiving the benefits described above, the applicant, Novellus will construct two new City parks (a 5-Acre Community Park and a 1-Acre Neighborhood Park). Novellus' total parkland dedication obligation for the 998 multi-family units is 6.85 acres of raw land. Novellus will exceed its Parkland Dedication Obligation under the PDO and PIO by forgoing its claim for private recreational credits (valued at \$2,000,800) and by providing turnkey improvements to the Community Park and to the Neighborhood Park. Novellus will also provide One Million Five Hundred Thousand Dollars (\$1,500,000) to the City of San José to go towards the maintenance and operation of the Community Park for a period of twenty (20) years.

The North San José Area Development Policy states that the subject residential overlay should include at least three acres of parkland at full development, located within 1,000 feet of new residents. The Policy also states "New park facilities within the Policy area will need to include several new Neighborhood and Community Parks and other public recreational facilities. The new Neighborhood Parks should be located on or in proximity to properties within the Transit/Employment Residential District Overlay." Approval of this Development Agreement, along with the associated planned development zoning applications, will provide the City with a 5-acre community park facility and a 1-acre neighborhood park that can be expanded with the future development of the adjacent parcel. All of the new parkland will be located within 1,000 feet of the new residential units. Absent this Agreement, development of the overlay is expected to generate approximately 3 acres in total of new parkland. As stated above, this Agreement will also provide significant value in the form of park improvements and cash contribution above the current Parkland Dedication Ordinance requirements.

### **Conclusion**

The proposed Development Agreement conforms with the City's criteria for approval of such Agreements in that the proposed project conforms to the General Plan, would facilitate the development of 998 multi-family residential units and the future development of up to 870,000 square feet of additional industrial square footage, consistent with the goals and policies of the General Plan and North San José Area Development Policy, and would incur significant costs for public improvements in the form of improvements to public parklands and provision for their maintenance above and beyond the City's standard requirements under the Parkland Dedication Ordinance.

### **PUBLIC OUTREACH**

A Community Meeting was conducted on August 30, 2007 to discuss the related Planned Development Zonings. Approximately 20 individuals were in attendance and were generally in support of the project, particularly the proposed public parks. Notices for the Planning Commission and City Council public hearings were distributed to the owners and tenants of all properties located within 1,000 feet of the project site. An on-site sign was placed on the site to provide information on the pending proposal. The Planning Department website contains information regarding the North San José area, including the Policy, development applications, staff reports, and hearing schedules. This website is available with the most current information regarding the status of the rezoning applications. Staff has also been available to discuss the project with members of the public.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission approve the requested Development Agreement for the following reasons:

1. The Development Agreement conforms to the designations of Industrial Park with the Transit Employment Residential overlay on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The Development Agreement conforms to the requirements of the existing IP-Industrial Park and the proposed A (PD) Planned Development Zoning District.
3. The Development Agreement conforms to the requirements of the Development Agreement Ordinance.
4. The proposed Development Agreement supports the General Plan Economic Development Strategy.

# Novellus Development Agreement

