CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
PC 10/13/04 Item No.: 3.i.

File Number
PDC04-033

Application Type
Planned Development Rezoning

Council District
5

Planning Area
Alum Rock

Assessor's Parcel Number(s)
481-45-001

PROJECT DESCRIPTION

Completed by: Deanna Chow

Location: Northwesterly terminus of 34th Street

Gross Acreage: 0.48 | Net Acreage: 0.45 | Net Density: 11.1 DU/AC

Existing Zoning: R-1-8 Single-family Residence | Existing Use: Single-family detached residence

Proposed Zoning: A (PD) Planned Development | Proposed Use: Up to five single-family detached residential units

GENERAL PLAN

Completed by: DMC

Land Use/Transportation Diagram Designation
Medium Density Residential (8-16 DU/AC)

Project Conformance:
[☒] Yes [☐] No
[☐] See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: DMC

North: Single-family residential courthomes and golf course	A(PD) Planned Development
East Single-family detached residential	A(PD) Planned Development
South: Single-family detached residential	R-1-8 Residence
West: Single-family detached residential	R-1-8 Residence

ENVIRONMENTAL STATUS

Completed by: DMC

[☐] Environmental Impact Report
[☒] Negative Declaration circulated on September 24, 2004
[☐] Negative Declaration adopted
[☐] Exempt
[☐] Environmental Review Incomplete

FILE HISTORY

Completed by: DMC

Annexation Title: Mayfair No_2

Date: 12/1/1967

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

[☒] Approval
[☐] Approval with Conditions
[☐] Denial
[☐] Uphold Director's Decision

Date: 10-6-04

Approved by: Susan Walton
[☒] Action
[☐] Recommendation

APPLICANT/OWNER/DEVELOPER

Innovative Housing Solutions
Grant Denmark, Senior Managing Partner
P.O. Box 320156
Los Gatos, CA 95032

PUBLIC AGENCY COMMENTS RECEIVED **Completed by:** DMC

Department of Public Works

Please see attached memorandum.

Other Departments and Agencies

Please see attached memorandum from the Fire Department and the Environmental Services Department.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Innovative Housing Solutions, is requesting a rezoning from R-1-8 Residence Zoning District to A (PD) Planned Development to allow up to 5 single-family detached residential units on a 0.45-acre site. A Planned Development rezoning is required because the developer proposes to subdivide and develop the property in a configuration that is not defined in any of the City's conventional residential zoning districts. Specifically, the project proposes lot sizes and setbacks that are smaller than what is typified by the R-1-8 single-family residential zoning district.

Project Description

The proposed zoning would facilitate redevelopment of the existing 0.45-acre site to allow up to 5 single-family detached residences. The proposed development would be consistent with the existing pattern of development adjacent to the site. The lots would take access from a private driveway that would be improved to resemble a public street. The majority of the road improvements were proposed and are part of a previously approved Planned Development rezoning (PDC03-021) for 3 lots at the terminus of the private street. Although it is anticipated that the driveway would be a separate lot owned by one of the residents, the other residents would have an easement granting them use of the driveway. The proposed PD Zoning identifies development standards that are compatible with the surrounding uses. Each lot would be 50 feet wide and approximately 3,800 square feet in size. Each unit would have two covered parking spaces and private open space. The maximum height limit is 35 feet, 2.5 stories.

Site and Surrounding Uses

The subject site is currently developed with one (1) single-family detached residence built circa 1940. The structure has been altered and has been determined not to be a significant historic resource. The property is situated at the terminus of 34th Street, near Los Suenos Avenue and located within the Gateway East Strong Neighborhood Initiative (SNI) area . Single-family residences border the project site. Properties to the north are typified by courthomes, with a density of 17.0 DU/AC. Small lot single-family residential uses are located to the east with a density of 14.3 DU/AC. The residences to the west and south are typified by typical R-1-8 Residence zoning district development standards. The proposed single-family development at a density of 11.1 DU/AC is compatible with the development in the adjacent neighborhoods.

ENVIRONMENTAL REVIEW

A Draft Mitigated Negative Declaration was circulated on September 24, 2004 for review and comment. The Mitigated Negative Declaration included mitigation measures to reduce potential impacts to a less than significant level per the California Environmental Quality Act (CEQA) guidelines. The Draft Negative Declaration included mitigation measures for Air Quality, Biological Resources, Cultural Resources and Noise. With the inclusion of the required mitigation measures, the project will have less than a significant impact on the environment.

GENERAL PLAN CONFORMANCE

The subject property has a land use designation of Medium Density Residential (8-16 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed development is 11.1 DU/AC which is consistent with this designation, and typified by a variety of housing types, including patio homes, duplexes and townhomes.

The proposed development is consistent with several General Plan Major Strategies, including the Housing Major Strategy which seeks to provide a variety of housing opportunities and the Growth Management Major Strategy which encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services.

ANALYSIS

The proposed Planned Development Rezoning would facilitate redevelopment of an underutilized parcel into five (5) single-family residences on individual lots. The primary issues associated with the proposed project are conformance with the Residential Design Guidelines and the Gateway East Strong Neighborhood Initiative (SNI) plan.

Conformance with the Residential Design Guidelines (RDG)

As proposed, the project would meet or exceed the standards included with the Residential Design Guidelines (RDG) pertaining to development of new single-family detached residences on lots of 3,000 to 4,000 square feet in size. The project's proposed minimum building setbacks are the following:

- 15 feet, front,
- 15 feet, rear
- 5 feet, sides (interior)
- 8 feet, sides (corner)

These development standards meet or exceed the recommended setback standards of 15 feet for the front, 15 feet for the rear, and 4 feet for side (interior) and 8 feet for side (corner). The RDG require that that two covered on-lot and one off-lot parking space be provided per single-family detached unit. The project would provide four on-lot (two covered and two driveway apron) and one off-lot parking space per unit. The off-lot spaces will be accommodated by widening the private street to 31 feet (including 23 feet of travel lanes and 8 feet for parking) along the frontage of the project. The proposed zoning would also include a 3-foot sidewalk and a minimum of 8-foot wide by 5-foot deep landscape "bulbs" with trees to create five parking pockets on the north side of the street. The remaining portion of the proposed private street would be paved to provide for two-way vehicle travel as previously approved with PDC03-021. Each unit would have a rear yard approximately 750 square feet in size which exceeds the per unit requirement of the Guidelines for 500 square-feet of private open space. Project architecture will be further reviewed at the Planned Development Permit stage to ensure the designs are varied, the units provide architectural enhancements and articulation, and the garages have limited frontage.

Gateway East Strong Neighborhoods Initiative (SNI) Plan

The Gateway East Neighborhood Improvement Plan was adopted by the City Council on June 3, 2003. The Gateway East community is predominantly residential and is situated on the east side of San Jose, immediately east of Highway 101 and north of Interstate 280. The Plan serves as the community's framework of priority improvements for enhancing their neighborhood.

The proposed residential project addresses several of the community's goals. One of Gateway East's main goals is to help foster attractive and well-maintained residential environments. The redevelopment of the site for up to five (5) single-family homes would help enhance the appearance of the underutilized site and provide housing opportunities in the area. Additionally, the proposed project would further improve the dirt driveway at the eastern terminus of Los Suenos Drive by contributing to the maintenance of the driveway. This is consistent with one of the infrastructure improvements identified during the neighborhood planning process.

Conclusion

The proposed project would help facilitate redevelopment of an underutilized site. The proposed redevelopment would be consistent with several of the General Plan Major Strategies and the goals of the Gateway East SNI Plan. The proposed units would conform to the residential design guidelines.

PUBLIC OUTREACH

A notice of the public hearing and Draft Mitigated Negative Declaration was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper. Staff has been available to respond to questions from the public. The project was also reviewed with the Gateway East SNI Neighborhood Advisory Committee (NAC).

RECOMMENDATION

Planning staff recommends approval of the proposed Conforming Rezoning for the following reasons:

1. The proposed rezoning is consistent with the San Jose 2020 General Plan Land Use/Transportation designation of Medium Density Residential (8-16 DU/AC) and supports several of the General Plan Major Strategies, including Housing and Growth Management.

2. The proposed zoning is compatible with existing uses on the adjacent and neighboring properties.

3. The proposed zoning would help further the goals of the Gateway East SNI plan by revitalizing residential areas and improving infrastructure.

4. The proposed project is in substantial conformance with the Residential Design Guidelines.

Attachments

PDC04-033
General Development Plan

PERMITTED USES

Permitted Uses: Five (5) Single-Family detached residences. All trellises, pools, spas, additions, and decks shall conform to the R-1-8 Residence District Standards and shall be allowed by right with no review or approval by the Director of Planning required. Other approvals may still be required. All other changes shall require Director of Planning approval.

DEVELOPMENT STANDARDS

Minimum Lot Size: 3,750 square feet

Maximum Height: 35 feet, 2.5 stories

Minimum Setbacks:
Front: 15 feet
Side: 5 feet
Side, corner: 8 feet
Rear: 15 feet

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

Minimum Driveway Length: 20 feet

Minimum Parking: 2 covered + 2 uncovered off-street parking spaces per unit; and one common parking space per unit

Private Open Space: The project shall include a minimum of 750 square feet of private open space per unit.

Landscaping: Landscape "bulbs", a minimum of 8 feet (wide) by 5 feet (deep), with trees shall be provided along the north side of the project drive to create five parking space pockets.

Tentative Maps:
The applicant will be required to satisfy all Public Works conditions prior to the approval of the final or parcel map by the Director of Public Works.

The developer shall participate in a Road Maintenance Agreement to provide for the on-going maintenance of the shared driveway. Access easements shall be provided to the new lots.

Private Streets:

1. Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
2. 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.

OFF-SITE IMPROVEMENTS

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

1. Applicant shall be responsible to remove and replace curb, gutter, AC pavement, and sidewalk damaged during construction of the proposed project.
2. Remove and replace broken or uplifted curb, gutter, and sidewalk along 34th Street.
3. 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.

ENVIRONMENTAL MITIGATION

Air Quality

1. Water all active construction areas at least twice daily or as often as needed to control dust emissions.
2. Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
4. Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
5. Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.

6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
7. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.

Biological Resources

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

- Each tree less than 12" in diameter to be removed = one 15 gallon tree
- Each tree 12" to 18" diameter to be removed = two 24" box trees
- Trees greater that 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees

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

- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
- A donation of $300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Director of Planning, Building, and Code Enforcement prior to issuance of a grading permit.

Archaeology

There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.

1) If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.

2) If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in

order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)

3) In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

   a) 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.

   b) A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

Noise

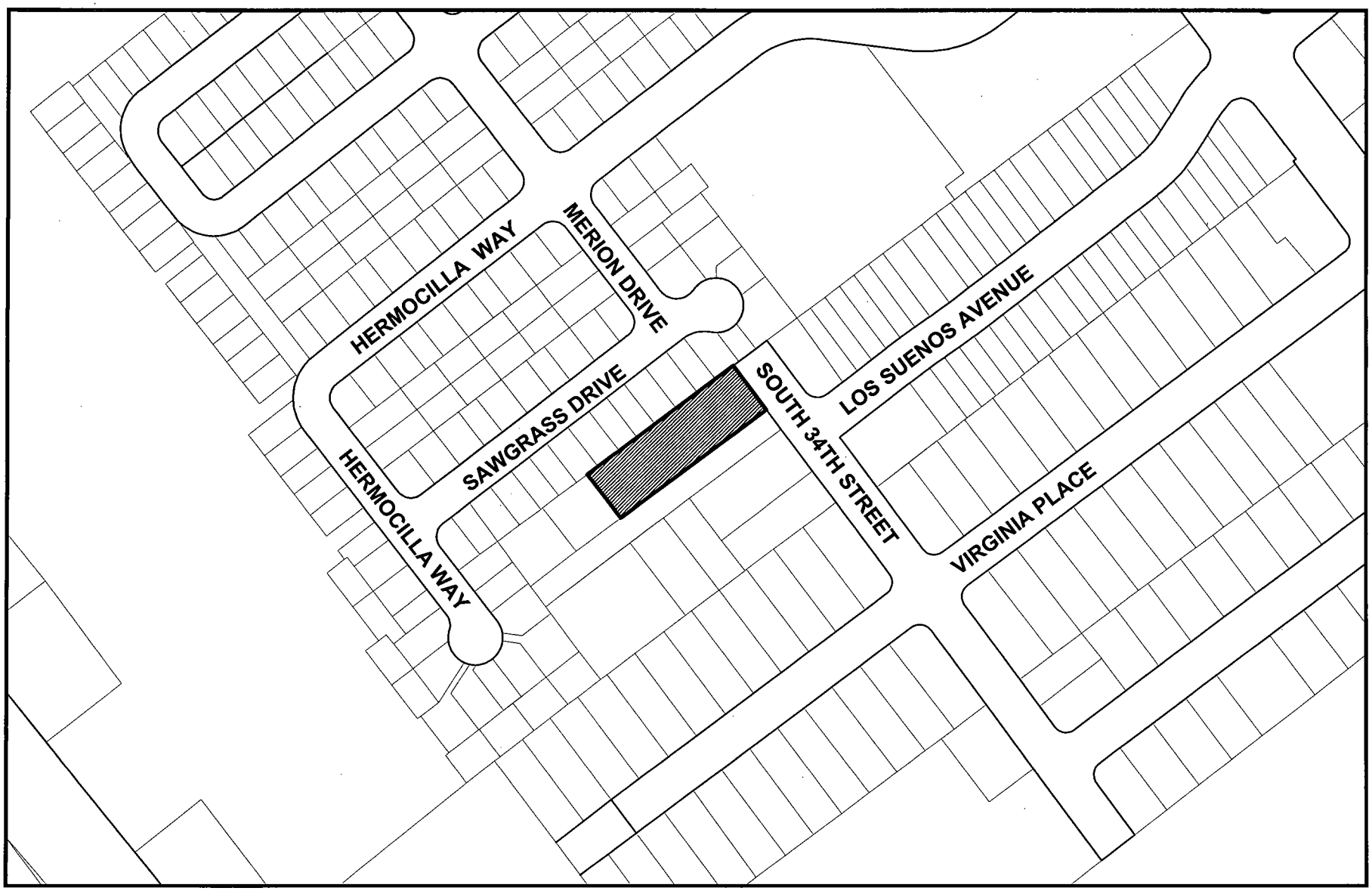
All units should be provided with an adequate forced-air mechanical ventilation system satisfactory to the City of San Jose Building Department to allow occupants the option of controlling noise while maintaining a habitable interior environment.
Construction activities shall be limited to the hours 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.

The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.

Weekend construction hours, including staging of vehicles, equipment and construction materials, shall be limited to Saturdays between the hours of 9 a.m. to 5 p.m. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Exterior generators, water pumps, compressors and idling trucks are not permitted. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site. The Director of Planning, at his discretion, may rescind provisions to allow extended hours of construction activities on weekends upon written notice to the developer.

WATER POLLUTION CONTROL PLANT NOTICE

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



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Scale: 1"=200'

Created on 04/09/04

File No: PDC04-033

District: 05

Quad No.: 68

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Deanna Chow
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: **FINAL RESPONSE TO DEVELOPMENT APPLICATION**

DATE: 10/05/04

PLANNING NO.: PDC04-033
DESCRIPTION: Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to five single-family detached residences on a 0.48 gross acre site.
LOCATION: northwesterly terminus of South 34th Street
P.W. NUMBER: 3-11299

Public Works received the revised submittal for subject project on 09/21/04 and submits the following comments and requirements.

Project Conditions:

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

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

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

2. **Grading/Geology:**
   a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
   b) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

3. **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.

4. **Street Improvements**:
   a) Applicant shall be responsible to remove and replace curb, gutter, AC pavement, and sidewalk damaged during construction of the proposed project.
   b) Remove and replace broken or uplifted curb, gutter, and sidewalk along 34th Street.
   c) 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.

5. **Complexity Surcharge (In-Fill)**: This project has been identified as an in-fill project, and as such is subject to the following:
   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.

6. **SNI:** This project is located within the Gateway East SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.

7. **Sanitary**: The project is required to submit plan and profile of the private sewer mains with lateral locations for final review and comment prior to construction.

8. **Electrical**:
   a) Installation of new and relocation/relamping of existing electrolier(s) along 34th Street may be required and will be determined at the improvement plan stage.
   b) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.

9. **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.

Please contact the Project Manager, Andrew Turner, at (408) 277-5161 if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

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#8

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Deanna Chow
Planning and Building

FROM: **Nadia Naum-Stoian,**
Fire Prevention Engineer
San Jose Fire Department

SUBJECT: **INITIAL RESPONSE TO DEVELOPMENT APPLICATION**

DATE: 04/22/04

Approved

Date

PLANNING NO.:	PDC04-033
DESCRIPTION:	Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to three single-family detached residences and one existing single-family detached residence on a 0.48 gross acre site
LOCATION:	northwesterly terminus of South 34th Street
ADDRESS:	northwesterly terminus of South 34th Street (321 S 34TH ST)
FOLDER #:	04 108405 ZN

The San Jose Fire Department has reviewed the related plans as submitted and has the following comments and requirements.

- These comments are based on the following information:

  Largest building: Unknown sq. ft.

  Construction Type: VN

  Occupancy Group: R-3

  Number of stories: 2

- Site fire flow requirement: 2,000 G.P.M.
- Average hydrant(s) spacing: 450 feet - Subject to Fire Department approval
- Comply with comments from the Building/Fire Departments at the plan review stage.
- A permit must be obtained from the Building and Fire Departments. Submit three (3) sets of construction plans to the Building Department, one (1) of those sets of plans will be routed to the San Jose Fire Department for review and comments.

APR 2 2 2004

- **THE FOLLOWING CORRECTIONS SHALL APPLY TO THE SUBJECT APPLICATION:**

  1. The needed fire flow noted above shall be provided from a minimum of 2 hydrants and shall be spaced apart on average 450 feet from the proposed project. Fire flow may be reduced upon construction of a four-hour wall, without openings, as per the adopted fire code. Construction of the area separation wall(s) is subject to review by the Fire Department.

  2. Approved access road(s) and hydrant(s) shall be provided once wood framing is available at site or provide an alternate means of water suppression subject to the approval of the Fire Department. Obtain permit and pay applicable fees prior to the installation. Contact the San Jose Fire Department's Fire Protection Systems Section at (408) 277-8756.

  3. All Fire Department access roads, water mains, and fire hydrants shall be installed and operational during construction in accordance with Article 87 of the Fire Code and all other applicable standards.

- **THE FOLLOWING GENERAL REQUIREMENTS ARE APPLICABLE TO THE SUBJECT APPLICATION:**

  - Facilities for emergency vehicle access:

    A. Roads and/or driveways shall have a minimum clear width of 20 feet. Uniform Fire Code, Section 902.2.2.

    B. Minimum turning radius shall be 30 feet inside and 50 feet outside.

    C. A bulb or hammerhead turn-around shall be provided at the end of all dead-end driveways over 150 feet in length.

    D. Minimum Vertical clearance shall be 14 feet.

    E. Fire lanes shall be suitably marked with standard signs, painted curbs, and/or other markers as approved or authorized for use by the Chief. Fire lane markings shall be indicated on plans submitted through the building permit process for review and approval by the Fire Department.

- Public (off-site) and private (on-site) fire hydrants shall be provided. All hydrants must meet the specifications for the City of San Jose's Fire Department. For hydrant locations please contact the San Jose Fire Department's Fire Protection Engineering Division at (408) 277-5357.

- All existing and new fire hydrants shall be at least 10 feet from all driveways.

- All structures shall be located wholly within 450 feet (road distance) of an accessible standard street hydrant.
- All dead-end streets or roads shall have a hydrant within 175 feet from the most remote end of the rear lot as per the Uniform Fire Code.
- Street numbers shall be visible day and night from the nearest street, either by means of illumination or by the use of reflective materials.
- We reserve the right to make comments at a future date.

If you have any questions regarding these items, please contact me at (408) 277-8754.

BY: Nadia Naum-Stoian, FPE
Bureau of Fire Prevention
San Jose Fire Department

Fire Site Memo to Planning Application

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

APR 2 2 2004

Memorandum

ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

TO:	Deanna Chow Department of Planning, Building, & Code Enforcement	**FROM:**	Geoff Blair Environmental Services Department
SUBJECT:	Response to Development Application	**DATE:**	Staff Review Agenda April 22, 2004
APPROVED:	Geoff Blair	**DATE:**	4-22-04

PLANNING NO. :	PDC04-033
LOCATION:	321 South 34th Street. Northwesterly terminus of South 34th Street.
DESCRIPTION:	Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to three single-family detached and one existing single-family detached residence on a 0.48 gross acre site.
APN:	48145001

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) 945-5332.

Integrated Waste Management (IWM)

Single Family Residential

1. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. All residential projects must be designed[1] such that they will accommodate garbage and recycling collection vehicles and program setout guidelines. For questions regarding garbage and recycling collection issues, contact the Recycle Plus Program at (408) 277-5533.
2. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. For further information, contact the Commercial Solid Waste Program at (408) 277-5533.

[1] In accordance with the San Jose *Residential Design Guidelines*

SEP 2 3 2004 OCT 13, 2004
POSTED ON _____ THROUGH _____
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
BY B. HORIUCHI DEPUTY

ENDORSED
SEP 2 3 2004
BRENDA DAVIS, County Clerk-Recorder
Santa Clara County
By B. HORIUCHI Deputy

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
STEPHEN M. HAASE, AICP, DIRECTOR

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

Project File Number, Description, and Location
PDC04-033, Planned Development rezoning and construction of up to five (5) single-family detached residences on a 0.45-acre site located at the terminus of South 34th Street (Innovative Housing Solutions, LLC, Owner/Developer).
Council District: _5_

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

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **October 13, 2004**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **Friday, September 24, 2004** and ends on **Wednesday, October 13, 2004.**

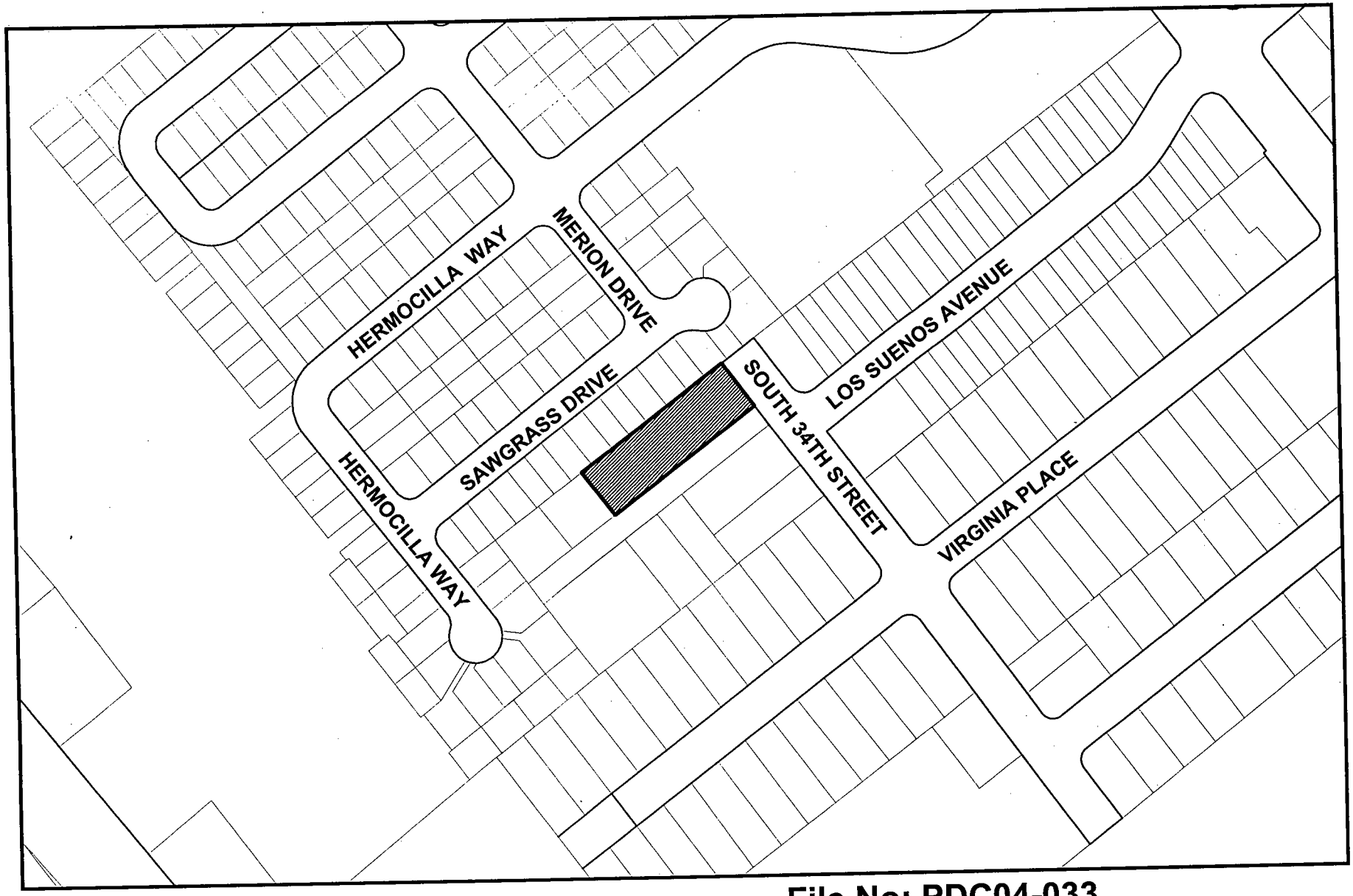
A public hearing on the project described above is tentatively scheduled for October 13, 2004 at 6:00 p.m. in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the East San Jose Carnegie Library 1102 E. Santa Clara Street San Jose, CA 91156, and online at http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2004.htm Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Deanna Chow** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: Sept 24, 2004

Deputy

MNDPN/SBA/2/11/03
REV. JAC 12/29/03



N

Scale: 1"=200'

Created on 04/09/04

File No: PDC04-033

District: 05

Quad No.: 68

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
STEPHEN M. HAASE, AICP, DIRECTOR

DRAFT
MITIGATED NEGATIVE DECLARATION

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

NAME OF PROJECT: PDC04-033

PROJECT FILE NUMBER: PDC04-033

PROJECT DESCRIPTION: Planned Development rezoning and construction of up to 5 single-family detached residences on a 0.45-acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Northwesterly terminus of South 34th Street; 481-45-005

COUNCIL DISTRICT: 5

NAME OF APPLICANT:
Innovative Housing Solutions

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:
P.O. Box 320156
Los Gatos, CA 95032

FINDING

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

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

Air Quality

1. Water all active construction areas at least twice daily or as often as needed to control dust emissions.
2. Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
4. Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.

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

Biological Resources

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

- Each tree less than 12" in diameter to be removed = one 15 gallon tree
- Each tree 12" to 18" diameter to be removed = two 24" box trees
- Trees greater that 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees

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

- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
- A donation of $300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Director of Planning, Building, and Code Enforcement prior to issuance of a grading permit.

Archaeology

There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.

1) If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.

2) If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)

3) In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

a) 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.

b) A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

Noise

All units should be provided with an adequate forced-air mechanical ventilation system satisfactory to the City of San Jose Building Department to allow occupants the option of controlling noise while maintaining a habitable interior environment.

Construction activities shall 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.

The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.

Weekend construction hours, including staging of vehicles, equipment and construction materials, shall be limited to Saturdays between the hours of 9 a.m. to 5 p.m. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Exterior generators, water pumps, compressors and idling trucks are not permitted. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site. The Director of Planning, at his discretion, may rescind provisions to allow extended hours of construction activities on weekends upon written notice to the developer.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **October 13, 2004**, any person may:

(1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

(2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or

(3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a $100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: Sept 24, 2004

Jodi Clark
Deputy

Adopted on: _____

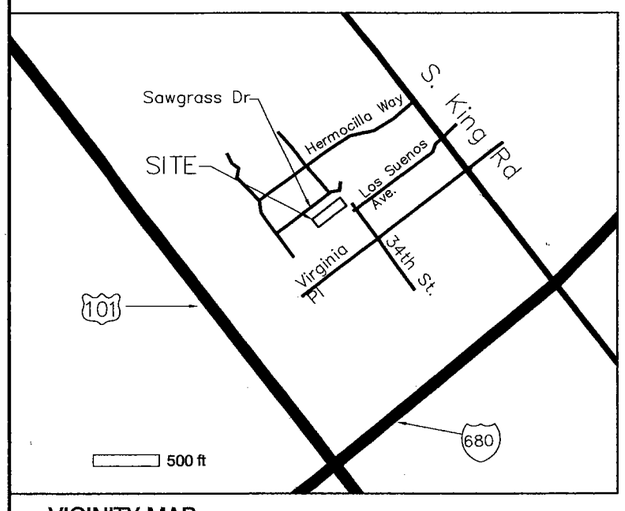
_____
Deputy

MND/JAC 12/29/03

CONCEPTUAL STREETSCAPE

(N.T.S.)

RIZZO HOMES



VICINITY MAP

1"=500'

PROJECT SUMMARY

TOTAL ACRES OF SUBJECT PROPERTY:
EXISTING APN 481-45-001= 0.479 acres/ 20,874 sf±
GROSS RESIDENTIAL= 0.479 acres/ 20,874 sf±
COMMON DRIVEWAY EASEMENT= 0.03 acres/ 1300 sf±
NET RESIDENTIAL (20874 - 1300) = 0.449 acres/ 19,574 sf±

TOTAL # OF DWELLING UNITS = 5
TOTAL FOOTPRINT AREA OF BUILDINGS (1636x5) = 0.187 acres/ 8180 sf±
NET LOT COVERAGE (8180/ 19574) = 41.8%

DEVELOPMENT SCHEDULE:
1. COMMENCEMENT OF CONSTRUCTION: December 2004
2. COMPLETION OF CONSTRUCTION: June 2005
3. ALL WORK TO BE COMPLETED IN SINGLE PHASE.

SHEET INDEX

1 TITLE SHEET, CONCEPTUAL STREETSCAPE
2 LAND USE PLAN
3 CONCEPTUAL SITE/ LANDSCAPE & IRRIGATION PLAN
4.1 EXISTING TOPOGRAPHIC SURVEY
4.2 CONCEPTUAL GRADING AND DRAINAGE PLAN
5.1 CONCEPTUAL FLOOR PLANS
5.2 CONCEPTUAL ELEVATIONS

REVISIONS

DRAWN BY:
CADbuilt, Inc.
11373 Broadview Drive
Moorpark, CA 93021
(805) 529-4975

DEVELOPER:
Innovative Housing Solutions, LLC
PO Box 320156
Los Gatos, CA 95032
(408) 858-8227

TITLE SHEET

PROJECT:
Rizzo Homes
General Development Plan
Exhibit C PDC04-033

Date: 7/6/04

Scale:
24"x36" sheet: AS NOTED
11"x17" sheet: HALF-SCALE

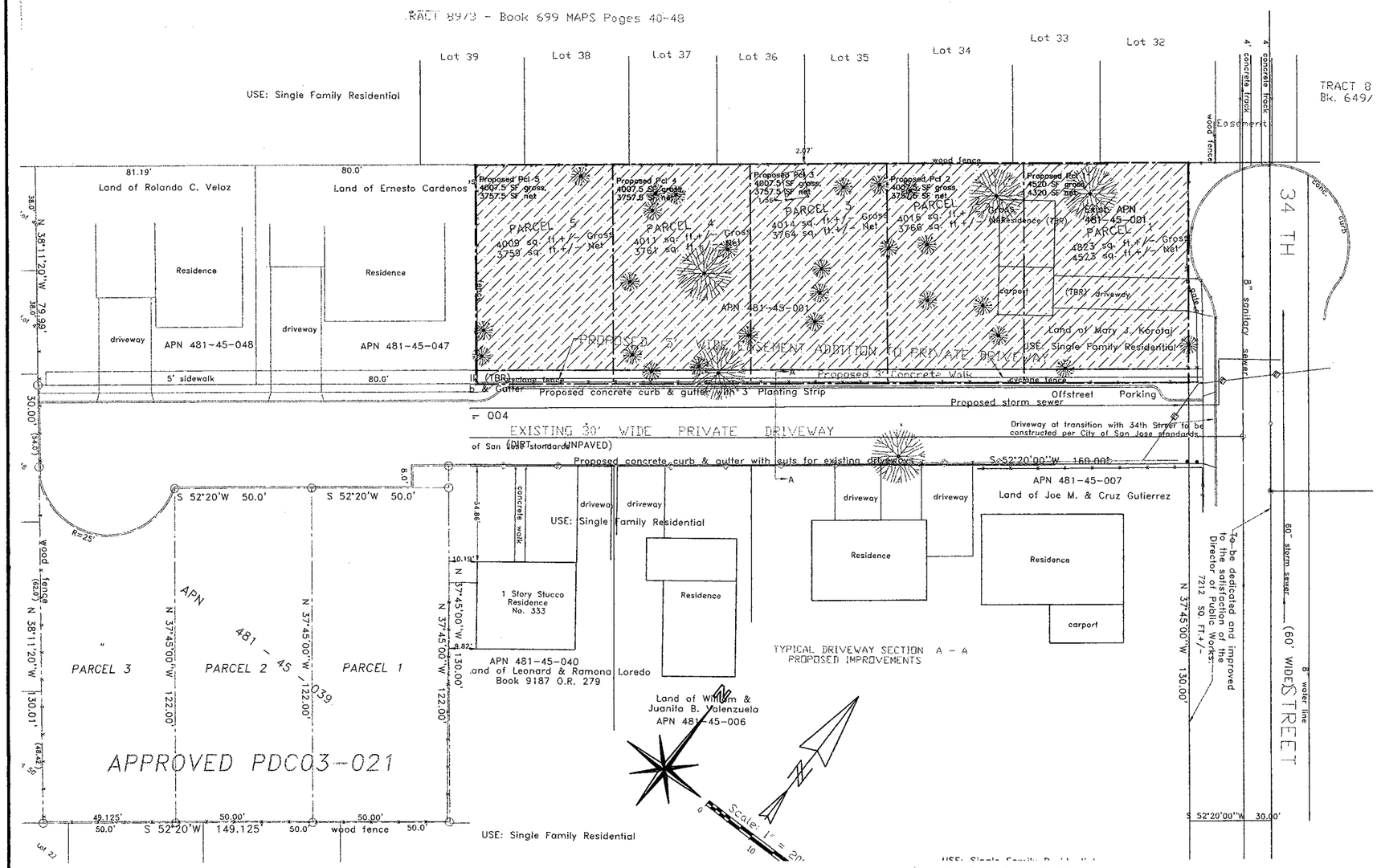
Drawn:

Sheet: 1

DEVELOPMENT STANDARDS:

SCHEDULE OF USES

SYMBOL	AREA IN ACRES	INTENDED USE	TOTAL DWELLING UNITS	PERCENTAGE OF COVERAGE	PARKING
	.030	COMMON PRIVATE DRIVEWAY		6.3	5 (ON-STREET)
	0.449	SINGLE FAMILY DETACHED RESIDENTIAL	5	93.7	20 (OFF-STREET)
TOTAL	0.479		5	100	25



LAND USE PLAN

1"=20'

REVISIONS

DRAWN BY:
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Moorpark, CA 93021
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DEVELOPER:
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Los Gatos, CA 95032
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LAND USE PLAN

PROJECT:
Rizzo Homes
General Development Plan
Exhibit C PDC04-033

Date: 7/2/04

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11"x17" sheet: HALF-SCALE

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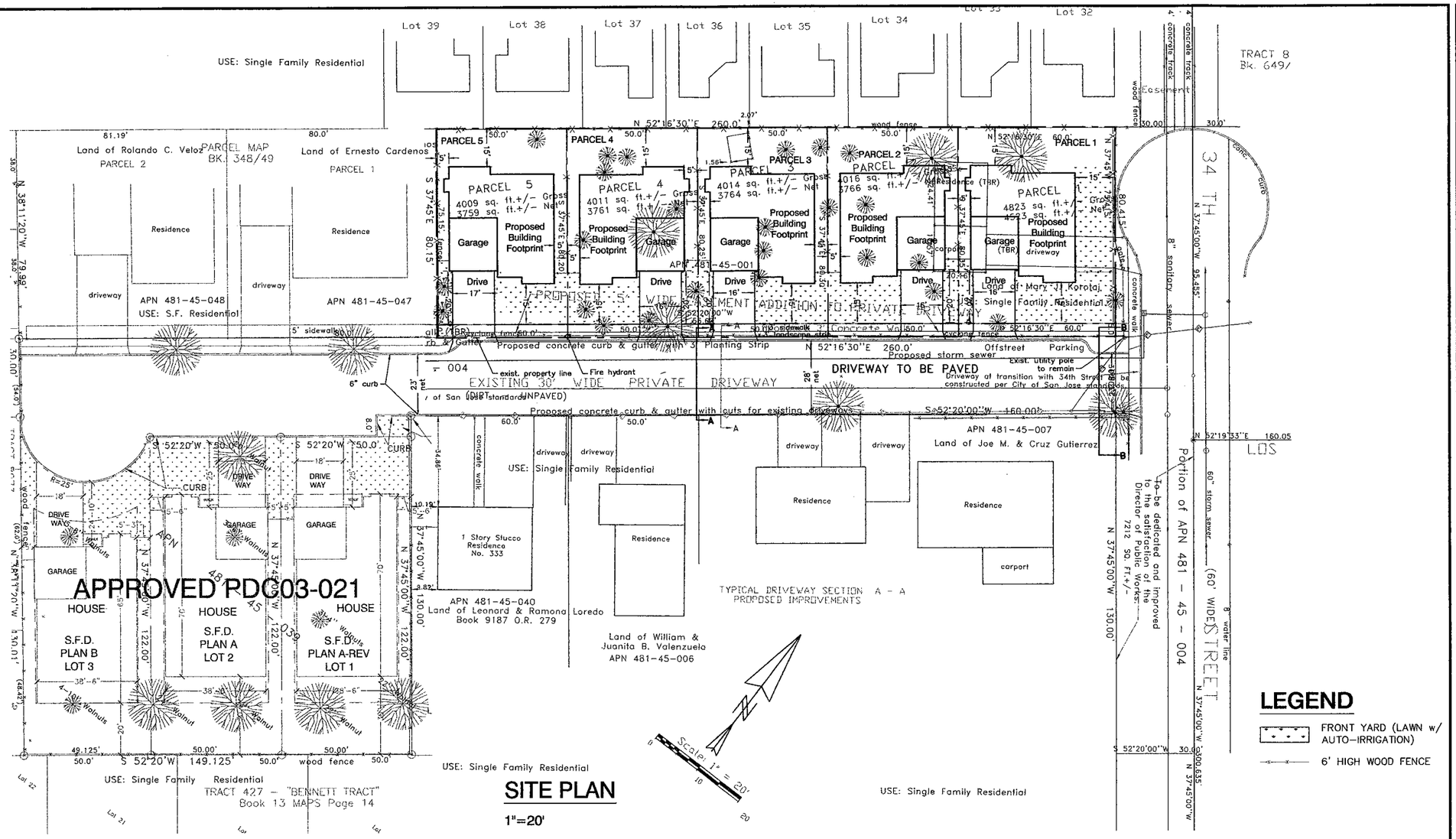


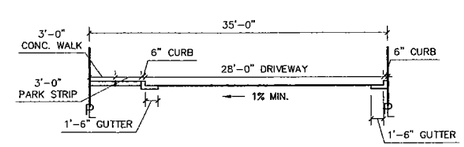
SITE PLAN

1"=20'

LEGEND

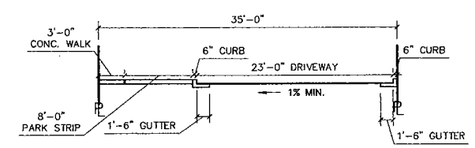
FRONT YARD (LAWN w/ AUTO-IRRIGATION)

6' HIGH WOOD FENCE



A PRIVATE DRIVEWAY SECTION A-A

1/8"=1'-0"



B PRIVATE DRIVEWAY SECTION B-B

1/8"=1'-0"

ANY NEW UTILITY STRUCTURES REQUIRED ON PRIVATE LAND ARE TO BE LOCATED AS ABOVE GROUND STRUCTURES, INCLUDING ANY TRANSFORMERS OR SWITCHING BOXES REQUIRED.

REVISIONS

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DEVELOPER: Innovative Housing Solutions, LLC PO Box 320156 Los Gatos, CA 95032 (408) 858-8227

CONCEPTUAL SITE PLAN

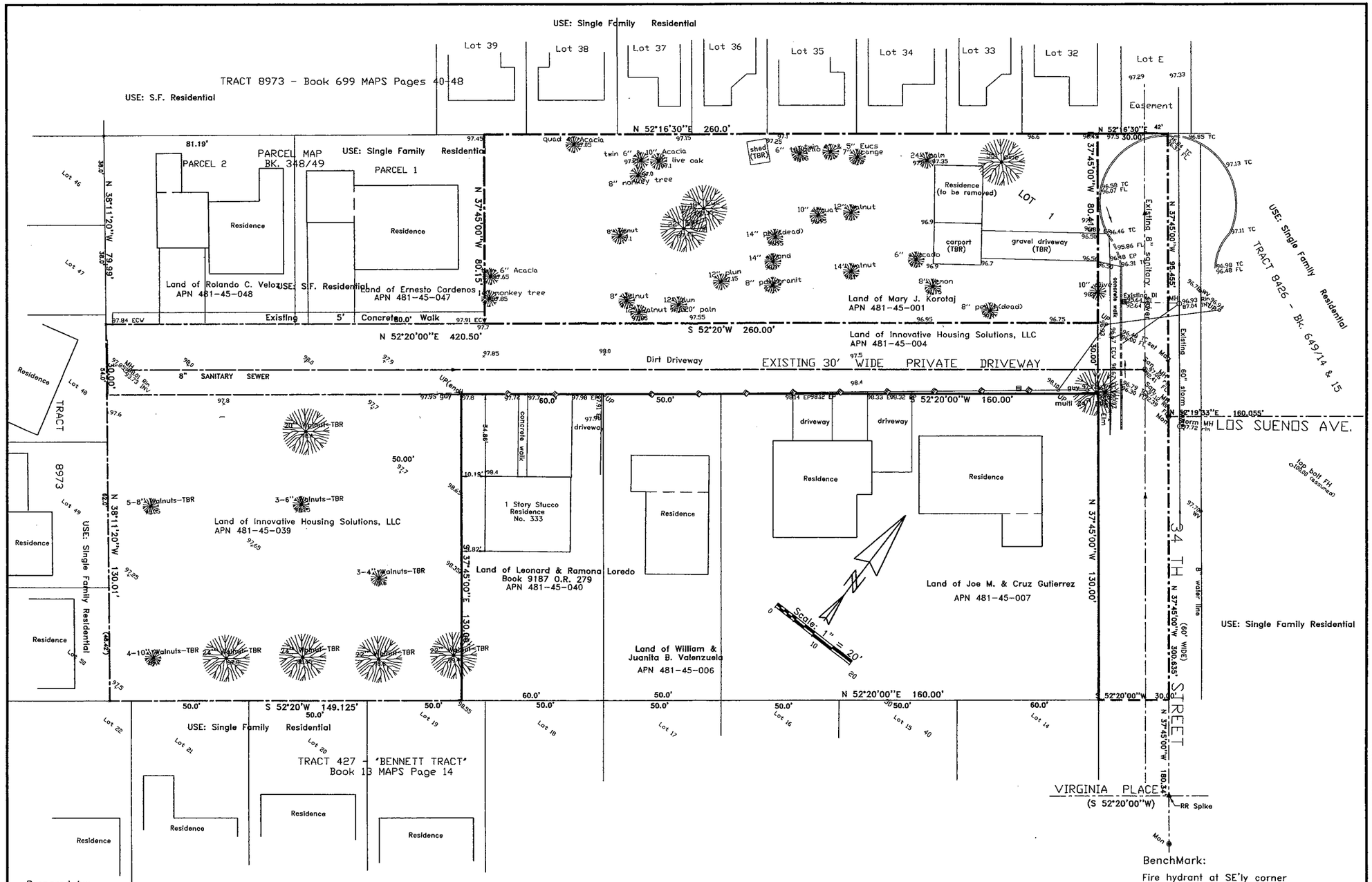
PROJECT: Rizzo Homes General Development Plan Exhibit C PDC04-033

Date: 6/30/04

Scale: 24"x36" sheet: AS NOTED 11"x17" sheet: HALF-SCALE

Drawn:

Sheet: 3



Prepared by:
Thinggaard Land Consulting
3524 Breakwater Avenue, Suite A
Hayward, California 94545
(510) 732-6608

Raymond B. Thinggaard, PLS 3820

97.77 = Existing Elevations

TOPOGRAPHIC SURVEY

for the Tentative Map to divide a 0.887+/- acre parcel W'ly of 34th Street into 3 Parcels and for the Tentative Map to divide 0.478+/- acre parcel at 34th Street into 5 Parcels all served by a 30/35 foot wide Private Driveway for Access and Utility services in the City of Jose, Santa Clara County CA.

Scale: 1" = 20'

BenchMark:

Fire hydrant at SE'ly corner of Los Suenos Avenue and 34th Street.
Elevation=100.00 (assumed)

JUNE 2004
File No. L-24tpo

REVISIONS

DRAWN BY:
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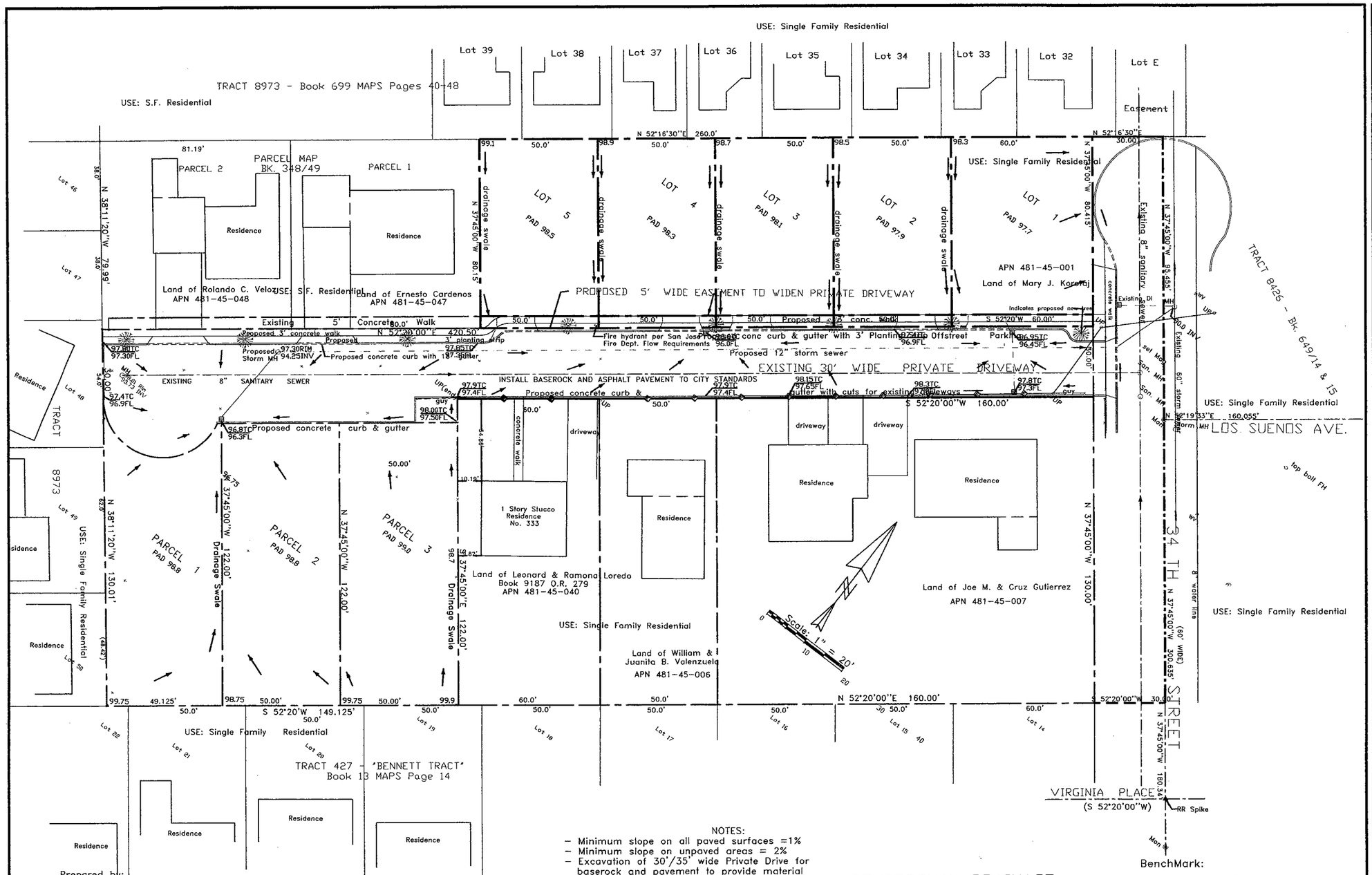
DEVELOPER:
Innovative Housing Solutions, LLC
PO Box 320156
Los Gatos, CA 95032
(408) 858-8227

EXISTING TOPOGRAPHIC SURVEY

PROJECT:
Rizzo Homes
General Development Plan
Exhibit C PDC04-033

Date: 6/30/04
Scale: 24"x36" sheet: AS NOTED
11"x17" sheet: HALF-SCALE
Drawn:
Sheet: 4.1



Prepared by:
Thinggaard Land Consulting
3524 Breakwater Avenue, Suite A
Hayward, California 94545
(510) 732-6608
May, 2003

Raymond B. Thinggaard, PLS 3820

NOTES:
- Minimum slope on all paved surfaces =1%
- Minimum slope on unpaved areas = 2%
- Excavation of 30'/35' wide Private Drive for baserock and pavement to provide material to fill rear of the 3 proposed parcels to drain toward Private Drive.
- Approximately 415 CY of fill to be imported to fill the rear of the 5 Lots to drain toward the Private Drive and 34th St.
- Proper silt controls to be employed during construction activities to ensure soil does not enter the drainage system or water courses.

CONCEPTUAL DRAINAGE AND GRADING PLAN

for the Tentative Map to divide a 0.887+/- acre parcel W'ly of 34th Street into 3 Parcels and for the Tentative Map to divide 0.478+/- acre parcel at 34th Street into 5 Parcels all served by a 30/35 foot wide Private Driveway for Access and Utility services in the City of Jose, Santa Clara County CA.

Scale: 1" = 20'

BenchMark:
Fire hydrant at SE'ly corner of Los Suenos Avenue and 34th Street.
Elevation=100.00 (assumed)

June 2004
File No. L-24DP

REVISIONS

DRAWN BY:
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(805) 529-4975

DEVELOPER:
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(408) 858-8227

CONCEPTUAL GRADING & DRAINAGE PLAN

PROJECT:
Rizzo Homes
General Development Plan
Exhibit C PDC04-033

Date: 6/30/04
Scale:
24"x36" sheet: AS NOTED
11"x17" sheet: HALF-SCALE
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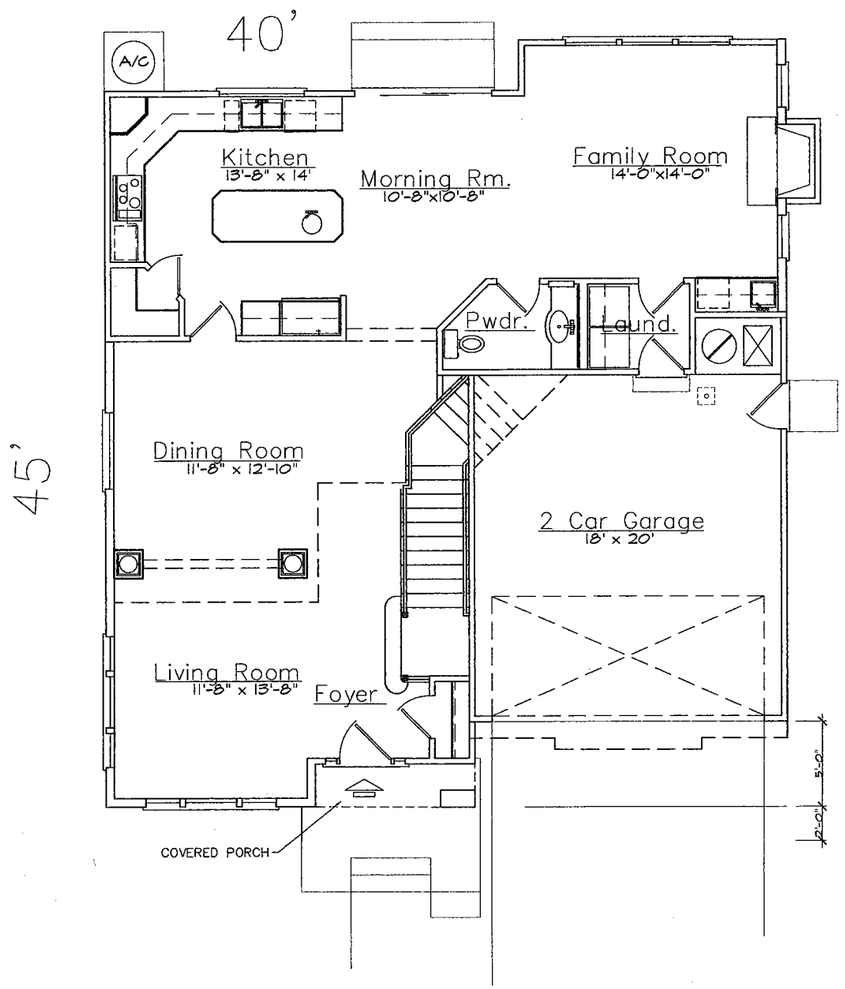
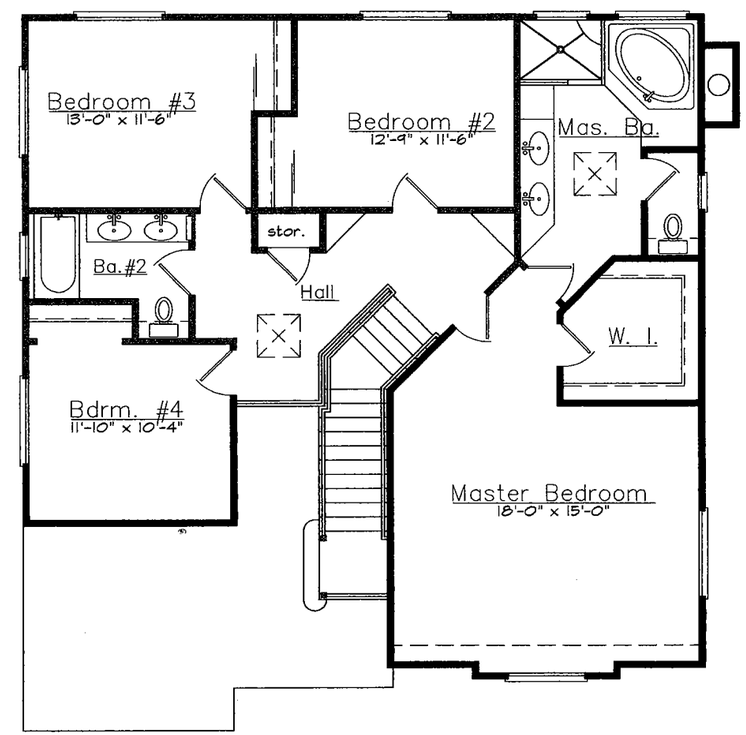
Sheet: 4.2



FIRST FLOOR

¼"=1'-0"

- 1222 SQ.FT. LIVING
- 391 SQ.FT. GARAGE
- 23 SQ.FT. COVERED PORCH
- 1636 SQ.FT. FOOTPRINT



SECOND FLOOR

- 1299 SQ.FT. LIVING

¼"=1'-0"

1st FLOOR LIVING:.....1222 SQ.FT.
2nd FLOOR LIVING:.....1299 SQ.FT.

TOTAL LIVING AREA:.....2521 SQ.FT.
ENCLOSED GARAGE AREA:..391 SQ.FT.
COVERED PORCH AREA:.....23 SQ.FT.

REVISIONS

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CONCEPTUAL FLOOR PLANS

PROJECT:
Rizzo Homes
General Development Plan
Exhibit C PDC04-033

Date: 7/6/04
Scale: 24"x36" sheet: AS NOTED 11"x17" sheet: HALF-SCALE
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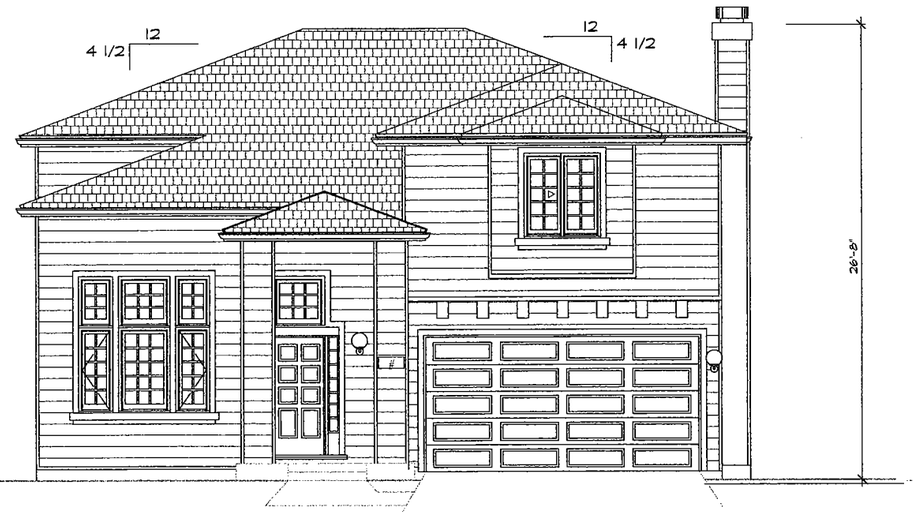
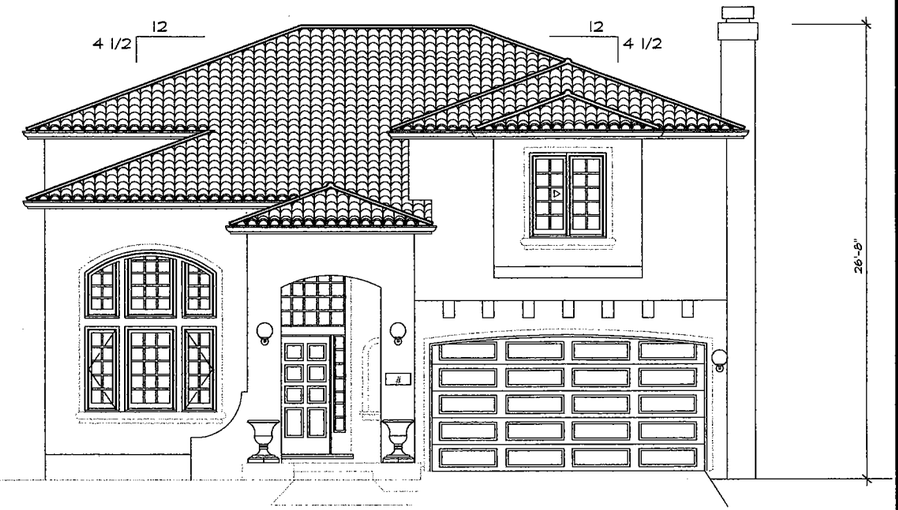
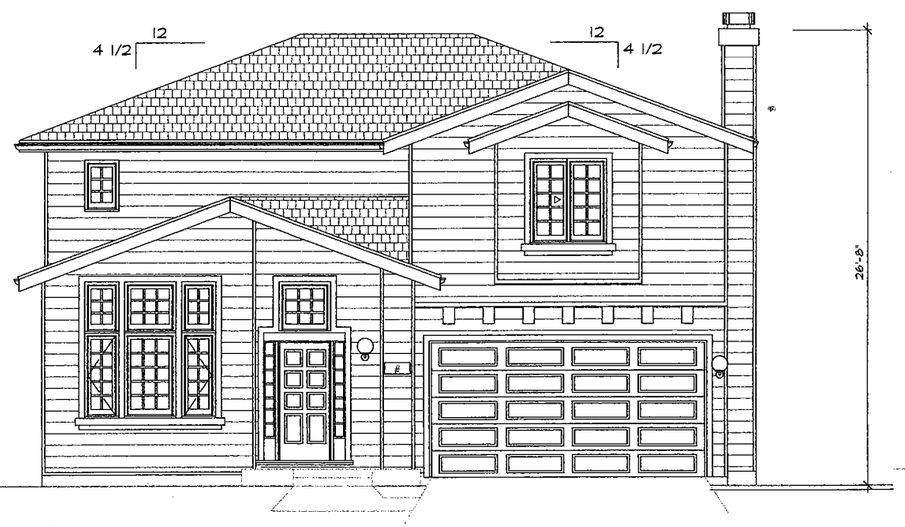
Sheet: 5.1



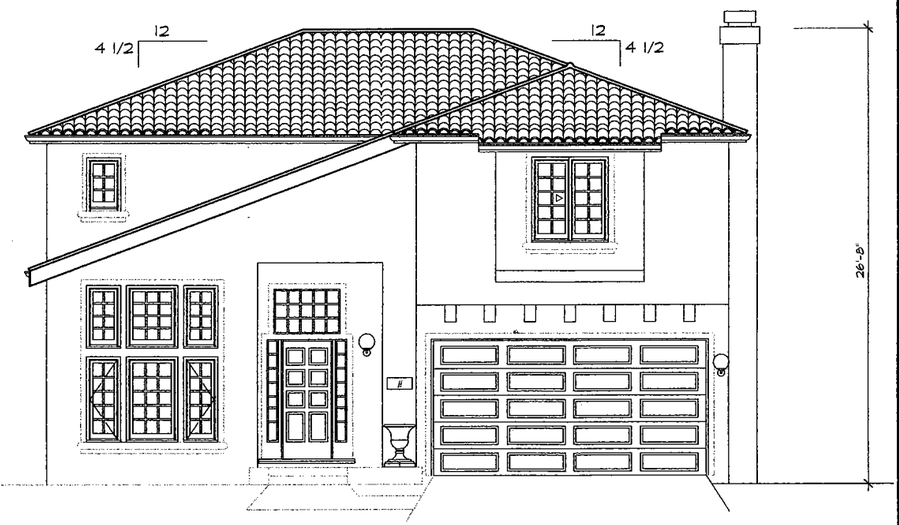
Front Elevation 1–B– Hip, Wood Scale 1/4" = 1'-0"



Front Elevation 2–B– Hip, Stucco Scale 1/4" = 1'-0"



Front Elevation 1–A– Gable, Wood Scale 1/4" = 1'-0"



Front Elevation 2–A– Gable, Stucco Scale 1/4" = 1'-0"

REVISIONS

DRAWN BY:
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(805) 529-4975

DEVELOPER:
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PO Box 320156
Los Gatos, CA 95032
(408) 858-8227

CONCEPTUAL ELEVATIONS

PROJECT:
Rizzo Homes
General Development Plan
Exhibit C PDC04-033

Date: 7/6/04

Scale:
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11"x17" sheet: HALF-SCALE

Drawn:

Sheet: 5.2