



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: December 7, 2006

COUNCIL DISTRICT: 4
SNI AREA: None

SUBJECT: PDC06-012. PLANNED DEVELOPMENT REZONING FROM IP INDUSTRIAL PARK ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 18 SINGLE-FAMILY ATTACHED RESIDENCES ON A 0.92 ACRE SITE

RECOMMENDATION

The Planning Commission voted 4-1-1, with Commissioner Zito opposed and Commissioner Platten absent, to recommend that the City Council approve the proposed Planned Development Rezoning from IP-Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 18 single-family attached residences on a 0.92 acre site as recommended by staff.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 18 single-family attached residences may be built on the subject 0.92 gross acre site, consistent with the Development Standards for the subject rezoning. This future development would be subject to additional development permits.

BACKGROUND

On December 6, 2006, the Planning Commission held a public hearing to consider a Planned Development Rezoning from IP industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 18 single-family attached residences on a 0.92 acre site. The Director of Planning recommended approval of the project.

The agenda item, which originally was on the consent calendar, was heard as a public hearing item at the request of Commissioner Zito. Planning staff and the applicant did not have any additional comments, and expressed their willingness to answer questions from the Commission.

In reply to Commissioner Zito's query regarding any discussion about procuring the subject site for the purpose of a public park, planning staff indicated that staff from the Department of Parks and Neighborhood Services indicated that the site could not be purchased at this time due to

unavailability of funding. Planning staff further indicated that they believed the project qualified for the use of the Two Acre Rule Discretionary Alternate Use Policy based on the design of the common open space, which integrates the subject site to the already approved site to the east, and also provides enhanced pedestrian connectivity.

Commissioner Dhillon made a motion that the Commission recommend that the City Council approve the proposed rezoning as recommended by the Planning staff. Commissioner Zito opposed the motion, expressing his disappointment at the conversion of yet another industrial property to residential use in an area that has no public park in the vicinity, and particularly that the site had not been acquired by the City as a park. Sharing staff's concern about the lack of park in the area, Commissioner Zito described the piecemeal conversion of the industrial uses in the Oakland Road-Rock Avenue area to residential uses over the last two years, which did not provide opportunity for an on-site park on any of the previous four project sites in the area that were converted to residential use.

ANALYSIS

The proposed rezoning of the site from IP-Industrial Park to A(PD) Planned Development Zoning District, as conditioned, is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Industrial Park with the application of the Two Acre Rule Discretionary Alternate Use Policy, provides an opportunity to further important goals and strategies of the General Plan and is in conformance with the Residential Design Guidelines.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

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

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

HONORABLE MAYOR AND CITY COUNCIL

Date: December 7, 2006

Subject: PDC06-012

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COORDINATION

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

FISCAL/POLICY ALIGNMENT

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

COST SUMMARY/IMPLICATIONS

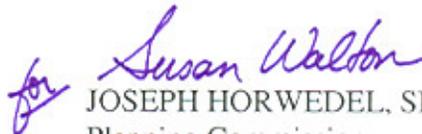
Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

Mitigated Negative Declaration adopted on December 5, 2006.


JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Susan Walton at 408-535-7847.



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: November 29, 2006

TRANSMITTAL MEMO

COUNCIL DISTRICT: 4
SNI: N/A

**SUBJECT: PDC06-012. LOCATED ON THE NORTH SIDE OF ROCK AVENUE,
APPROXIMATELY 450 FEET WESTERLY OF OAKLAND ROAD.**

The Planning Commission will hear this project on December 6, 2006. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.


JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

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

05-117CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number
P.C. 12-06-06 Item # . 3e.
C.C. 12-12-06

File Number
PDC06-012

Application Type
Planned Development Rezoning

Council District 4

Planning Area
Berryessa

Assessor's Parcel Number(s)
237-01-030, -050

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Sanhita Mallick

Location: South side of Rock Avenue, approximately 450 feet westerly of Oakland Road

Gross Acreage: 1.02 ac

Net Acreage: 0.98 ac

Net Density: 18.4 DU/AC

Existing Zoning: IP-Industrial Park

Existing Use:

Proposed Zoning: A (PD) Planned
Development

Proposed Use: Up to 18 single-family attached residences.

GENERAL PLAN

Completed by: SM

Land Use/Transportation Diagram Designation
Industrial Park

Project Conformance:

Yes No

See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SM

North: Mobile Home Park

A(PD) Planned Development (File No. PDC81-141)

East: Attached Single-family Residence

A(PD) Planned Development (File No. PDC05-022)

South: Rock Avenue, Detached Single-family
Residence

A(PD) Planned Development (File No. PDC03-068)

West: Mobile Home Park

A(PD) Planned Development (File No. PDC81-141)

ENVIRONMENTAL STATUS

Completed by: SM

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

Negative Declaration circulated on November 15, 2006

Negative Declaration adopted on

Exempt

Environmental Review Incomplete

FILE HISTORY

Completed by: SM

Annexation Title: Orchard No. 63

Date: 10/15/1974

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval

Approval with Conditions

Denial

Uphold Director's Decision

Date

November 27, 2006

Approved by: *Susan Walton*

Action

Recommendation

APPLICANT/OWNER/DEVELOPER

HMH Engineers (Ray Hashimoto)
1570 Oakland Road
San Jose Ca 95131

Klassen Johnny L & Judith M Et Al
16295 Soda Springs Rd
Los Gatos Ca 95133

DeMattei Construction Inc. (Lydia
Lyons)
1794 The Alameda
San Jose CA 95126

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SM

Department of Public Works

See attached memorandum

Other Departments and Agencies

See attached memoranda from the Fire Department, Environmental Services Department.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, De Mattei Construction, is requesting to rezone the subject site located on the south side of Rock Avenue, approximately 450 feet westerly of Oakland Road, from IP-Industrial Park to A(PD) Planned Development Zoning District to allow up to 18 multi-family attached residences, at a density of 18.4 dwelling units per acre (DU/AC). A Planned Development Permit (File No. PD06-061) is currently on file and under review, and will proceed subsequent to an approval of the subject re-zoning by the City Council.

Site and Surrounding Uses

The site is bounded by a mobile home park to the north and west, attached single-family residences under construction to the east, and, Rock Avenue and detached single-family homes across Rock Avenue to the south. The mobile home park (Casa Del Lago Mobile Home Park) is zoned A(PD) Planned Development. The residential development to the east of the project site is zoned A(PD) Planned Development with a density of 21.2 dwelling units per acre and is developed with single-family attached residences similar to the proposed project. The residential developments to the south across Rock Avenue is zoned A(PD) Planned Development with a density of 11.2 dwelling units per acre and is developed with single-family detached homes. Some of these homes are already occupied, while others are still under construction. Orchard Elementary School, located on Oakland Road, is situated at a walking distance of approximately 1600 feet to the south-east of the project site.

The site is a flat, irregularly shaped parcel that is developed with an office building, associated parking lot, outdoor storage areas and minimal landscaping. There are 19 trees on the site, most of which are proposed to be removed, including one ordinance-sized tree.

Project Description

The proposed rezoning would allow up to 18 attached town-home style condominium residential units. The conceptual site plan shows units clustered in three three-story modules, two of which include five units and one which includes eight units. Two units are proposed to front onto Rock Avenue with a setback of approximately 23 feet from the face of curb. Ten (10) of these

residential units front onto a triangularly-shaped common open space area. The project proposes two four-bedroom units, ten three-bedroom and six two-bedroom units. All the units are proposed to have two-car garages, either in a tandem or side-by-side configuration, accessed from internal driveways at the ground level. More than half of the units are proposed with side-by-side parking. This arrangement is typical of a Garden Townhouse type of unit. The buildings will be three stories and are proposed to have a maximum height of 42 feet above grade. The conceptual architectural plans indicate that a portion of the third floor will be stepped back from the front of the building. Private open space is provided in the form of patios and balconies, which range from 74 to 331 square feet per unit, with the majority of the units having more than 140 square feet of open space. The project proposes an approximately 2,500 square foot common open space area located near the east side of the development, or approximately 68 square feet per unit. This space is proposed to be designed in a way so that it seamlessly connects with a landscaped area located on the west side of the previously approved Hampton Park I project (formerly called the Pestana property), and would allow pedestrian connection between these two projects, and use of the open space area by residents of both projects. The design of this open space will be refined at the PD Permit stage.

Vehicular and pedestrian access to the site is provided by means of a 24-foot wide driveway from Rock Avenue located along the western property line of the site. Pedestrian access is also provided through one pedestrian paseo located on the east side of the property linked to the sidewalks on Rock Avenue that leads into the common open space within the site.

The project proposes to provide 44 on-site parking spaces which includes 36 covered spaces provided in the form of two-car garages with the remaining eight spaces provided as surface parking. Three additional off-site spaces will likely be available along the project frontage on Rock Avenue.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration circulated on November 15, 2006 indicates that the project will not result in a significant environmental impact when the identified mitigations are incorporated. The Mitigated Negative Declaration addressed issues such as air quality, biological resources, geology and soils, noise, traffic, water quality, air quality and construction related impacts. The complete Initial Study can be found online at <http://www.sanjoseca.gov/planning/eir/MND.asp>.

GENERAL PLAN CONFORMANCE

The project site is designated Industrial Park on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed residential use is not consistent with this General Plan designation. However, in order to encourage infill development, one of the General Plan's Discretionary Alternate Use Policies, the Two Acre Rule, provides for the development of parcels with a non-residential land use designation, two acres or less in size to be developed under any residential or non-residential category. The key considerations for use of this discretionary policy are land use compatibility with existing and planned uses of adjacent and neighboring properties, whether the project is of exceptional design quality, and whether the project exceeds the minimum standards of the zoning ordinance and adopted design guidelines.

Land Use Compatibility

The project site is now completely surrounded by residential uses on its four sides. During the past two years, the City Council approved three General Plan Amendments on three sites located on two sides of Rock Avenue to the east and south of the subject site to change the General Plan Land Use designation of these sites from various industrial designations to residential designations. Subsequent Planned Development rezonings have facilitated the development of 244 new housing units in the immediate vicinity of the subject site, in addition to the approximately 400 housing units already existing in the mobile home park. These newly-approved housing units are either under construction or already occupied.

The only remaining industrial uses in the vicinity consist primarily of industrial park and light industrial uses on approximately 17 acres of land located 250 feet westerly of the site. The General Plan designation and zoning of these parcels are Industrial Park. Currently, these parcels are developed with several office buildings. Future uses on these sites under the current zoning and General Plan designation could potentially involve heavy truck use along Rock Avenue and ancillary storage and use of hazardous materials. Given the distance between the industrial use and the subject site including the width of Rock Avenue, the possible use of hazardous materials is not currently a major concern.

Design Quality

As discussed below in the Analysis section, the project substantially conforms to the Residential Design Guidelines. Given the shape and size of the parcel, the project provides a sizeable common open space, a sufficient number of parking spaces, generous setbacks and considerable amounts of private open space for each unit. The project is also designed and conditioned to integrate its pedestrian circulation and common open space with the existing planned development to the east, thus avoiding a small walled-off enclave on this small property. From this analysis, Planning staff concludes that the project meets the criteria for application of the Two Acre Rule.

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

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

The subject site is situated within the existing urbanized area of the City of San Jose, with retail commercial centers located a half mile southerly of the site. Thus, the site provides an opportunity for infill development in support of the above-mentioned strategies. The current

rezoning proposal has the potential to 1) increase the housing supply, 2) maximize the efficient use of existing infrastructure, and 3) reduce pressure for growth outside the UGB.

ANALYSIS

The analysis section addresses the compliance of the project with the Residential Design Guidelines for Garden Townhomes and conformance with the Parkland Dedication Ordinance.

Conformance with Residential Design Guidelines

The proposed development for attached single-family homes is generally consistent with the Residential Design Guidelines.

Open Space

The project proposes a sufficient amount of private open space to meet the needs of the future residents of the project. The Guidelines recommend that townhomes similar to the subject development should provide private open space at the rate of 300 square feet per unit. Private open space can occur in the form of a rear yard, patio, balcony and/or deck with a minimum width for such space of 15 feet. Excepting for three units that propose 74 square feet of open space, all the units include at least 143 square feet of open space, with six units (33% of the total number) proposing 331 square feet of open space. The draft Development Standards reflect these numbers.

The Residential Design Guidelines indicate that the need to provide common open space for new residential developments comprised of 20 or less units may be waived. The intent behind the open space requirement in the Guidelines is to provide a “usable open space requirement for recreation and social activities” of the residents. Although it is not required under the Guidelines, the project proposes a somewhat centralized common open space, approximately 2,500 square feet in area (approximately 68 square feet/unit) that can be used by residents for passive recreational activities, and somewhat offsets the lesser amount of private open space provided to a few units. Staff believes that the benefits of this common open space and the linkage it will provide for residents of both projects. The increased pedestrian access will greatly enhance the project’s livability.

Parking

The proposed 44 parking spaces for the site which equate to a parking ratio of 2.4 spaces/unit, substantially conforms to the Residential Design Guidelines. The Guidelines indicate that for a project of this type, there should be 50 on-site spaces given the currently proposed mix of two four-bedroom, ten three-bedroom and six two-bedroom units. As part of the street improvements included in the project, three on-street parking spaces will be located along the Rock Avenue frontage of the site. The on-site parking ratios approved for the two sites in the vicinity (one to the east of the site at the intersection of Oakland and Rock, and another one located to the north of that site along Oakland Road) with similar density and unit type were 2.4 spaces/unit and 2.5 spaces/unit respectively. Given the small scale of the project, staff believes that the proposed parking ratio of 2.4 spaces per unit on-site should be adequate, and that the three off-site frontage spaces will augment guest parking.

Site Setbacks and Interfaces

The proposed project includes a 35-foot setback between the residential project and the western property line adjacent to the existing mobile home park. This area currently proposes a landscaped strip and a driveway, both of which are of varying width. Planning staff has included language in the proposed draft Development Standards to provide a minimum of a five-foot wide landscaped setback area to allow for planting of trees, and a minimum driveway width of 20 feet. Staff acknowledges that the proposed rear setback of 20 feet along the northerly property line is less than what the Residential Design Guidelines recommend for separation between single-family rear yards and 3-story structures; however, given the odd shape of the lot, provision of a larger setback would reduce the size and usefulness of the site. The proposed conceptual architecture shows that most of the third floor is setback by at least 12 feet from the face of the first two stories of the building. The draft Development Standards require a 12-foot setback from the second story to the third story along this property line that reflects the conceptual design provided by the applicant. Landscaping is also proposed along the northern edge of the site to further limit visibility of the three-story structures from the adjoining mobile home park. The project proposes a minimum setback of nine feet from the eastern property line, abutting a parking/driveway area of the already approved three-story residential development to the east, in excess of the 5-foot setback recommended by the Residential Design Guidelines.

The proposed site plan shows an approximately 15-foot setback from the future back of curb along Rock Avenue, where the future property line will be located, which is compatible with the approved development to the east. The facades of the two units oriented to this side of the building shall be designed in a way to enhance the street presence, including entrances, patios, windows and other architectural treatment that enlivens the street.

Integration with the Planned Development to the East

In order to achieve the greater goal of building a neighborhood in this area, staff strongly encouraged the proposed development be integrated with the existing/planned residential neighborhood, rather than developed as a stand-alone enclave. Initially, staff and the applicant explored using the driveway of the neighboring 98-unit multi-family attached unit development (formerly called the Pestana Property), instead of providing a new driveway for the subject 18-unit project as the preferred option for integration. After working with the applicant on an analysis of possible site designs, it was noted that due to the grade difference between the two sites along the long, narrow subject site, using the neighboring driveway to serve the subject project would require significant "padding-up" of the site and was not a feasible solution. Instead, the applicant and staff worked to design a project which proposes a common open space located on the eastern edge of the site, integrated with a landscaped area located on the south-west corner of the neighboring residential project, and pedestrian connections between these two sites through this area. The draft Development Standards include language to secure required cross-access easements for residents prior to the approval of the Tentative Map. Planning staff believes that this open space area and the integration with the existing development is an exceptional design feature of the subject project that will foster the creation of a cohesive neighborhood in the area.

Conformance with the Parkland Indication Ordinance (PDO)

Planning staff is concerned about the availability of park facilities to the future residents of the project. As per the attached memorandum provided by the Department of Parks, Recreation and Neighborhood Services (PRNS) for a previous project in the area (File No. PDC05-105), the four residential projects approved in the area (adding a total of approximately 300 residential units) have generated a need for a 2.5-acre park in the neighborhood. Land expected on the Orchard School site has not yet been available for development of a park. The closest park to the subject site is located in the City of Milpitas, 1.4 miles from the site. Townsend Park and Flickinger Park are the closest San José parks to the site, and are each approximately two miles from the site.

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

Conclusion

Staff believes that this small infill project has been designed to integrate with the adjacent residential residential development, provide a neighborhood-focussed open space and pedestrian amenities. While on-site parking does not fully comply with the standards of the Residential Design Guidelines, staff believes that the small scale of the project, and availability of some on-street guest parking is acceptable, and that retention of common integrated open space area is more valuable than development of 2 or 3 additional on-site parking spaces.

PUBLIC OUTREACH

Notices for the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site. A notice of the rezoning was also published in the newspaper, in accordance with the City Council's Public Outreach Policy. An on-site sign was placed on the site to provide information on the pending proposal.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject property for the following reasons:

1. The proposed project is in substantial conformance with the Residential Design Guidelines in that it substantially meets the parking, setback and open space requirements.
2. The proposed project is of an exceptional design in that the project provides for common open space that exceeds the Guidelines, and the project is well integrated with the neighboring site to foster creation of a neighborhood and pedestrian circulation.
3. The proposed project is compatible with existing and planned uses on adjacent and neighboring properties in that all parcels around the subject site are developed, or are being developed, with residential uses.

Attachments:

Draft Development Standards

Location Map

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

Mitigated Negative Declaration

Planset

Memorandum from PRNS for File No. PDC05-105

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.

DRAFT PLANNED DEVELOPMENT ZONING PDC 06-012

EXHIBIT C: LAND USE PLAN AND DEVELOPMENT STANDARDS

PERMITTED USES:

Up to 18 single-family attached residences.

DEVELOPMENT STANDARDS:

Maximum Height:	42 feet
Number of stories:	Three
Perimeter Setbacks (minimum):	
Rock Avenue Frontage, from property line after street dedication	14 feet Porches/covered entries: 7-feet
Easterly Property Line	22 feet for the front building 9 feet for other buildings Porches/covered entries: 14-feet
Westerly Property Line (Along existing Mobile Home Parks)	First Floor Garages, 33-feet, 33 feet, Second Floor and above
Circulation area setback along entire Westerly property line	4 feet
Northwesterly Property Line	10 feet
Northerly Property Line	20 feet, First and Second Floors 32 feet, Third Floor Porches/covered entries: 13-feet
Minimum Building Separation (wall to wall)	
Side to side	17 feet
Rear to rear	30 feet, First Floor Garages 20 feet, Second Floor and above

Setback Encroachments:

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

Parking

2.4 spaces unit. On-street parking is credited as .5 spaces toward the overall parking requirement. Two enclosed spaces shall be provided per unit.

Common Open Space:

The project shall provide a minimum of 68 square feet per unit of usable common open space. Paseos or areas with decorative landscaping are not considered as usable common space and cannot be counted toward the common open space requirements.

Private Open Space:

Private open space shall be at least 70 square feet per unit, and an average of 200 square feet shall be maintained throughout the project.

Fences:

All fences shall be subject to the approval of the Director of Planning. The fence at the easterly property line shall be a see-through fence, to be designed to the satisfaction of the Director of Planning, both on the subject site and on the adjacent property (Hampton park I, City File No. PDC05-022/PD05-044, formerly known as the Pestana Property). The adjacent property owner shall file Development Permit Adjustment for facilitating this fence, prior to the approval of Planned Development Permit for the subject site.

Width of entry main driveway Minimum 20 feet

Integrated Open Space

The common open space of the project shall be designed such that it is integrated with the landscaped area located to the south-west corner of the adjacent property (Hampton park I, City File No. PDC05-022/PD05-044, formerly known as the Pestana Property), to the satisfaction of the Director of Planning. No fence shall be constructed within this common open space area.

Pedestrian Easement

Prior to the approval of Tentative Map and Planned Development Permit, the applicant shall provide proof of recordation of an easement with the property owner of the site

located to the east of the subject site (Hampton park I, City File No. PDC05-022/PD05-044, formerly known as the Pestana Property) for the purpose of two way pedestrian access, and use of the open space. This pedestrian access shall not be gated.

Design of units fronting on Rock Avenue

The units fronting on Rock Avenue shall be oriented to the street and shall incorporate features such as, but not limited to, porches and entries, and shall include specific architectural features to help addressing the street presence of the units.

LANDSCAPING

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

The Environmental issues and Mitigation Measures are as follows:

Mitigation Measures:

1. **Mitigation Measure 3-1:** The following controls shall be implemented during all construction phases of the project:
 - a. Water all active construction sites at least twice daily, and more often during windy periods;
 - b. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard;
 - c. 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;
 - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

2. **Mitigation Measure 8-1:** The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication Blueprint for a Clean Bay. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 East Santa Clara Street – Third Floor, San Jose, California 95110. The Erosion Control Plan may include BMPs as specified in ABAG's Manual of Standards Erosion & Sediment Control Measures for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-3555.

3. **Mitigation Measure 8-2:** Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:
 - a. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
 - b. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

4. **Mitigation Measure 8-3:** The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:
 - a. Restriction of grading to the dry season (April 15 through October 15), unless specific permits are obtained from the Department of Public Works;
 - b. Utilize on-site sediment control BMPs to retain sediment on the project site;
 - c. Utilize stabilized construction entrances and/or wash racks;
 - d. Implement damp street sweeping;
 - e. Provide temporary cover of disturbed surfaces to help control erosion during construction;
 - f. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

5. **Mitigation Measure 11-1:** The project shall be constructed in conformance with the STC rating recommendations for windows and doors as contained in the report entitled 1041 Rock Street prepared by Charles M. Salter Associates Inc., dated March 13, 2006, and to the satisfaction of the Director of Planning, Building and Code Enforcement.. Including the following:
 - a. STC 28 sound rated windows and exterior doors and door assemblies are required. Dual-pane windows are required for windows closest to Rock Avenue. Not all units will require sound rated windows, prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units will to ensure that interior noise levels can be sufficiently attenuated to 45 DNL.
 - b. All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL.

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

- a. Notify neighbors of the schedule and type of equipment used for each phase of construction;
- b. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- c. Locate noisy stationary equipment (i.e., generators or compressors) away from neighboring residences;
- d. Require that all construction equipment be in good working order and that mufflers be inspected for proper functioning;
- e. Require that vehicles and compressors turn off engines when not in use;
- f. Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- g. Utilize available noise suppression devices and techniques as appropriate, in conformance with General Plan policy; and
- h. Designate a construction noise coordinator who would be available to respond to complaints from neighbors and take appropriate measures to reduce noise.

Standards Measures:

1. **Standard Measure 1-1:** The project shall implement the following standard measure(s):
 - a. Design of the project shall conform to the City's *Residential Design Guidelines*.
 - b. Lighting on the site shall conform to the City's Outdoor Lighting Policy (4-3).

2. **Standard Measure 4-1:** In order to facilitate the review of tree removals, the applicant shall submit a proposed grading plan showing the exact location of the trees at the PD permit stage to the satisfaction of the Director of Planning, Building, and Code Enforcement.

3. **Standard Measure 4-2:** All trees that are to be removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box

12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container
x:x = tree replacement to tree loss ratio				
Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.				

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 City's Environmental Principal Planner, at the development permit stage:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
 - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact Todd Capurso, PRNS Landscape Maintenance Manager, at 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.
 - A donation of \$300 per mitigation tree to Our City Forest or San Jose Beautiful 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.
4. **Standard Measure 4-3:** The following tree protection measures will also be included in the project in order to protect trees to be retained during and after construction.
- a. Pre-construction treatments
 - i. The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
 - ii. Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
 - iii. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.
 - b. During construction

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

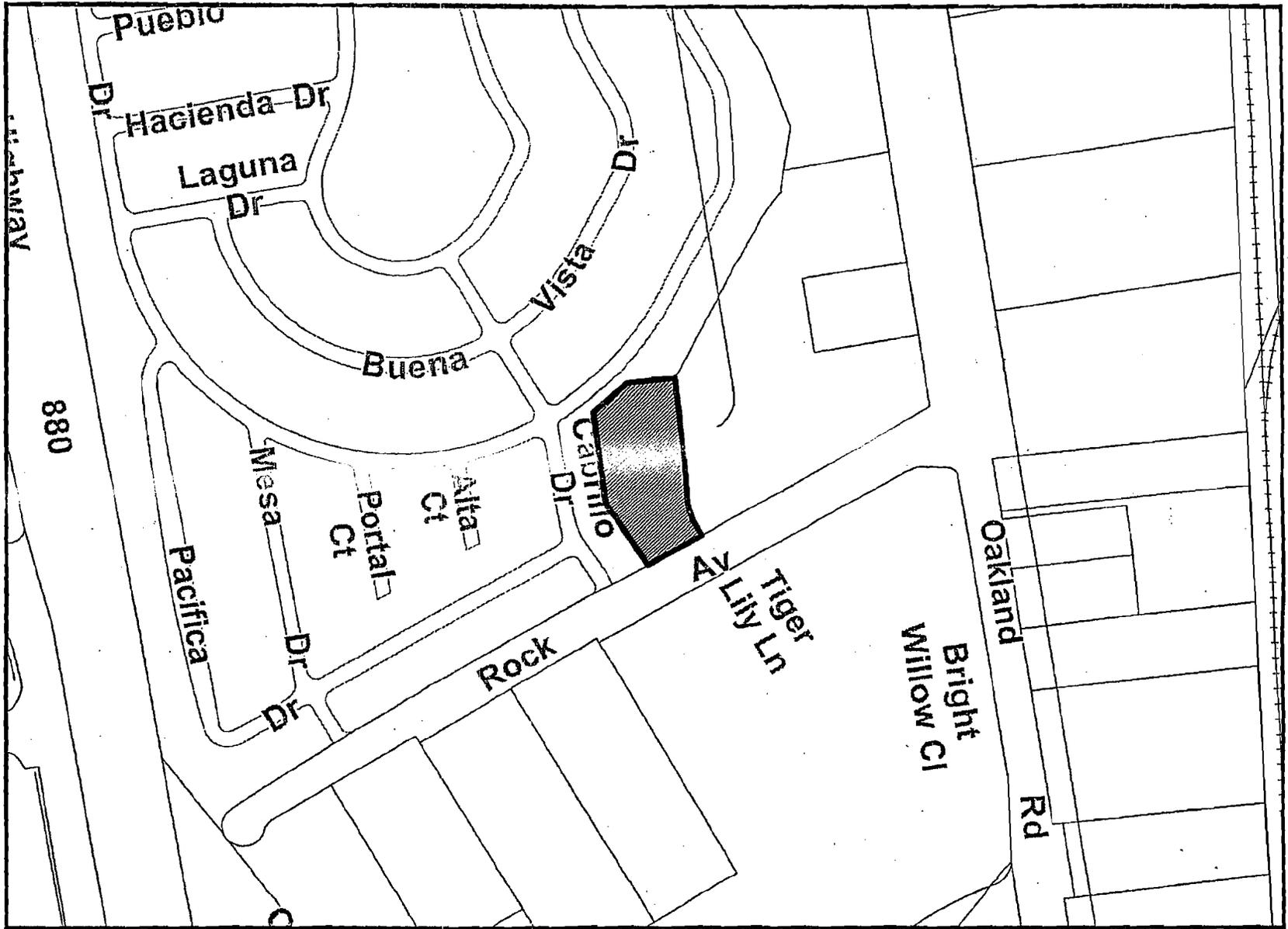
5. **Standard Measure 5-1:** Construction workers will be alerted of the potential that site clearing and trenching may uncover buried archaeological materials. Indicators of buried materials are: darker than surrounding soils, concentration of bones, stone or shell fish, artifacts of these materials, evidence of fires such as ash, charcoal, fire affected rock or earth, and human and/or animal burials. If evidence of any archaeological, cultural, and/or historical deposits is found, the following standard measures shall be taken:

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

- i. 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.
 - ii. 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.
6. **Standard Measure 6-1:** The soil investigation report addressing the potential hazard of liquefaction shall 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).
7. **Standard Measure 6-2:** The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.
8. **Standard Measure 7-1:** In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint. All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the

California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed. Demolition done in conformance with these Federal, State and Local laws and regulations, will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint.



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

Map Created On:
02/28/2006

File No: PDC06-012

District: 4

Quad No: 51

TO: Sanhita Mallick
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 11/22/06

PLANNING NO.: PDC06-012
DESCRIPTION: Planned Development Rezoning from IP industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 18 single-family attached residences on a 0.92 acre site
LOCATION: north side of Rock Avenue, approximately 450 feet westerly of Oakland Road
P.W. NUMBER: 3-09753

Public Works received the subject project on 10/04/06 and submits the following comments and requirements.

Project Conditions:

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

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

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Street Vacation:** A street vacation is required in order to accomplish the land use plan as shown. The street vacation process requires further discretionary approval by the City Council and the project will be subject to this process prior to Public Works Clearance. The preliminary title report indicates the applicant owns the street in fee. Therefore, upon vacation no further action by the City is required.

3. **Private Easement:** The existing private S.F.P.P. pipeline easement may need to be extinguished or reconfigured to avoid any proposed structure prior to a Public Works Clearance for a building permit.
4. **Grading/Geology:**
 - a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - b) A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
5. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) that requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.
 - a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed. At PD stage, submit the final Stormwater Control Plan and numeric sizing calculations.
 - b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
6. **Flood Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
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. **Street Improvements:**
 - a) Construct new curb, gutter, and detached sidewalk along Rock Avenue frontage per City standards. Provide improvements for the street transition beyond the westerly project property line.
 - b) Close unused driveway cut(s).
 - c) Improvement of the public streets shall be to the satisfaction of the Director of Public Works.
 - d) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans. (To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions

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

9. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project. Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.
10. **Sanitary:**
 - a) Submit a conceptive sanitary sewer plan at the PD permit stage.
 - b) The project is required to submit plan and profile of the sewer mains with lateral locations for final review and comment prior to construction.
12. **Electrical:** 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.
13. **Street Trees:** Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings. Contact the City Arborist at (408) 277-2756 for the designated street tree.
14. **Private Streets:** Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards. The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.

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



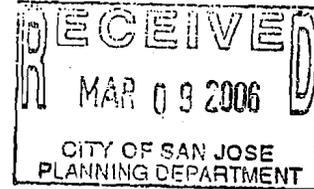
Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

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Memorandum

DATE: 03/09/06

TO: Sanhita Mallick
FROM: Nadia Naum-Stoian



Re: Plan Review Comments

PLANNING NO: PDC06-012

DESCRIPTION: Planned Development Rezoning from IP industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 19 single-family attached residences on a 0.92 acre site

LOCATION: north side of Rock Avenue, approximately 450 feet westerly of Oakland Road

ADDRESS: north side of Rock Avenue, approximately 450 feet westerly of Oakland Road (1041 ROCK AV)

FOLDER #: 06 006798 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 2/17/06 by HMM Eng., and by KTG Arch.

Largest building: 15,500+/- sq. ft.

Construction Type: V N

Occupancy Group: R1

Number of stories: 3

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

- a) Fire apparatus access roads are not in accordance with the requirements of the SJFC. The "T" turn-around shown is required to have 30' radius on both sides. Red curbs with marking to be specified on plans- see requirements below.
- b) The plans do not indicate that the required fire flow of 3250GPM will be available at the project site. Please ask the applicant to immediately contact Jim Bariteau of San Jose Water Co. at 408-279-7874 to get the water flow information.
- c) The plans do not show location of hydrants. The required fire flow shall be provided through 3 hydrants.

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

- a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:
- be at least 20 feet wide;
 - have an unobstructed vertical clearance of not less than 14 feet;
 - be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds;
 - have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
 - be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet;
 - **Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)**
 - i) **Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked**
 - ii) **Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked**
- b) Location of fire hydrants. The average distance between hydrants shall not exceed 400 feet.
- The (2) existing hydrants: A-08349 and A-12204 exceed the 400feet on center. Unless this condition changed since we checked it, an additional hydrant will be required to meet the spacing.

All fire department connections for the sprinkler systems shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections.

- c) Available fire flow. Provide a copy of the letter from San Jose Water Co. that indicates the water flow available.

Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code, and accessible for Fire Dept. laddering operation. The maximum angle for laddering is 70deg. from horizontal.

The developer/owner shall create and maintain a Management Association which will be responsible for the 5-year inspection on the sprinkler system, per Title 19 and access to the riser room if applicable (exterior risers excepted).

All exterior structures shall within 150 feet from an approved emergency vehicle access road without crossing property lines as per fire code. If crossing property lines recorded easement to be provided.

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

Memorandum

ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

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

FROM: Geoff Blair
 Environmental Services Department

SUBJECT: Response to Development
 Application

DATE: Staff Review Agenda
 March 9, 2006

APPROVED: *Geoff Blair* **DATE:** 3-9-06

PLANNING NO. :	PDC06-012
LOCATION:	1041 Rock Avenue. North side of Rock Avenue, approximately 450 feet westerly of Oakland Road.
DESCRIPTION:	Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 19 single-family attached residences on a 0.92 gross acre site.
APN:	23701050

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

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

Green Building

Savings By Design

ESD encourages developer to take advantage of PG&E's Savings By Design (SBD) incentive program to incorporate more energy efficient fixtures and HVAC equipment into the project. SBD will provide incentives up to \$250,000 for exceeding Title 24. For more information visit www.savingsbydesign.com.

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 designed¹ such that they will accommodate garbage and recycling collection vehicles and program setout guidelines. If vehicle access is limited due to clearance issues, street parking, or inaccessible private streets, some services (such as street sweeping or yard trimmings collection) may not be performed, or the property owner may be subject to additional charges. These additional charges may include monthly charges for on-premise (backyard) collection or yard trimmings cart collection. For questions regarding garbage and recycling collection issues, contact the Recycle Plus Program at (408) 535-3515.

A review of the plans indicate potential access issues with the development due to narrow street width and lack of an adequate turnaround. Please show how trash and recyclables will be collected on future plans.

2. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. For further information, contact the Commercial Solid Waste Program at (408) 535-3515.

Water Efficiency

Residential

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

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

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

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

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

Memorandum

TO: Joseph Horwedel
Acting Director of Planning

FROM: Officer Bill Miller #2786
CPTED Program

PROJECT MANAGER: Sanhita Mallick
PLANNING FILE #: PDC06-012

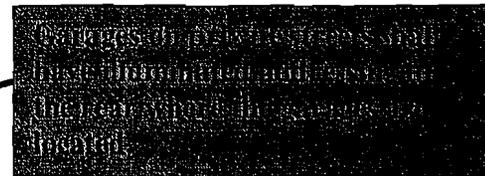
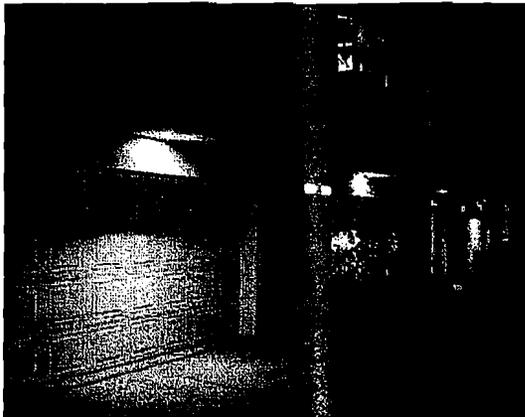
DATE: March 21, 2006

LOCATION: North side of Rock Ave. approximately 450 feet westerly of Oakland Road.

DESCRIPTION: Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 19 single-family attached residences on a 0.92 acre site.

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.
- Each individual building and unit shall be clearly marked with the appropriate building number and address and should be positioned so as to be easily viewed from vehicular and pedestrian pathways throughout the complex. Main building numbers should be a minimum height of 12". **In addition to front door addressing, each unit shall have illuminated addressing over the garage at the rear of each unit.**



LIGHTING:

- Adequate lighting of guest parking lots, driveways, pedestrian path ways, 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.

LANDSCAPING:

- Landscaping shall be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows.

FENCING/ACCESS CONTROL:

- 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:

- 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.
- 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.

SIGNAGE/PARKING LOT:

- "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.
- All entrances to parking areas shall be posted with appropriate signs per 22658(a) CVC, to assist in removal of vehicles at the property owners/managers request

MISCELLANEOUS:

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

Officer William R. Miller #2786
Environmental Design Detail

**-- 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: Klassen Property Rezoning

PROJECT FILE NUMBER: PDC06-012 and subsequent permits

PROJECT DESCRIPTION: Planned Development Rezoning from IP industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 18 single-family attached residences on a 0.92 acre site and subsequent permits

PROJECT LOCATION & ASSESSORS PARCEL NO.: North side of Rock Avenue, approximately 450 feet westerly of Oakland Road; 237-01-050, 237-01-030

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Amie Ashton, HMH Engineers, (408)227-

FINDING

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

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

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

3. **AIR QUALITY – Mitigation Measure 3-1:** The following controls shall be implemented during all construction phases of the project:
 - a. Water all active construction sites at least twice daily, and more often during windy periods;
 - b. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard;
 - c. 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;
 - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
4. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
5. **CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
6. **GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
7. **HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
8. **HYDROLOGY AND WATER QUALITY** –
 - a. **Mitigation Measure 8-1:** The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication Blueprint for a Clean Bay. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 East Santa Clara Street – Third Floor, San Jose, California 95110. The Erosion Control Plan may include BMPs as specified in ABAG’s Manual of Standards Erosion & Sediment Control Measures for reducing impacts on the City’s storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-3555.
 - b. **Mitigation Measure 8-2:** Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board’s National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:

- b. **Mitigation Measure 11-2:** The following measures shall be implemented by the project developer and/or construction site supervisor to reduce potential construction noise impacts to surrounding neighbors:
- i. Notify neighbors of the schedule and type of equipment used for each phase of construction;
 - ii. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
 - iii. Locate noisy stationary equipment (i.e., generators or compressors) away from neighboring residences;
 - iv. Require that all construction equipment be in good working order and that mufflers be inspected for proper functioning;
 - v. Require that vehicles and compressors turn off engines when not in use;
 - vi. Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
 - vii. Utilize available noise suppression devices and techniques as appropriate, in conformance with General Plan policy; and
 - viii. Designate a construction noise coordinator who would be available to respond to complaints from neighbors and take appropriate measures to reduce noise.

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

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

14. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

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

17. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on *Tuesday December 5, 2006*, any person may:

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

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

Circulated on: 11/15/06


Deputy

Adopted on: _____

Deputy

Revised 8/26/05 JAC

Memorandum

TO: Rich Buikema

FROM: David J. Mitchell

SUBJECT: PDC05-105

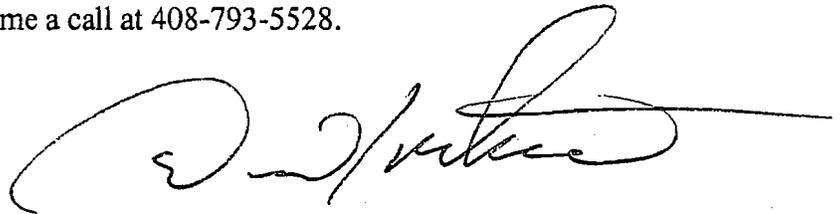
DATE: 3-20-06

The above referenced project is a Planned Development Rezoning to permit the development of 34 single-family detached residential units on 4.08 gross acre site located on the south side of Rock Avenue, approximately 800 feet westerly of Oakland Road. (APN 237-15-183)

Staff of the Parks, Recreation, and Neighborhood Services Department (PRNS) has reviewed the proposed project and due to its size under the Parkland Dedication Ordinance, the only requirement is the payment of the associated in-lieu fees.

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

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



DAVID J. MITCHELL
Parks Planning Manager