



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** November 30, 2006

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**TRANSMITTAL MEMO**

**COUNCIL DISTRICT:** 6  
**SNI:** N/A

**SUBJECT: PDC06-071. LOCATED ON SOUTHWESTERLY SIDE OF CAMPBELL AVENUE 950 FEET NORTHWESTERLY OF NEWHALL STREET.**

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.

CITY 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 # . 46  
C.C. 12-12-06 11.5

# STAFF REPORT

File Number  
PDC06-071

Application Type  
Planned Development Rezoning

Council District  
6

Planning Area  
West Valley

Assessor's Parcel Number(s)  
230-13-012

## PROJECT DESCRIPTION

Completed by: Sanhita Mallick

Location: Southwesterly side of Campbell Avenue 950 ft northwesterly of Newhall Street

Gross Acreage: 2.67 ac

Net Acreage: 2.67 ac Net Density: 15 DU/AC

Existing Zoning: LI- Light Industrial

Existing Use: Warehouse and light industrial

Proposed Zoning: A (PD) Planned  
Development

Proposed Use: Up to 40 single-family detached residences

## GENERAL PLAN

Land Use/Transportation Diagram Designation  
Medium High Density Residential (12-25 DU/AC)

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

## SURROUNDING LAND USES AND ZONING

North: Campbell Avenue/ Single-family Detached Residences, Industrial A(PD) Planned Development, HI-Heavy Industrial

East: Warehouse

LI-Light Industrial

South: Single-family Detached Residences

R-2 Two Family Residence District

West: Light Manufacturing/Warehouse

LI-Light Industrial

## ENVIRONMENTAL STATUS

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

Annexation Title: College Park/Burbank Sunol

Date: 12/8/1925

## PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date 11-29-06

Approved by: *Susan Walton*  
 Action  
 Recommendation

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APPLICANT/OWNER/DEVELOPER

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Andre Hunt	Cobalt Associates
Santa Clara Development	333 West Santa Clara St Unit 280
2185 The Alameda	San Jose Ca 95113
San Jose Ca 95123	

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PUBLIC AGENCY COMMENTS RECEIVED

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Completed by: SM

Department of Public Works

See attached memorandum

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Other Departments and Agencies

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

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GENERAL CORRESPONDENCE

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None received.

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ANALYSIS AND RECOMMENDATIONS

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## **SUMMARY**

Planning staff recommends that the Planning Commission recommend denial of the Planned Development Rezoning to the City Council for the following reasons: (1) severe lack of usable private and common open space, (2) lack of on-site parking in a neighborhood where on-street parking is already a concern and (3) poor interface with existing single-family rear yards at the rear of the subject property, and with adjacent industrial properties.

Staff believes that these issues cannot be addressed without a significant redesign of the project which would require a lower density development with the same product type, possibly below the minimum density specified by the General Plan, or a fully-revised project utilizing an attached product type.

## **BACKGROUND**

The applicant, Santa Clara Development, requests a Planned Development Rezoning from LI- Light Industrial District to A(PD) Planned Development Zoning District to allow up to 40 single-family detached residences, at a density of 15 dwelling units per acre (DU/AC).

A General Plan Amendment (File No. GP05-06-04), was approved by the City Council in June 2006, which changed the General Plan Land Use/ Transportation diagram designation of this site from Light Industrial to Medium High Density Residential (12-25 DU/AC). Planning staff had recommended approval of the proposed General Plan designation. This was the third General Plan Amendment (and third subsequent Planned Development rezoning) in the immediate vicinity on two sides of Campbell Avenue that have together converted approximately 18.9 acres of industrial land for residential uses. Two already-approved Planned Development rezonings have allowed 324 residential units in this area, now either under construction, or already occupied. A General Plan Amendment to change the Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) on a 7.08-acre site was filed in May 2005, and is pending on the adjacent site to the north-west of the subject proposal (File No. GP05-06-03).

At the public hearing for the General Plan amendment, the City Council provided direction for future action on the subject site and the surrounding area. The Council, supporting recommendations in a memorandum from Councilmembers Yeager and Chavez, identified several planning issues to be considered in the review of future residential projects in the immediate area, including continued closure of Campbell Avenue at Newhall Avenue and O'Brien Court, creation of public park space, appropriate interface with the single-family residences in the vicinity, and parking. The memorandum to the City Council regarding the project is attached to this report.

### **Site and Surrounding Uses**

A mix of residential and industrial land uses currently surround the site. The site is bounded by residential and industrial uses to the north across Campbell Avenue, industrial uses adjacent to the site to the east, single-family detached residences on Sherwood Avenue to the south, and industrial uses adjacent to the site to the west. The two residential parcels located to the north and across Campbell Avenue, the 7.6 gross acre Encanto project and 8.6 gross acre Altura project, are zoned A(PD) Planned Development. The Encanto project is under development/construction with single-family detached houses similar to the proposed project and the Altura project, consisting of three-story townhouse style condominiums, is mostly complete and already occupied. Both of these Planned Development Rezonings were approved in 2005 and total 324 dwelling units.

The site is located approximately 1,400 feet southerly of the Santa Clara Caltrain station located on El Camino Real and is approximately 3,000 feet away from the planned BART station. Campbell Avenue is an approximately 10,000 foot-long dead end street closed at its western end at Newhall Avenue. The closure was originally put in place to address the concerns of excessive industrial truck traffic through the neighborhood. The street is approached via El Camino Real/The Alameda from the City of Santa Clara.

The project site is rectangular in shape, totaling approximately 2.67 gross acres. The site is relatively flat and currently developed with a 30,000 square foot warehouse building, paved surfaces for storage, operations and parking and a fuel pump island. There are five trees on the site; the species include Privet, Birch, Italian Stone Pine and Coast Redwood. The Coast Redwood and the Stone Pines are ordinance size, with sizes ranging from 92 to 106 inches in circumference at two feet above grade. Per the proposed development plan, all the trees may be removed.

### **Project Description**

The project proposes demolition of the existing industrial building and the construction of 40 detached single-family houses. The conceptual site plan shows two- and three-story detached units clustered around five driveway alleys, each alley providing access to 8 houses. Pedestrian access to each of these houses is proposed to be provided via approximately 20 feet wide pedestrian paseos. The majority of the proposed houses are three-story structures with a maximum proposed height of 35 feet. The conceptual architectural plans indicate that the second and the third floor of a large number of units will be "stepped back" in height from the front of the building. The project proposes a mixture of three-bedroom and four-bedroom units ranging between 1,338 square feet and 1,945 square feet in size; many of the units also include a den/study room.

The project proposes to provide 108 on-site parking spaces and 5 off-site parking spaces along the project frontage on Campbell Avenue. All the units are proposed to have two-car garages, in a side-by-side configuration for the majority of the units, accessed from internal driveways at the ground level. Two units at the end of each driveway alley (10 units total) have two single-car garages located at right angles to each other, with one garage located at the end of the alley.

Private open space is provided in the form of patios and balconies, which range from 88 to 143 square feet per unit for the majority of the units. Most of the patios are located within the typical "side yard" area between single-family houses. The width of the majority of these private patios is 6 feet 6 inches. For the ten end units, the private open space is approximately 700 square feet in size. Approximately 2,100 square feet of common open space for the project has been proposed by the applicant in the form of a lawn area (15 feet by 140 feet). The Conceptual Landscape Plan depicts no amenities such as benches, play structures, or other recreational elements in this area (see Sheet L1.1 of the plan set).

Vehicular and pedestrian access to the site from Campbell Avenue would be provided by means of a 26-foot wide driveway located adjacent to the north-westerly boundary of the site. This driveway has sidewalk and park strip on one side, and parallel parking spaces on the other side. The eight driveway alleys receive access from this main driveway.

The proposed site plan shows possible locations of future pedestrian connections to the adjacent industrial sites on two sides of the site, when and if these parcels are developed with residential uses.

## **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 project mitigations are incorporated. The Mitigated Negative Declaration addressed a range of environmental issues, the most salient of which are noise and hazardous materials. The complete Initial Study can be found online at <http://www.sanjoseca.gov/planning/eir/MND.asp>.

### **Hazardous Materials**

The following on-site and off-site hazardous materials issues have been identified for the project:

1. The rear tenant space of an industrial building across Campbell Avenue to the north of the site is currently occupied by a metal plating shop (Variety Metal Finishing). Variety Metal Finishing is subject to the California Accidental Release Prevention Program (CalARP), which is the Federal Risk Management Plan Program. The facility is subject to the CalARP program as a stationary source that stores and/or uses more than a threshold quantity of two regulated chemicals, nitric acid and potassium cyanide. As part of the CalARP Program, Variety Metal Finishing has a Risk Management Plan (RMP) in place. The intent of the RMP is to provide basic information that may be used by first responders in order to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material; and to satisfy federal and state Community Right-to-Know laws. Based upon the RMP, two release scenarios were modeled for 1) the largest theoretical release ("worst-case release scenario") and 2) a more likely release scenario

("alternative release scenario"). According to federal and state programs, the worst-case release scenario is the total release of the largest quantity of a regulated substance from a single vessel or process line failure that results in the greatest distance to an endpoint under conservative meteorological conditions, which typically occur only at night. Worst-case release scenarios represent the failure modes that would result in the worst possible off-site consequences, however unlikely. The federal and state programs define the alternative release scenarios as those that are more likely to occur than the worst-case release scenario and that reach an endpoint offsite, unless no such scenario exists.

The risk assessment modeling data which projects the distance to toxic endpoint (the distance the substance could travel before dispersing into the atmosphere enough to no longer pose a hazard to the public) for the worse case scenario for nitric acid was a radius of 1,584 feet from the Variety Metals use, and for potassium cyanide was a radius of 1,056 feet. The modeled distance to endpoint for the alternative release scenario was a radius of 528 feet for both the chemicals. A portion of the subject site, as shown on the conceptual site plan (see Sheet C-4 of the plan set), falls within this 528 foot radius and affects the 12 units nearest to Campbell Avenue per the proposed site plan. The project's mitigation measures include that no houses may be constructed within the alternative release scenario radius of this CalARP site (Variety Metals) or like users at that location.

2. The site has been historically used by a number of industrial companies. Three diesel and gasoline underground storage tanks (USTs) were formerly located on the site, which were removed from the site in 1996. Based on the concentrations of pollutants in the soil, the Santa Clara Valley Water District (SCVWD) concluded that the release from these tanks did not present a continuing threat to ground water, human health and the environment and the site was granted a closure to the site by the San Francisco Bay Regional Water Quality Control Board (RWQCB) in May 2004. The closure transmittal letter notes that residual contamination remains in soil and ground water at the site that could pose an unacceptable risk under certain site development activities. Per conditions of the closure letter, the SCVWD and RWQCB has been notified of the proposal of change in land use. Additionally, the existing underground storage tanks shall be removed per the closure procedure of the City of San José Fire Department (SJFD)(RWQCB) prior to issuance of any residential building permits.
3. A former industrial laundry facility operated between 1974 and 2003 at the site adjacent to the southeast of the subject site at 1173-1175 Campbell Avenue. The laundry facility used numerous caustic chemicals, organic solvents, acids and fungicides in the industrial cleaning process. As a result, the shallow ground water at the site has been impacted by chlorinated solvents and petroleum hydrocarbons. Contaminated groundwater from these pollutants could cause indoor air impacts to sites downgradient of the site. Although the project site is not directly downgradient of this site, one soil gas sample out of ten samples collected in 2005 showed a concentration of vinyl chloride above State screening levels. In June 2006, the Department of Toxic Substances Control (DTSC) issued a cleanup order to the owner/operator of the former Industrial Laundry. The proposed mitigation measure indicates that prior to obtaining a building or grading permit, a qualified hazardous material consultant shall monitor the DTSC- cleanup plan and depending upon the progress of the plan, shall complete further soil gas investigation. Pending the results of any additional investigation, installation of vapor barriers, crawlspace and/or utility cut-off trenches in the project may be warranted.

## **Noise**

The noise environment at the project site exceeds the City's noise level goal for exterior noise (60 dBA DNL) as a result of transportation noise sources in the site vicinity (i.e., railroad, Campbell Avenue, and the Norman Y. Mineta San José International Airport). Noise generated with the operation of adjacent light industrial uses would also continue to contribute to the future noise environment. Exterior noise levels throughout the project site would exceed the "satisfactory" compatibility standard for residential land uses established by the City of San José. Although day/night average noise levels generated by these adjacent land uses are not anticipated to exceed 60 dBA DNL, noise would occasionally be audible and could be annoying.

Noise levels at the units' proposed front patios will be 60 dBA or lower further than 160 feet of Campbell Avenue. Therefore, front patios of the approximately 12 units that are proposed to be located within 160 feet of Campbell Avenue will be subject to noise levels of 60 dBA or higher. A 6-foot noise barrier around these patios would be necessary to reduce the noise to 60dBA or lower. Common open space could be provided with noise levels less than 60 dBA if it is located more than 160 feet from Campbell Avenue. This lower-noise common open space could provide recreational opportunities for the residents of these 12 front units if it is set back at least 160 feet from Campbell Avenue, and shielded by buildings. If such usable common open space is provided, staff believes that no noise barriers would be needed for the private open spaces within 160 feet of Campbell Avenue as six-foot surrounding walls would detract from the value of the small patio spaces proposed.

## **PUBLIC OUTREACH**

A community meeting was held at 1922 The Alameda (United Way Building) on October 17, 2006. Approximately 12 members of the community attended the meeting. Project-related concerns included additional traffic generated by the project, possible parking overflow onto the street, interface with the single-family homes at the rear of the site and the proposed height of the new houses. There were positive comments about the relatively low-density of the project.

Notices of the public hearing and the Draft Mitigated Negative Declaration were distributed to the owners and tenants of all properties located within 1000 feet of the project site. The Negative Declaration and this staff report have been posted on the City's web site. Staff has been available to discuss the project with members of the public. An on-site information sign was installed to provide information to the public about the project.

## **GENERAL PLAN CONFORMANCE**

On June 27, 2006, the City Council approved a General Plan Amendment on this site to change the General Plan Land Use/Transportation Diagram designation of the site from Light Industrial to Medium High Density Residential (12-25 DU/AC). The proposed project density is 15 DU/AC, which is within the density range of 12-25 DU/AC.

### 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 nearby. 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.

Based on this analysis, staff concludes that the rezoning conforms to the San Jose 2020 General Plan relative to land use.

### ANALYSIS

The key issue for the proposed project is consistency with the Residential Design Guidelines (RDG) standards. Below, staff has evaluated the project using the Residential Design Guidelines for Garden Townhouses relative to perimeter setbacks, parking, open space, and building design. Staff has also analyzed whether the project addresses the Council's direction at the time of approval of the General Plan Amendment to a residential designation.

The project proposes detached residences on individual lots; however the unit type has virtually no resemblance to a typical single-family house on a small lot for the following reasons: 1) the proposed units have no street frontage, but instead front on pedestrian paseos; 2) the lots do not provide 10 or 15 feet of front or rear setbacks; 3) the amount of private open space provided per unit is significantly less than recommended in the RDG, and; 4) the proposed houses are more than two stories and exceed 30 feet in height. With the separate circulation system for vehicles and pedestrians, the unit type is more similar to the Garden Townhouse housing type, which typically includes attached units with common paseos providing main pedestrian entrances to the units and private yards/patios serving each unit. The project was reviewed for compliance with the Residential Design Guidelines for Garden Townhouses, and the recommendations for small-lot single-family houses have also been provided for comparison.

### Perimeter Setbacks and Interface with Surrounding Uses

The Residential Design Guidelines specify that perimeter areas of projects should be designed to be compatible with existing adjacent residential uses and that the protection of the privacy of adjacent residents should be a major consideration in the design of new projects. The Guidelines suggest building setbacks based on adjacent uses and the height of proposed buildings. Per the

Guidelines, a 20-foot setback is recommended for one- and two-story building elements adjacent to single-family rear yards.

The Guidelines recommend up to two feet of setback for each foot of building height; up to 70 feet from the applicant's proposed three-story, 35-foot tall houses to the adjacent single-family residential property to the south-west (rear) of the site. Although staff believes that the maximum perimeter setback the Guidelines suggest is not practicable for this infill site, staff believes that a minimum 20-foot typical single-family setback should be provided for two-story buildings to bring the site plan into substantial compliance with the intent of the Guidelines. This would require the third stories of the rear units to be stepped back further. The corner unit (Lot 37 on the attached "Conceptual Site Plan") currently shows a setback of only 9 feet for the first floor and 14 feet for the second floor. Although per the proposed plan (Sheet C-7 of attached planset), this corner unit would only have two stories, it would not meet the Guidelines even as a two-story structure. This interface with the single-family homes was considered a primary concern by the Council at the time of approval of the General Plan Amendment, and was also raised by neighbors at the community meeting.

The Guidelines suggest a 10 to 15 foot setback from incompatible uses such as the adjacent industrial uses to the east and west to provide buffering between uses. The 25-foot setback provided from the industrial uses to the northeast exceeds the recommendation of the Guidelines and is acceptable. Although the currently proposed 10-foot setback for the three-story structures from the industrial use to the southwest does not meet the 15-foot setback recommended by the Guidelines, the applicant has indicated that they are prepared to accept a condition of approval of the Planned Development zoning requiring a 5-foot increase in this setback for the third story of these units. If a 7 foot-tall masonry wall is proposed along this property line and a 6- to 8-foot wide landscaping strip with screening trees is proposed, this setback could be adequate. The current conceptual plans do not show any landscaping in this area, and do not provide the wall.

Along Campbell Avenue, the proposed front setback of 10 feet for the patios and 18 feet for the two-story houses substantially conform to the Residential Design Guidelines recommendation of 10 feet and 20 feet respectively. The third story is proposed to retain the same 18 feet setback while the Guidelines recommend additional setback to 35 feet.

### Open Space

The project as proposed, does not provide adequate private or common open space. The approximately 2,100 square foot lawn area reflects a proposed common open space ratio of 52.5 square feet per unit, well below the 150 square feet of common open space per unit standard in the Guidelines for either Garden Townhouses or single-family detached houses. The Guidelines further state that common open space should include areas usable by residents for recreational activities. Staff believes that the proposed long common open space area, designed with 15 feet of width within an approximately 40-foot wide area between two rows of single-family detached houses, will not function as an open space amenity for the project since the area will only have limited recreational usability.

The Guidelines recognize that provision of additional private open space per unit can be a compensating factor to support a reduced common open space requirement. The Guidelines recommend 400 square feet of private open space for small lot single-family developments and 300 square feet of private open space for Garden Townhouses. Under either standard, the proposed

private open spaces of between 88 square feet and 168 square feet per unit are well below the minimums delineated in the Guidelines. Staff is very concerned about the quality and quantity of the private open space provided for the proposed project. For a majority of the units, the private open space is provided in the form of a 6.5 foot wide ground floor yard space located within the side setback of the units, sandwiched between two- to three-story tall walls on two sides. In rare occasions, a 48 square foot second floor balcony has been provided. The 6.5 foot-wide yards are significantly narrower than the 15-foot minimum dimension described in the Guidelines.

A somewhat generous open space has been proposed for the ten end units (Plan types 4X and 4XLR) in the side setback area immediately adjacent to industrial uses. The open space consists of an approximately 140 square feet of usable area in the front of the units, and a 3.5 to 6 foot by 40 feet long narrow space on the side. This area is within the perimeter setback area intended to buffer the project from adjacent industrial uses. Staff believes that the lack of separation between the existing industrial uses and the proposed single-family yards diminishes the value and utility of the 717 square foot yards depicted on the plans for these ten units.

For a typical single-family residence with a 400 square foot yard that is located near a park, the requirement for common-open space may be waived per the Guidelines. Although the project is located near a small future public park at the end of Campbell Avenue near Newhall, seventy-five percent (75%) of the units show private open space less than 168 square feet. The project does not qualify for the waiver. Staff believes that a usable on-site common open space area is vital for this development.

Staff believes that the provision of adequate private and common open space for the 40 proposed residential units would require significant redesign of the project, and possibly a different, likely attached, product type. To meet the common open space ratios identified in the Guidelines, 5,400 to 6,000 square feet of common open space would be needed and under the applicant's current design would require loss of a row of units. Although the applicant has indicated that the future residents of the subject development will have access to the recreational amenities located within the Encanto development across the street, these two developments will be owned and managed by two separate homeowner's association, and no mechanism exists that can guarantee that the future residents of the proposed project will be allowed to use the facilities at the other site. Additionally, the approved recreation facility at the Encanto project meets the requirement for 104 units approved as part of that project, and may not be used to incorporate the use of additional 40 units for the subject project, without either rezoning the site to amend the approved Development Standards or redesigning the site plan to increase the size of those recreational facilities.

Additionally, with the high noise impacts from the street and industrial uses, in absence of an adequate usable common open space, the patios of the three front-row units, and the units adjacent to the industrial uses, would need to be shielded with 6-foot tall noise barrier as indicated in the Environmental Review section above, which would further reduce the quality of those private spaces significantly.

From this analysis, planning staff concludes that the project is severely lacking in usable, quality private and common open space.

## **Parking**

The parking requirement per the Guidelines is 2.6 spaces per three-bedroom townhouse unit, 2.75 spaces per unit for four-bedroom townhouses, and 3.3 spaces per unit for single-family detached residential. This results in a maximum project parking requirement of 110 spaces based on bedroom count, assuming all units having four bedrooms, or 132 spaces based on typical single-family parking requirements. The proposed project conforms to the recommendations for townhouses by providing 108 on-site spaces, but is substantially lacking in conformance with the typical requirement for detached single-family houses. Off-site parking spaces, which could serve as guest parking, are given a credit of 0.5 per space, since these spaces are on the public street.

As indicated during the public outreach and review of the two previously approved projects in the vicinity and the current project, and as reflected in three previously issued/adopted memoranda by the Council during the approval of the three previously-approved General Plan Amendments, provision of sufficient on-site parking is an important issue for the neighborhood. The direction provided by the Council during the General Plan Amendment for the subject site included developing parking standards during the Zoning phase that respond to this concern. Planning staff believes that a parking ratio closer to the single-family standard would be appropriate for this project at this location.

## **Building Separation/Paseo Width**

The proposed front-to-front separation between two rows of houses (the pedestrian paseo width) is approximately 20 feet for the first story, while the second stories are set back from the paseo up to another 10 feet. The Guidelines' recommended separation for Garden Townhouses is 30 feet. No recommendations are provided for single-family houses, which are ordinarily expected to be located along streets, not paseos. Although with the massing of the majority of the buildings as shown on the conceptual drawings staff believes that this proposed separation is generally acceptable, staff is concerned about the patios projecting into these paseos and the massing of the Plan Type 1R which does not show a receding upper story.

## **Conclusion**

As discussed in the Analysis section, the project is severely lacking in usable common open space. The private open spaces proposed are inadequate and of low quality. The rear setbacks provided for the project do not provide enough privacy for the adjacent single-family rear yards. The project also lacks in on-site parking and provides only 5 off-site street spaces along the site's frontage. Staff believes that these issues cannot be addressed without a significant redesign of the project. To be within the approved density range of the recently-approved General Plan, a minimum of 33 units are required, or a General Plan Amendment will be necessary. The site is larger than 2 acres in size and therefore, use of the General Plan's Two-Acre Rule would not be possible even for an exceptionally well-designed lower density project. Additionally, there are a number of serious unresolved environmental issues that have been conditioned at different stages of the development process (prior to the Development permit, grading permit, building permit and actual on-site grading). Although the phasing will meet the requirements of the California Environmental Quality Act (CEQA)s, the mitigation measures will be difficult to administer and control. For the above-mentioned reasons, Planning staff recommends denial of the project as proposed.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend denial of the Planned Development Rezoning to the City Council for the following reasons:

1. The proposed project lacks significantly in private open space and usable common open space
2. The proposed project does not provide adequate on-site parking
3. The proposed project does not provide adequate perimeter setbacks from adjacent single-family residences and incompatible industrial uses.

### Attachments:

Location Map

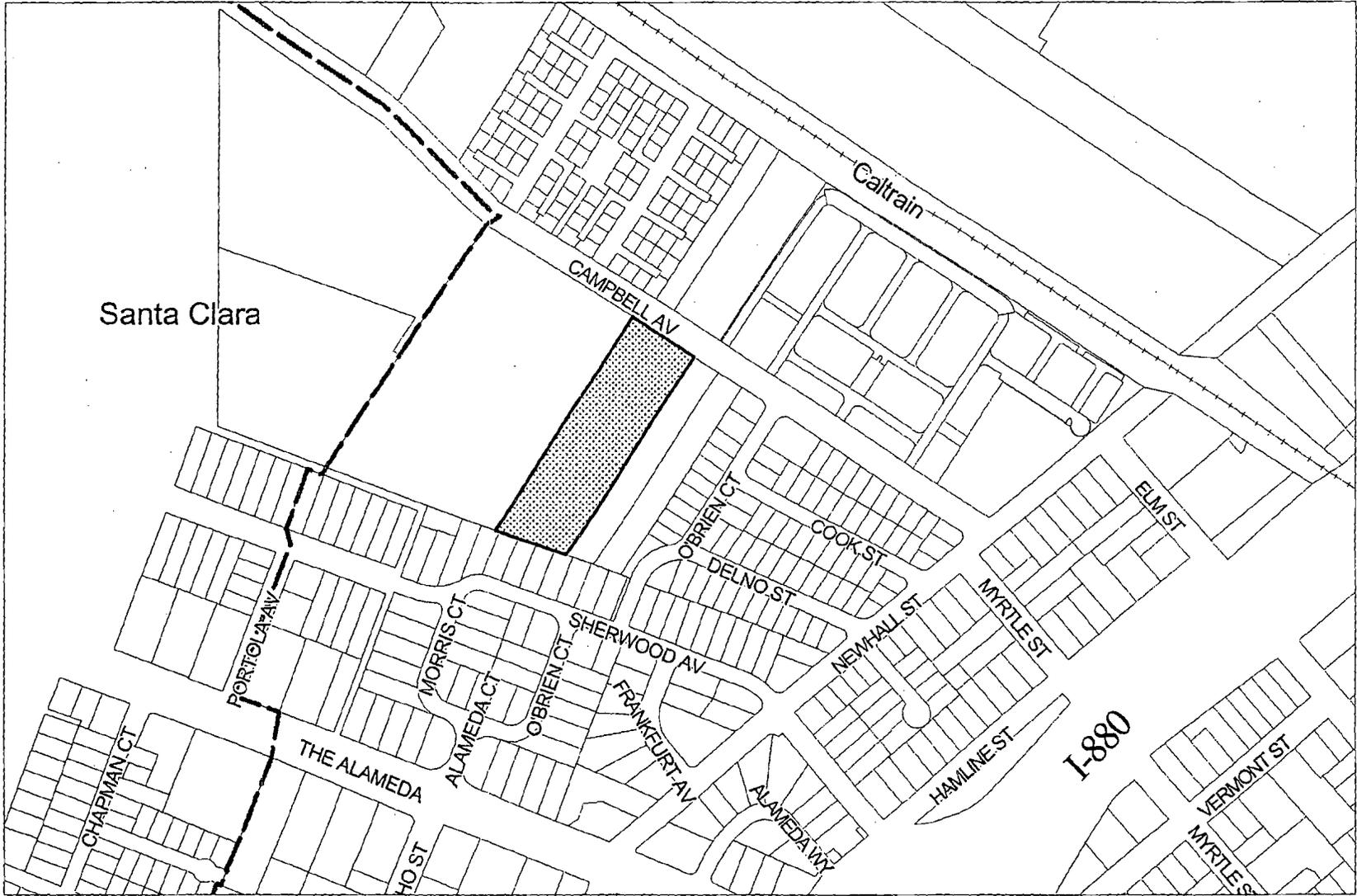
Council Memorandum

Memoranda from Department of Public Works, Fire Department, ESD, Police Department, PRNS

Memorandum from Department of Transportation

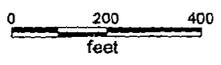
Mitigated Negative Declaration

Plan Set



  
Map Created On:  
7/6/2006

Scale 1 in = 400 ft 1:4800  
Noticing Radius: 500 ft



**File No: PDC06-071**  
**District: 06**  
**Quad No: 066**



# Memorandum

**TO:** Sanhita Mallick  
Planning and Building

**FROM:** Mirabel Aguilar  
Public Works

**SUBJECT:** INITIAL RESPONSE TO  
DEVELOPMENT APPLICATION

**DATE:** 08/10/06

Approved

Date

08/10/06

**PLANNING NO.:** PDC06-071

**DESCRIPTION:** Planned Development Rezoning from the LI Light Industrial District to the A(PD) Planned Development District to allow 43 single-family detached residences on a 2.67 gross acre site

**LOCATION:** Southwesterly side of Campbell Av 950 ft northwesterly of Newhall St

**P.W. NUMBER:** 3-16959

Public Works received the subject project on 07/10/06 and submits the following comments and requirements. **Upon completion of the Action/Revisions Required items by the applicant, Public Works will forward a Final Memo to the Department of Planning prior to the preparation of the Staff Report for Public Hearing.**

## **Actions / Revisions Required:**

1. **Public Works Development Review Fee:** Based on established criteria, this project has been rated medium complexity. An additional fee of \$1,085 is due for complexity. This project is located in a flood zone and is subject to the Flood Review Fee of \$150. This project is subject to the NPDES - C.3 Requirements Review Fee of \$1,270. Prior to the project being cleared for the hearing and approval process a total sum of **\$2,505** shall be paid to the Development Services Cashier using the attached invoice(s).
2. **Stormwater Runoff Pollution Control Measures:** Submit the following:
  - a) The project's preliminary Stormwater Control Plan showing the location and function of all post-construction treatment control measures, and all trees eligible for post-construction treatment control credits.
  - b) The preliminary numeric sizing calculations based on the Stormwater Control Plan, prepared by a qualified stormwater professional (civil engineer, licensed architect or landscape architect), used to determine runoff quantity and to design/select the post-construction treatment control measures.
3. **Transportation:** A Traffic Report is required prior to environmental clearance or zoning.

4. **Street Improvements:**
  - a) Submit a more detailed plan showing existing and proposed street improvements.
  - b) Submit plans showing the cross-sections of the existing and proposed street improvements.
  - c) We are currently preparing a master plan for Campbell Avenue. Additional comments will be forwarded after the master plan is finalized.
  - d) Install double row of street trees to match recently approved projects.
  
5. **Storm:**
  - a) Indicate the overland release path in arrows.
  - b) The release path must be paved.
  - c) On-site ponding must be less than one foot.
  - d) Finished floor elevations must be one foot higher than overland release elevation.
  
6. **Meeting with Applicant:** The above comments are based on our review to date. Due to the size and complexity of this development, we anticipate additional issues may surface with subsequent review and revised plans. We recommend that a meeting with the Developer and his representatives be scheduled as soon as possible to answer any questions regarding Public Works comments or issues.

### **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.

7. **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.
  
8. **Grading/Geology:**
  - a) A grading permit is required prior to the issuance of a Public Works Clearance.
  - b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
  - c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity.

Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.

- d) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

9. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.

- a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed. 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.

10. **Stormwater Peak Flow Control Measures:** Projects that are required to install treatment control measures are encouraged to comply with the requirements of the City's Post-Construction Hydromodification Management Policy (City Council Policy 8-14) to control the project's hydromodification impacts that can cause increased erosion and other impacts to beneficial uses of local rivers, streams and creeks. It is recommended that the project install treatment control measures that have flow-control benefits such as bioretention facilities, infiltration trenches, filter strips, and vegetated swales.

11. **Flood: Flood: Zone D (Portion in Zone A)**

- a) A small portion of the project site has been designated as Flood Zone A (no established base flood elevation), effective October 6, 2005, by a Letter of Map Revision (LOMR) issued by the Federal Emergency Management Agency (FEMA). The Santa Clara Valley Water District administered the LOMR submittal in conjunction with the Downtown and Lower Guadalupe River Flood Protection Projects. A new LOMR issued by FEMA on June 30, 2006 (effective October 25, 2006) shows the project site in **Zone D, with a portion in Zone AH, with base flood elevation 63' (based on NGVD 1929 vertical datum)**.
  - i) Elevate the lowest floor of all proposed buildings above 63' NGVD 1929.
  - ii) An Elevation Certificate (FEMA Form 81-31) for each building, based on construction drawings, is required prior to the issuance of a building

- permit. Consequently, an Elevation Certificate based on finished construction is required prior to issuance of an occupancy permit.
- iii) Building support utility systems such as HVAC, electrical, and plumbing systems must be elevated above the base flood elevation or protected from flood damage.
  - iv) If applicable, provide vent openings for all enclosures below the base flood elevation (ex. crawlspace, at-grade garages), except basements. The design must either be certified by a registered professional engineer or meet the following requirements: Provide vent openings on at least two exterior walls of each enclosure to automatically equalize the lateral pressure of the floodwaters. The bottom of each opening shall be no higher than twelve inches above the exterior adjacent grade. Provide a minimum of two vent openings having a total net area of not less than one square inch per one square foot of enclosed area.
- b) Since portions of the proposed 4 residences along Campbell Avenue are within the 100-year floodplain and future property owners may be required to purchase flood insurance, the project may apply for a Letter of Map Revision to FEMA for removal of these portions from the 100-year floodplain.
12. **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.
13. **Parks:** In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.
14. **Street Improvements:**
- a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - b) Construct 10' attached sidewalk with tree wells and curb and gutter.
  - c) Close unused driveway cut(s).
  - d) Proposed driveway width to be 26'.
  - e) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
  - f) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
15. **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.
16. **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.

17. **Electrical:**

- a) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
- b) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
- c) Provide clearance for electrical equipment from driveways, and relocate driveway or electrolier. The minimum clearance from driveways is 5' in residential areas.

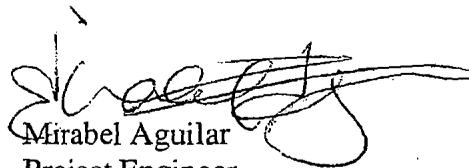
18. **Street Trees:**

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

19. **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 me at (408) 535-6822 or Jeff Lee at (408) 535-7877 if you have any questions.



Mirabel Aguilar  
Project Engineer  
Transportation and Development Services Division



# Memorandum

**DATE:** 08/17/06

**TO:** Sanhita Mallick

**FROM:** Nadia Naum-Stoian

Re: Plan Review Comments

**PLANNING NO:** PDC06-071

**DESCRIPTION:** Planned Development Rezoning from the LI Light Industrial District to the A(PD) Planned Development District to allow 43 single-family detached residences on a 2.67 gross acre site

**LOCATION:** southwesterly side of Campbell Av 950 ft northwesterly of Newhall St

**ADDRESS:** southwesterly side of Campbell Av 950 ft northwesterly of Newhall St (1179 CAMPBELL AV)

**FOLDER #:** 06 020097 ZN

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

- These comments are based on the following information from drawings dated 7/05/06 by Robert Hidey Arch.

Largest building: +/-1,400 sq. ft.

Construction Type: V N

Occupancy Group: R3

Number of stories: 3

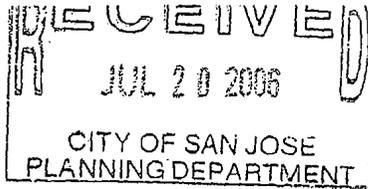
1. The project plans as submitted, do not comply with the Fire Code. The following are discrepancies noted:

- a) The plans do not indicate that the required fire flow of 2000GPM will be available at the project site. Please ask the applicant to immediately contact Jim Barteau of San Jose Water Co. at 408-279-7874 to get the water flow information.
- b) The plans do not show location of hydrants. The required fire flow shall be provided through 2 hydrants.: 1000gpm from A-00702 existig+1000gpm from new hydrant.

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; specify maintenance
  - be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds; specify
  - have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet; OK as shown on C4
  - be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet; OK as shown on C4
  - **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 500 feet. Per Fire Code a hydrant has to be installed maximum 175 feet from the dead-end private street.
- c) Available fire flow. Provide a copy of the letter from San Jose Water Co. that indicates the water flow available.
- d) 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. Show all pertaining details including landscaping and pavers in relation to rescue window operation.

**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  
 July 20, 2006

**APPROVED:** *Geoff Blair*      **DATE:** 7-20-06

PLANNING NO. :	PDC06-071
LOCATION:	1179 Campbell Avenue. Southwesterly side of Campbell Avenue, 950 feet northwesterly of Newhall Street.
DESCRIPTION:	Planned Development Rezoning from LI Light Industrial District to the A(PD) Planned Development District to allow 43 single-family detached residences on a 2.67 gross acre site.
APN:	23013012

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

### 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<sup>1</sup> 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.

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

A review of plans indicate potential access issues for the collection vehicles due to narrow street widths and lack of turnaround space.

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](http://www.valleywater.org)

# Memorandum

**TO:** Joseph Horwedel  
Acting Director of Planning

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

**PROJECT MANAGER:** Sanhita Mallick  
**PLANNING FILE #:** PDC06-071

**DATE:** August 3, 2006

**LOCATION:** Southwesterly side of Campbell Ave 950 ft northwesterly of Newhall Street  
**DESCRIPTION:** Planned Development Rezoning from the LI Light Industrial to the A(PD) Planned Development District to allow 43 single-family detached residences on a 2.67 gross acre site.

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## ADDRESSING:

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



Garages on private streets shall have illuminated addressing to the rear where the garages are located.

## LIGHTING:

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

## 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.

**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.

**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.

**MISCELLANEOUS:**

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

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



# Memorandum

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**TO:** Sanhita Mallick

**FROM:** David J. Mitchell

**SUBJECT:** PDC06-071

**DATE:** 8-9-06

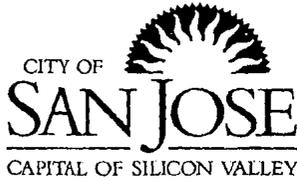
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The above referenced project at 1179 Campbell Avenue is a Planned Development Rezoning to permit the development of 43 single-family detached residential units on a 2.67 gross acres on a site currently zoned for as Light Industrial District. APN 230-12-012

If the zoning is approved by City Council, the project must then comply with the requirements of the Parkland Dedication Ordinance (PDO). Due to its size of the proposed housing project is under 51 units and per the requirements of the PDO, the City can only request the Developer to pay the associated In-Lieu Fee for each unit. If the project contains any low and very low income units and those units are restricted for 30 years, then those units are exempt from the PDO requirements, including the payment of In-Lieu Fees. The Developer should indicate the number of units subject to the PDO/PIO.

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

DAVID J. MITCHELL  
Parks Planning Manager



# Memorandum

**TO:** Sanhita Mallick  
Planning and Building

**FROM:** Mirabel Aguilar  
Public Works

**SUBJECT:** SEE BELOW

**DATE:** 10/17/06

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Approved

Date

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**SUBJECT:** Campbell Avenue Residential Development  
PW NO. 3-16959 (PDC06-071)

We have completed the review of the traffic analysis for the subject project. The project consists of Planned Development Rezoning from the LI Light Industrial District to the A(PD) Planned Development District to allow 43 single-family detached residences on a 2.67 gross acre site. The proposed development is located at southwesterly side of Campbell Avenue 950 ft northwesterly of Newhall Street. The proposed development is projected to add 14 a.m. peak hour trips and 12 p.m. peak hour trips.

## ACCESS

Vehicular access to the site will be provided via one full access driveway along the project frontage. The driveway fronts Campbell Avenue which provides a direct connection to El Camino Real in the City of Santa Clara.

## ANALYSIS

Project traffic impacts and transportation level of service (LOS) have been calculated using Traffix, the City of San Jose and the Santa Clara County Congestion Management Program (CMP) approved software.

**City of San Jose Methodology:** Seven (7) signalized intersections were analyzed for the AM and PM peak commute hours using TRAFFIX and conforming to the City of San Jose Level-Of-Service (LOS) Policy impact criteria. The results indicate no intersection was significantly impacted by the addition of the project traffic. The results of the analysis are summarized in the attached Table ES-1.

**Operational Analysis:** An analysis was performed at the intersection of Campbell Avenue and El Camino Real. Due in part to the sharp curve in the roadway, the existing turn lanes on Campbell Avenue are very short and provide limited vehicle storage. The analysis concludes long vehicle queues are expected to occur on Campbell Avenue as more of the light industrial land is converted to residential development. In response to this operational issue, the City of San Jose has developed plans to improve the east leg of the intersection by increasing the curb radius at the curve location, adding a dedicated westbound left-turn lane, and restriping

Planning and Building

10/17/06

**Subject: Traffic Analysis for PDC06-071**

Page 2

Campbell Avenue. The intersection improvements would entail acquiring some right-of-way along an approximately 250-foot segment of the Sobrato property on the north side of Campbell Avenue as well as, a small portion of the southeast corner of the intersection. The new lane configuration – one left-turn lane, one shared through/left-turn lane, and one right-turn lane – would provide approximately 260 feet of vehicle storage per lane (see Figure 16).

**Project conditions:** The project is required to make a “fair share” contribution towards the transportation improvements on Campbell Avenue (see Figure 16).

**RECOMMENDATION:**

With the inclusion of the above conditions, the subject project will be in conformance with both the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and the Santa Clara County Congestion Management Program. Therefore, a determination for a negative declaration can be made with respect to traffic impacts.

If you have any questions, please call Loralyn Tanase at 535-3881 or Karen Mack at 535-6816.

Mirabel Aguilar  
Project Engineer  
Transportation and Development Services Division

MA:KM:lt

C: Karen Mack  
Manuel Pineda, DOT  
Traffic Consultant

10. **Trash Container.** At least one covered outdoor trash container on Market Street shall be provided in the sidewalk café area during the hours of operation and shall be maintained in a clean and sanitary condition.
11. **Maintenance.** The Permittee shall maintain the area in a clean and sanitary condition at all times.
12. **Obstructions.** The Permittee shall keep that portion of the sidewalk and paseo area not permitted to be occupied by umbrellas, tables, chairs, and other portable appurtenances free of obstructions at all times, so that a pedestrian through zone is maintained, at minimum, five feet in width.
13. **Café Divider System.** The Permittee shall partially enclose the sidewalk café with a removable barrier and maintain a minimum of 8 feet between the barrier system and any permanent landscape feature or street fixture in the pedestrian through zone.
14. **Signage.** No additional signage is included in the Public Right of Way as part of this permit.
15. **Nuisance.** No amplified sound shall be used within a sidewalk café. At no time shall any music originating from any part of the Premises create a nuisance.
16. **Activities.** Dancing shall not be permitted or allowed in the sidewalk café.
17. **Liability Agreement.** Prior to the implementation of the sidewalk café use, the Applicant shall submit to the City's Risk Manager a signed agreement, approved by the City Attorney, to defend, indemnify, save, and hold harmless the City and all of its officers, agents, or employees from any liability for damages resulting from any and all operations under a permit granted pursuant to San Jose Municipal Code Chapter 20.100 to the satisfaction of the Director of Finance.
18. **Insurance Coverage.** Prior to the implementation of the sidewalk café use, each Permittee shall, at his or her own cost and expense, obtain and maintain in full force and effect all of the necessary insurance coverage in the amount determined by the City's Risk Manager for the full term of the permit or any renewal thereof to the satisfaction of the Director of Finance.
19. **Annual Renewal of Insurance Coverage.** On or before January 15<sup>th</sup> of each calendar year, the applicant shall submit proof of insurance coverage to the City of San Jose Risk Manager clearly labeled with the City File No. SC06-006 to the satisfaction of the Director of Finance.
20. **Business Tax License.** Prior to the implementation of the sidewalk café use, the applicant shall provide proof to the Director of Finance of a current Business Tax License issued by the Treasury Division of the Department of Finance.
21. **Transferability.** This permit may not be transferred or assigned.
22. **Alterations to Area.** The sidewalk or mall area shall not be painted, landscaped or altered in any way without prior written approval by the Director.



# Memorandum

TO: Mayor and City Council

FROM: Vice Mayor Cindy Chavez  
and Councilmember Ken  
Yeager

SUBJECT: SEE BELOW

DATE: June 20, 2006

APPROVED:

*Cindy Chavez & Ken Yeager* DATE: *6-20-06*

**SUBJECT:** GP05-03-02 and GP05-06-04 changing the General Plan Land Use designation from Light Industrial to High Density Residential (25-50 DU/AC) and Medium High Density Residential (12-25 DU/AC) on two parcels along Campbell Avenue.

## RECOMMENDATION:

That Council tentatively approve the two proposed General Plan Amendments for this area as recommended by Planning Commission and Staff, with the following additional direction to staff:

- Develop density and unit counts during the Zoning and permitting phases that consider and reflect the constraints presented by the limited access to Campbell Avenue. **The Council has no intent to remove the street closures at the southern terminus of Campbell Avenue and at O'Brien Court.**
- Develop parking standards during the Zoning phase that reflect the limited off-site parking options.
- Develop appropriate development standards at the Zoning and permitting phases to ensure an appropriate interface between the new development along Campbell Avenue and the existing homes along Sherwood Avenue and O'Brien Court.
- Work with the community and the applicants of pending housing development applications to address the park need in the Newhall neighborhood in conjunction with the community outreach required as part of the zoning application process.
- Continue the initial work with the City of Santa Clara and the Valley Transportation Authority on the Santa Clara Station Area Plan and expand the stakeholder outreach to actively include representatives of the Newhall Neighborhood Association in the planning process.

## BACKGROUND:

The applicants, Sobrato Development and Santa Clara Development, are proposing to change the General Plan designation on two parcels of property along Campbell Avenue, a 5.13-acre parcel from Light Industrial to High Density Residential (25-50 DU/AC) and a 2.67-acre parcel from Light Industrial to Medium High Residential (12-25 DU/AC). Within the past two years, two large parcels along Campbell Avenue have already been approved for housing by the Council in support of the effort to provide transit-oriented development in the Santa Clara Caltrain – BART Station area. The

proposed changes are consistent with General Plan policies, conform to the Industrial Land Conversion criteria, and are recommended for approval by the Planning Commission and City Staff.

While the proposed General Plan Amendments are appropriate and consistent with recent Council action along Campbell Avenue, there are several issues raised by the community and staff that warrant careful consideration during the Zoning and Permit phases:

- **Traffic:** Campbell Avenue is served by one intersection (at The Alameda), with the southern terminus closed to protect the community from cut through traffic. As staff continues to work with the applicants and the community, density and unit counts need to reflect the constraints presented by the limited access. **The Council has no intent to remove the barriers at the southern edge of Campbell Avenue at Newhall Street and at O'Brien Court.**
- **Parking:** Off-site guest parking opportunities are extremely limited; as a result, it is important for the projects to adequately address their parking needs on-site. Zoning Development standards should reflect the limited off-site parking options.
- **Interface with existing single family detached homes:** The Robson parcel and the adjacent parcel (pending General Plan Application GP05-06-03) raise significant interface issues along their western edge. It is important that future zoning and permitting applications recognize and protect the privacy of the adjoining single family homes, have adequate set-backs, and are suitably scaled along edge. Staff should develop appropriate development standards to ensure an appropriate interface between the new development along Campbell Avenue and the existing homes along Sherwood Avenue and O'Brien Court.
- **Parks:** The Newhall neighborhood is underserved by parks, however the PDO/PIO obligation presents an opportunity to expand the amount of park inventory in the area. Parks staff are recommending support to enlarge the proposed park at Newhall and Campbell, or the development of a second park site to serve the area. The Parks and Recreation Commission concurs with staff's recommendation to expand the proposed park at Newhall and Campbell Avenue. In the coming months, it is crucial that staff work with the community and the applicants of the three pending housing development applications to address the park need in the Newhall neighborhood.
- **Santa Clara Station Area Plan:** The City of San Jose, City of Santa Clara, and the Valley Transportation Authority (VTA) formed a partnership and received grant funding from the Metropolitan Transportation Commission (MTC) to develop a plan for approximately 460 acres of land around the existing Santa Clara Train Station, including Campbell Avenue. As this planning effort continues, representatives of the Newhall Neighborhood Association should be actively involved as stakeholders.

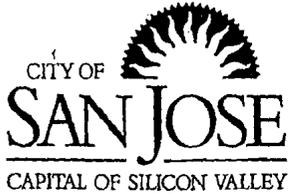
The issues above have been raised by the community, staff, and our offices because of their importance to creating a successful, integrated neighborhood that serves the existing and future residents in the area. Policy and development standards have successfully addressed similar constraints in other residential projects and should be implemented during the zoning and subsequent permitting phases. As the City strives to create vibrant communities, solutions to traffic, parking, and parks has proven integral.

**CONCLUSION:**

Council should tentatively approve the GP05-03-02 and GP05-06-04 with the direction outlined above. The General Plan changes are consistent with recent council action in support of transit and neighborhood oriented development in the Newhall / Santa Clara Station neighborhood.

**COORDINATION:**

This memo has been coordinated with the applicants, the City Attorney's Office, and the Department of Planning, Building, and Code Enforcement.



*Department of Planning, Building and Code Enforcement*

JOSEPH HORWEDEL, ACTING 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:** PDC06-071 - 1179 Campbell Avenue

**PROJECT FILE NUMBER:** PDC06-071 and subsequent permits

**PROJECT DESCRIPTION:** Planned Development Rezoning from LI-Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 40 single-family detached residences on a 2.67 gross acre site and subsequent permits

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** southwesterly side of Campbell Avenue, 950 ft northwesterly of Newhall St (1179 CAMPBELL AV); 230-13-012

**COUNCIL DISTRICT:** 6

**APPLICANT CONTACT INFORMATION:** SANTA CLARA DEVELOPMENT, Attn: Andre Hunt, 2185 THE ALAMEDA, SAN JOSE CA 95126, (408)345-1767

**FINDING**

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

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

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

- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. AIR QUALITY** – The proposed project shall implement the following mitigation measures:
- a. Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site.
  - b. Active areas adjacent to existing land uses shall be kept damp at all times or shall be treated with non-toxic stabilizers or dust palliatives.
  - c. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - d. Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - e. Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) excess water to avoid runoff-related impacts to water quality.
  - f. Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- IV. BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- V. CULTURAL RESOURCES** – The project shall incorporate the following mitigation measure:
- a. A qualified archaeologist shall complete a systematic inspection of the present ground surface of the entire parcel after the present built environment (building, pavement, landscaping) is removed prior to preparation of the ground surface for new development. Depending on the results of the survey, a monitoring program may be recommended by a qualified archaeologist in order that periodic inspections of subsurface levels between two and eight feet (below the present surface) may be made. This work shall be completed prior to excavation of the property for purposes of new construction. A report shall be prepared to the satisfaction of the Director of Planning, Building, and Code Enforcement, and shall be submitted to the Environmental Principal Planner for approval prior to any grading, outlining the result of the above-mentioned survey, and recommended measures, if any.
- VI. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VII. HAZARDS AND HAZARDOUS MATERIALS** – The project will incorporate the following mitigation measures:
- a. Prior to obtaining any building permit allowing demolition, the underground storage tank (UST) shall be removed per closure procedure of the City of San José Fire Department (SJFD), and Regional Water Quality Control Board (RWQCB). Documents indicating that all necessary actions have been taken and an approval letter that the project site suitable for residential uses (both from the SJFD and RWQCB, as

applicable) shall be submitted to the Director of Planning prior to issuance of any building permit, to the satisfaction of the Director of Planning.

- b. Prior to obtaining any building or grading permit, a soil management plan shall be prepared by a qualified hazardous material consultant and implemented during site redevelopment to ensure that soil impacted with residual petroleum contamination is removed from the site. The soil management plan shall be submitted to the Director of Planning prior to issuance of any building or grading permit, to the satisfaction of the Director of Planning.
- c. No dwelling units shall be constructed within a radius of the adjacent Variety Metals (or like users) business that results in exposure to pollutant concentration exceeding ERPG-2. The most recent Risk Management Plan (RMP) under the CalARP program indicates a radius of 528 feet from the tenant space where Variety Metals is located for exposure to a level of ERPG-2. Prior to the issuance of the Planned Development permit, the Director of Planning will consult with the County CalARP program to confirm the radius for the most current Risk Management Plan to avoid exposure in excess of ERPG-2. When Variety Metals (or like users) moves from Campbell Avenue or is no longer part of the CalARP program, the second phase of development within the 528-foot radius can be implemented upon issuance of a Planned Development permit. Additionally, a Risk Assessment to conduct additional detailed modeling completed by a qualified hazardous materials consultant could determine that the alternative release scenario radius is smaller than that identified in the RMP that results in exposure to pollutant concentration exceeding ERPG-2.
- d. The purchase/disclosure documents provided to homeowners shall include information regarding the industrial nature of the site, the presence of a CalARP site nearby, and protocols to follow in the event of an accidental release of hazardous materials at the nearby site. This informational document shall be prepared by a qualified hazardous materials consultant under contract with the property owner.
- e. The Homeowners' Association for the project shall include a safety coordinator who will coordinate with local public safety personnel, as necessary, and inform residents of any updates or alerts regarding hazardous materials incidents.
- f. The following measure shall be incorporated in the project to reduce impacts from off-site hazardous material impacts to a less than significant level : Prior to obtaining and building or grading permit, a qualified hazardous materials consultant shall be hired to determine if a DTSC- cleanup plan and DTSC- schedule for remediation at 1173-1175 Campbell Avenue have been approved by DTSC. If a cleanup plan and schedule for remediation have been approved by DTSC then no further soil gas investigation is necessary and the qualified hazardous materials consultant shall submit this documentation along with an approval letter from DTSC that the project site is acceptable for residential use to the Director of Planning prior to issuance of any building permit and to the satisfaction of the Director of Planning. If a cleanup plan and schedule for remediation have not been approved by DTSC, then the qualified hazardous materials consultant shall complete a soil gas investigation and pending the results of that investigation, installation of vapor barriers, crawlspaces and/or utility cut-

off trenches in the project may be warranted. A report containing the results of the investigation, and indicating that the site is acceptable for residential use, shall be submitted to the Director of Planning prior to issuance of any building or grading permit, to the satisfaction of the Director of Planning, and the satisfaction of the Municipal Compliance Officer of the City of San Jose, and be sent to other appropriate regulatory oversight agencies.

- VIII. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IX. LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- X. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. NOISE** – Interior and exterior noise levels will be maintained at acceptable levels by the following measures:
- a. Should the Applicant increase the usable common open space to a sufficient square footage, this area would meet the City's noise threshold of 60 DNL, provided it is at least 160 feet setback from the property line on Campbell Avenue side and shielded by buildings.
  - b. If the project does not provide sufficient usable common open space, all private open spaces areas within 160 feet from the property line on Campbell Avenue side shall need to be shielded to meet the City's threshold of 60 DNL. Solid six-foot noise barriers shall be constructed to shield private outdoor use areas from intermittent noise generated by adjacent light-industrial uses on both north and south of the site. Noise barriers would need to be constructed with a minimum surface weight of three pounds per square foot (e.g. concrete, Lexan, 1-inch thick wood, etc) and be free of gaps, cracks, or openings, particularly along the base.
  - c. Prior to the issuance of building permits, the construction drawings shall be reviewed by a qualified noise consultant to ensure that the interior noise levels are reduced to 45 dBA or lower. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation for most new units at the project site, so that windows could be kept closed at the occupant's discretion to control noise. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City along with the building plans and approved by the Director of Planning prior to the issuance of a building permit.
- XII. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- XIV. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required
- XVI. **.UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVII. **MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

**PUBLIC REVIEW PERIOD**

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

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

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

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

  
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Adopted on: \_\_\_\_\_  
Deputy

MND/JAC 8/26/05