

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 16, 2007

COUNCIL DISTRICT: 3

SNI AREA: N/A

SUBJECT: PDC07-025. PLANNED DEVELOPMENT REZONING FROM LI LIGHT INDUSTRIAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 53 SINGLE-FAMILY ATTACHED RESIDENTIAL UNITS ON A 2.09 GROSS ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF EAST HEDDING STREET AND NORTH 10TH STREET.

RECOMMENDATION

The Planning Commission voted 6-1-0, Commissioner Kamkar opposed, to recommend approval of the proposed Planned Development Zoning with the following modifications:

- (1) eliminate the cul-de-sac
- (2) mitigate noise impacts to the project by moving one unit from Building 3 to Building 1
- (3) work with the applicant at the PD Permit stage to provide more on-site parking
- (4) add green elements to the project
- (5) increase the amount of open space
- (6) reduce tandem parking to less than 75 percent
- (7) work with the Thirteenth Street NAC to replace significant trees removed on or near the site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, the existing parking lot would be demolished and up to 53 single-family attached residences would be constructed through a subsequent Planned Development Permit and Tentative Map process.

BACKGROUND

On November 4, 2007 the Planning Commission held a public hearing to consider a Planned Development Zoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 53 single-family attached residences on a 2.09 gross acre site. Orlando Reyes, the applicant, spoke in favor of the proposed project. Public comment included Barry Witt, resident, who said he was concerned about possible left turns in and out of the

project from Hedding Street, which would lead to congestion and possible hazardous situations. Michael Hudson, Hudson Properties and applicant for a proposed high-density residential project located directly south of the subject site, said a landscaped paseo 40 feet in width would be a more appropriate interface between the two projects. He said the landscaped paseo would reduce the amount of paving and provide additional landscaping. He said he opposed the proposed cul-de-sac between the two sites because it would require modification of his project that is currently being processed as a General Plan Amendment and Planned Development Rezoning. No one else spoke in support of, or opposition to, the proposed project. The Commission then closed the public hearing.

Commissioner Kamkar said he was concerned about the amount of tandem parking spaces in the project. The applicant said the project proposes approximately 75% of parking spaces as tandem spaces.

Commissioner Jensen said the Thirteenth Street NAC recommends a pedestrian bridge over the railroad between 10th and 8th Streets. The applicant said the pedestrian bridge has not been part of the discussion for their project.

Commissioner Jensen asked what green building techniques are proposed for the project. The applicant stated they are actively looking for green options.

Commission Campos asked about the reason for requirement of a of cul-de-sac instead of a paseo at the southern edge of the property. Staff explained that the Jackson-Taylor plan encourages a "break-up" of large blocks to encourage pedestrian use of more "public-seeming" street section. John Poindexter, Planning Official said the street envisioned by the Jackson-Taylor plan was 80 feet wide, but the plan is somewhat out-of-date and a narrower street as little as 52 feet wide is now proposed to help break up large blocks. He said the cul-de-sac can also provide means for access and help minimize curb cuts on 10th Street, and explained that street would relieve approximately 600 feet of building wall more effectively than 20 feet of side yard on either side of the southern property line. Staff also clarified that given the right-in, right-out nature of access on Hedding, the cul-de-sac street can provide useful access.

Commissioner Kinman asked for clarification of safety requirements regarding proximity of the railroad tracks to the curb cut on Hedding. Staff clarified that at the PD Permit stage, any additional safety requirement for proximity to railroad would be addressed.

Commissioner Kinman asked for clarification regarding the required ground level common open space as referred to on page 32 of the Jackson-Taylor Plan. Staff explained that the Jackson-Taylor plan anticipated a higher density product type at this location. Staff said the product type proposed by the developer is a lower-density housing product that requires more driveways and surface parking which reduces the amount of common open space envisioned in the Jackson-Taylor Plan.

Commission Jensen asked whether the noise and vibration analysis and mitigation for units would be sufficient and confirmed post-construction. Staff explained that buildings would be

engineered at the building permit stage and a report prepared by a registered engineer would verify the project meets noise and vibration thresholds.

Commissioner Jensen strongly encouraged a possible pocket park at the end of the cul-de-sac and possible connection over the railroad. Commissioner Zito asked about the possibility of extending the road access to the west of the project site, over the railroad track. Staff indicated that existing development to the west of the railroad track did not provide for that option and the cul-de-sac would not likely connect in the future.

Commissioner Zito asked if staff worked with developer to consider a higher density project with clustering. Staff indicated that the applicant was not interested in a higher density project, and wanted to this housing type. Staff noted that if the project was designed with less tandem parking and more open space, unit density would drop below the required General Plan density range and in effect, would not conform with the General Plan. Staff said that the constructed project located directly across the railroad tracks to the west had a density of 26.1 du/ac, and that there has been an ongoing concern that the density is not high enough to provide adequate parking and open space.

Commission Kamkar asked whether subterranean parking has been proposed as part of the project. Staff responded that subterranean parking was never proposed as part of this project, and it would likely not be feasible with the proposed product type and density.

Commissioner Zito commented that a higher density with different product type would be better and stated that a reduction of tandem parking to 40 percent would be appropriate, but that couldn't happen without losing units. He made a motion to deny the proposed PD Zoning. Commissioner Campos said he felt it is not the Commission's role to redesign the project. Commissioner Kinman stated that she was uncomfortable with the low density of the project, the lack of common open space, the lack of parking, and the cul-de-sac design. Commissioner Zito stated he agreed with Commissioner Campos that they should either accept the project or not. The motion to deny failed 3-4.

Commissioner Campos made a motion for approval, that Commissioner Platten seconded, with the following conditions:

(1) eliminate the cul-de-sac, (2) mitigate noise impacts to the project by moving one unit from Building 3 to Building 1, and (3) work with the applicant at the PD Permit stage to provide more on-site parking. Commissioner Jensen stated that staff should work with the applicant at the PD Permit stage to add (4) green elements to the project, (5) increase the amount of open space, (6) reduce tandem parking to less than 75 percent, and (7) work with the Thirteenth Street NAC to replace significant trees removed on or near the site. Commissioner Campos agreed to add these items to the motion.

The Commission voted 6-1-0, Commissioner Kamkar opposed, to forward a recommendation to the City Council to approve the proposed project with the conditions above.

EVALUATION AND FOLLOW-UP

Not Applicable. The applicant will be required to obtain a Planned Development Permit from the Planning Director in order to implement the subject rezoning.

POLICY ALTERNATIVES

Not Applicable

PUBLIC OUTREACH/INTEREST

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

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

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.

HONORABLE MAYOR AND CITY COUNCIL

November 16, 2007

Subject: PDC07-025

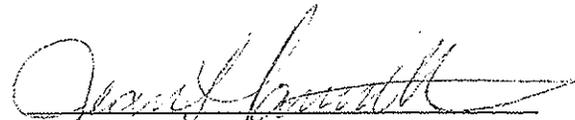
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BUDGET REFERENCE

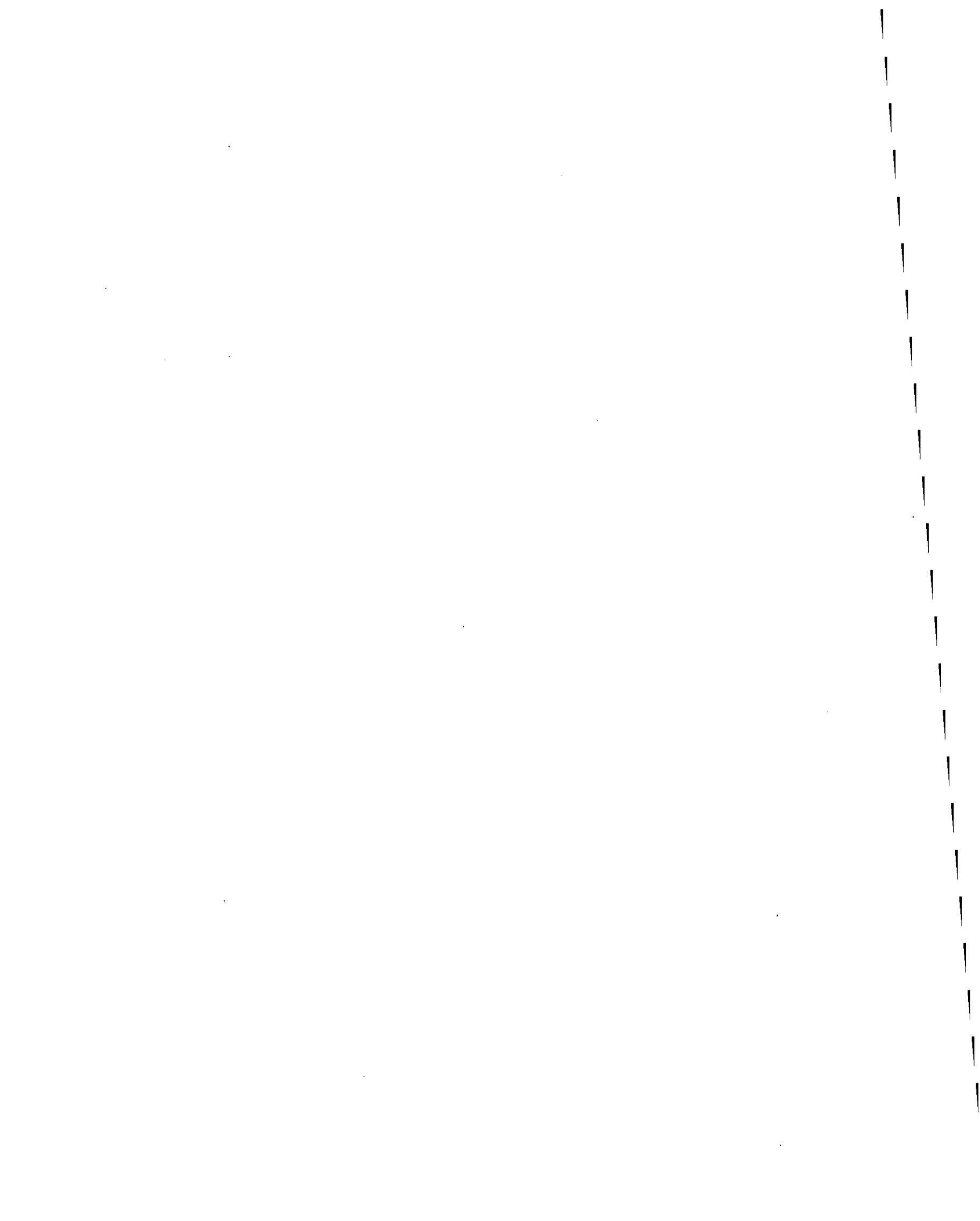
Not applicable.

CEQA

CEQA: Mitigated Negative Declaration, PDC07-025


JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Ron Eddow at 408-535-7848.



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

Hearing Date/Agenda Number
P. C. 11/14/2007 Item: 3.a.

12/18/07 11.5

File Number
PDC07-025

Application Type
Planned Development Rezoning

Council District and SNI Area
3 – Thirteenth Street

Planning Area
Central

Assessor's Parcel Number(s)
249-08-002, -003

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Michelle Stahlhut

Location: Southwest corner of E. Hedding Street and N. 10th Street

Gross Acreage: 2.09

Net Acreage: 2.02

Net Density: 26.2 DU/AC

Existing Zoning: LI Light Industrial

Existing Use: Surface parking

Proposed Zoning: A(PD) Planned
Development

Proposed Use: Up to 53 single-family attached residential units

GENERAL PLAN

Completed by: MS

Land Use/Transportation Diagram Designation
High Density Residential (25-50 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: MS

North: Warehouse

LI Light Industrial

East: Warehouse

LI Light Industrial

South: Warehouse

LI Light Industrial

West: Railroad/Single-family attached residential

A(PD) Planned Development

ENVIRONMENTAL STATUS

Completed by: MS

Environmental Impact Report found complete
 Negative Declaration circulated
 Mitigated Negative Declaration adopted on November 14, 2007

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: MS

Annexation Title: McLaughlin No. 16

Date: July 27, 1981

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 11/6/07

Approved by: 
 Action
 Recommendation

APPLICANT/DEVELOPER

Chris Neale
Core Companies
470 S. Market Street
San José, CA 95113

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Michelle Stahlhut

Department of Public Works

Attached

Other Departments and Agencies

Fire Department, Environmental Services Department, Municipal Water, Parks, Recreation, and Neighborhood Services, Police Department – attached.

GENERAL CORRESPONDENCE

MS

None

ANALYSIS AND RECOMMENDATIONS

MS

BACKGROUND

The applicant, Orlando Reyes of Core Companies, is proposing a rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District on a 2.09 gross acre site located on the southwest corner of E. Hedding Street and N. 10th Street. The proposed PD Rezoning would allow up to 54 single-family attached residential units on an existing light industrial warehouse site. The project includes dedication and improvement of a private street located at the south side of the property.

The subject site is currently developed with surface parking. The shape of the site is an irregular rectangle shape, with rail road tracks located directly to the west of the site. Surrounding land uses consist of (1) light industrial uses to the north; (2) light industrial uses to the east; (3) light industrial uses to the south; and (4) single-family attached residential to the west. The property located directly to the south is currently proposing a General Plan Amendment and Planned Development Zoning for conversion to residential uses.

Project Description

The project proposes replacing existing surface parking with up to 53 single-family attached residential units. The proposed project would locate single-family attached residential units with front entries on North 10th Street and rear-loaded garages on an interior private drive. The proposed project would dedicate and improve approximately 126 feet along the southern edge of the site for development of a private street in conformance to the Jackson-Taylor Residential Strategy.

Front entries for single-family attached units would take access from East Hedding and North Tenth Street. Attached garages would take access from a private driveway with entry taken from Hedding and North Tenth Street. The driveway 22 to 26 feet wide. Private open space would be located in the front of the units, balconies and decks.

The proposed single-family units are approximately 3 stories in height with parking on the first floor and living area beginning on the second floor.

The elevations utilize corrugated metal siding, metal roof, and plaster with a vinyl window system and metal or wooden fencing. The scheme is stylistically consistent as specified by the Residential Design Guidelines. Staff will require material details including color at the PD Permit stage in conformance with the Guidelines.

GENERAL PLAN CONFORMANCE

The subject site is designated High Density Residential (25-50 DU/AC) on the San José 2020 General Plan Land Use/Transportation Diagram.

The proposed PD Rezoning conforms to the General Plan designation of High Density Residential because it would allow up to 54 single-family attached residences at a net density of 26.2 DU/AC on the subject site.

The General Plan Growth Management Major Strategy encourages infill development within urbanized areas where urban facilities and services are already available to minimize the cost of providing urban services. The proposed PD Rezoning furthers the Growth Management Major Strategy because it is located on an infill site in an urban area where urban facilities and services are already available. In this way, the proposed project furthers the Growth Management Major Strategy that seeks to balance the need to house new population and the need to balance the City's budget while providing acceptable levels of urban services.

ENVIRONMENTAL REVIEW

Planning staff prepared an Initial Study for the proposed project. The Initial Study concluded that the proposed project could have significant effects on the environment which would be reduced to a less than significant level by mitigation measures that the applicant has agreed to implement. The environmental issues of concern include (1) air quality, (2) hazards and hazardous materials, (3) hydrology and water quality, and (4) noise. The project proposes mitigation of air quality issues by implementing dust control measures. Mitigation of hazards and hazardous materials requires additional soil testing after demolition but prior to grading of the site. Water Quality mitigation includes standard Best Management Practices and submission of a Storm Water Pollution Prevention Program Plan to ensure compliance with the NPDES permit requirements during construction. Noise and vibration mitigation includes installation of forced air mechanical ventilation systems and design of building that provide adequate support of foundation systems to avoid resonant frequencies that coincide with primary frequencies of train-generated ground vibration. Please see attached Mitigated Negative Declaration for specific mitigation measures.

The Director of Planning, Building and Code Enforcement circulated the draft Mitigated Negative Declaration (MND). The public review period for the MND began on October 25, 2007 and will end on November 14, 2007. The Initial Study and MND are available for review on the City website at: <http://www.sanjoseca.gov/planning/eir/MND.asp>. The Director will adopt the MND on November 14, 2007.

ANALYSIS

The primary issues analyzed are consistency with (1) the Jackson-Taylor Residential Strategy, and (2) the Residential Design Guidelines.

Project Design

The Jackson-Taylor Residential Strategy provides design guidelines regarding the street, density, setbacks, height, and design of residential projects located within the 25-50 du/ac zone. Additionally, the Residential Design Guidelines provide guidelines for open space and parking for the proposed project.

Private Street

A primary design principle of the Jackson-Taylor Residential Strategy is to re-establish the fine grain block pattern of the surrounding area and create additional access for pedestrians. For the proposed project, the land use plan requires the continuation of Vestal Street as an 80 foot public right of way to extend along the southern edge of the site. Originally, the street is supposed to continue west across the railroad with a connection at Eighth Street. However, a residential project located directly across the railroad tracks to the west of the subject site has been developed without the required street.

In order to conform to the Jackson-Taylor Residential land use plan and re-establish the fine grain block pattern of the area, staff supports the proposed reduction in the length and width of the street located at the southern edge of the site due to the inability to connect to the opposite side of the railroad tracks.

Density

The Jackson-Taylor Residential land use plan envisions a design, configuration and mix of uses that are intended to create a pedestrian-oriented neighborhood that supports the use of public transportation. The intent of the High Density (25-50 du/ac) residential designation is to achieve an average overall density of approximately 35 du/ac in areas that are located away from existing single-family areas.

The project proposes up to 53 attached residential units on a 2.02 net acre site. The density as proposed is 26.2, which falls within the range at the lower end of the density for the site.

Setbacks and Height

Buildings located within the 25-50du/ac residential zone of the plan may be a maximum of four stories over parking, not to exceed 45 feet in height. Any parking podiums should be depressed so that first floor residential units are not more than 5 feet from finish grade. A 15 foot front yard setback is required for the podium and building; Porches may extend up to seven feet into the front setback, and bays and balconies may extend five feet into the setback.

The project proposes a building height of approximately 40 feet, and does not propose a parking podium. The project proposes a minimum setback to the building face of 15 feet, and a 5 foot setback to a fence enclosing private open space located in the front of the units.

Staff recommends a maximum height of three feet for any fence located along the street, with and meeting private open space requirements through the provision of usable balconies and decks. Please see "Open Space" for further discussion.

Building Massing

The Jackson-Taylor Residential Strategy calls for building facades that are varied and articulated to provide visual interest to pedestrians, rather than create an overly unified frontage. Building openings should face the street and sidewalk to enliven the pedestrian environment by providing a pleasant sense of connection between indoor and outdoor activities. Street access to residential units should be frequent at approximately every 100 feet.

The project proposes street access to residential units in the form of a landscaped paseo at 120 foot and 80 foot intervals along Tenth Street.

Open Space

The proposed project is stacked garden townhome product type. The Residential Design Guidelines specify a minimum of 300 square feet of private open space per unit with a minimum dimension of 15 feet and a minimum of 150 square feet of usable common open space per unit. The garden townhome product type is general intended for the density range of 12-25 du/ac.

The project currently provides approximately 325 square feet of open space per unit in the form of a front yard surrounded by a fence.

Additionally, staff supports a minimum of 100 square feet of private open space per unit, and a minimum of 270 square feet of combined private and common open space for the project. This reflects the urban character of the density range of 25-50 du/ac. The open space should be provided in a manner which is integrated in the usable living space of the units to the maximum extent feasible. Front porches may extend up to seven feet into the front setback area. Finally, staff supports a maximum fence height of three feet

Given the more urban design of the project and the surroundings, staff feels that the private open space as proposed is acceptable and consistent with other recent approvals for similar projects.

Parking

The Residential Design Guidelines specify 2.6 parking spaces per unit for three bedroom residential units with covered parking garages.

The project as proposed requires 138 parking spaces. The project provides 2 covered parking spaces per unit and a total of 29 on-site parking spaces for a total of 135 parking spaces on-site. Staff recommends the project provide the required 138 parking spaces on-site.

PUBLIC OUTREACH

The applicant presented the proposed project to a noticed community meeting with the Thirteenth Street Neighborhood Action Committee (NAC) on August 16, 2007. Members of the Thirteenth Street NAC generally supported the project, and liked the more modern design of the project. Suggestions included building a bridge over the railroad tracks. A notice of the public hearing was distributed to owners and tenants of all properties located within 1,000 feet of the project location. This staff report was made available on the Planning Department's website one week prior to the Planning Commission hearing. Staff has been available to discuss the project with interested members of the public.

RECOMMENDATION

Planning Staff recommends that the following special conditions be added to the Draft Development Standards for the project:

1. The minimum private open space should be 100 square feet, with a combined total of private and common open space of 270 square feet. The open space should be provided in a manner which is integrated in the usable living space of the units to the maximum extent feasible
2. The porches should extend a maximum of 7 feet into the front setback.

With the inclusion of the above noted conditions, Planning staff recommends the Planning Commission forward a recommendation to the City Council to approve the proposed Planned Development Rezoning for the following reasons:

1. The proposed Planned Development Rezoning conforms to San José 2020 General Plan Land Use/Transportation Diagram designation of High Density Residential (25-50 DU/AC).
2. The proposed Planned Development Rezoning furthers the General Plan Growth Management Major Strategy.
3. The proposed Planned Development Rezoning implements the Jackson-Taylor Residential Strategy.
4. The proposed Planned Development Rezoning conforms to the Residential Design Guidelines.

cc: Orlando Reyes
Core Companies
470 S. Market Street
San José, CA 95113

Attachments

1. Project planset
2. Location Map
3. Development Standards
4. Mitigated Negative Declaration
5. Jackson-Taylor Residential Strategy Street Types Plan
6. Jackson-Taylor Residential Strategy High Density design guidelines
7. Municipal Water Memo

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE SOUTHWEST CORNER OF EAST HEDDING AND NORTH TENTH STREETS TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, a Mitigated Negative Declaration was prepared for the Planned Development Rezoning project under File No. PDC07-025, and said Mitigated Negative Declaration was adopted by the Director of Planning on November 14, 2007; and

WHEREAS, the Council is the decision-making body for the proposed subject rezoning to A(PD) Planned Development Zoning District; and

WHEREAS, this Council has considered the Mitigated Negative Declaration prepared for this proposed Planned Development Rezoning prior to taking any action on this project; and

WHEREAS, The Department of Fish and Game has determined the proposed project will have no adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A(PD)Planned Development Zoning District.

The base district zoning of the subject property shall be A-Agricultural. The PD zoning of the subject property shall be that development plan for the subject property entitled, "Tenth & Hedding Multi-Family, Tenth Street At Hedding, San José, California," **last revised November 6, 2007.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC07-019 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this day of , 2007 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

**PDC 07-025
DRAFT DEVELOPMENT STANDARDS**

1. **PERMITTED USE:** Up to 53 single-family attached residential units
2. **MINIMUM LOT SIZE:** 2.02 acres, one lot condominium
3. **MINIMUM BUILDING SETBACKS:**

North – E. Hedding Street:	15 feet
East - N. Tenth Street:	15 feet
South:	15 feet
South – Private Street:	10 feet
South - Private Street at bulb:	10 feet
West – Union Pacific Railroad:	10 feet

4. **MINIMUM PRIVATE OPEN SPACE SETBACKS:**

North – E. Hedding Street:	8 feet
East - N. Tenth Street:	8 feet
South:	15 feet
South – Private Street:	10 feet
South - Private Street at bulb:	5 feet
West – Union Pacific Railroad:	5 feet

5. **MAXIMUM HEIGHT:** 45 feet, three stories

6. **OPEN SPACE:**

Private Open Space: 100 square feet per unit. Private open space should be integrated with the usable living space of the units to the maximum extent feasible.

Combined private and common open space: 270 square feet per unit

7. **PARKING:**

Two-car tandem garage: 2.6 spaces per unit
All required parking to be provided on-site

Memorandum

TO: Michelle Stahlhut
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 11/07/07

PLANNING NO.: PDC07-025
DESCRIPTION: Planned Development Rezoning to allow construction of 54 single-family attached residences on a 2.09 gross acres site
LOCATION: southwest corner of E. Hedding Street and N. 10th Street
P.W. NUMBER: 3-18232

Public Works received the subject project on 11/01/07 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:** The project has been found to be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) therefore no further traffic analysis is required.
3. **Grading/Geology:**
 - a) A grading permit is required prior to the issuance of a Public Works Clearance.
 - b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP)

for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.

- d) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.
 - e) Revision to grades and/or spot elevations for open space area will be finalized during the PD permit stage.
4. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.
- 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.
 - c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
 - d) The project is required to have an alternative measure approved to the satisfaction of the Director of Planning, Building, & Code Enforcement prior to issuance of a Public Works Clearance.
5. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
6. **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.
7. **Undergrounding:** The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to E. Hedding Street prior to issuance of a Public Works clearance. 100.

percent of the base fee in place at the time of payment will be due. (Currently, the base fee is \$224 per linear foot of frontage.)

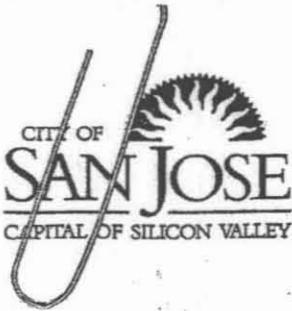
8. **Street Improvements:**
 - a) Revisions to cul-de-sac on 10th Street will be finalized during the PD permit stage.
 - b) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - c) Construct curb, gutter, and sidewalk along East Hedding Street and North 10th Street frontage where applicable.
 - d) Proposed driveway width to be 26'.
 - e) Ingress/egress for project site on 10th Street is made via a private driveway leading to a private half cul-de-sac.
 - f) When development of the adjacent parcel (249-08-003) occurs it will trigger the private half cul-de-sac and the adjacent parcel to create a new private full cul-de-sac that shall include reciprocal ingress/egress easements for the both developments.
 - g) Install handicap ramp at the corner of East Hedding Street and North Tenth Street. Modifications to the existing signal pole may be required to facilitate handicap ramp construction.
 - h) 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. **SNI:** This project is located within the 13th Street SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.
10. **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.
11. **Electrical:**
 - a) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
 - b) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
 - c) Provide clearance for electrical equipment from driveways, and relocate driveway or electrolier. The minimum clearance from driveways is 5' in residential areas.
 - d) Provide clearance for electroliers from overhead utilities and request clearance from utility companies. Clearance from electrolier(s) must provide a minimum of 10' from high voltage lines; 3' from secondary voltage lines; and 1' from communication lines.

- e) To assist the Applicant in better understanding the potential cost implications resulting from these requirements, the electroliers along the project frontage 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 15 working days.
12. **Street Trees:**
- a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
 - b) Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.
13. **Private Streets:**
- a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
 - b) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.
 - c) Valley gutter across circulation streets is not permitted as shown.

Please contact the Project Engineer, Norman Mascarinas, at (408) 535-6812 if you have any questions.



Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division



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

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

Project File Number, Description, and Location

PDC07-025. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District and subsequent permits to allow construction of up to 54 single-family attached residences on a 2.09 gross acre site, located on the southwest corner of E. Hedding Street and N. 10th Street. (Greater Bay Trust Company Trustee et al, Owner; Core Homes, LLC, Applicant). Council District: 3

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

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **November 14, 2007**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **October 25, 2007** and ends on **November 14, 2007**.

A public hearing on the project described above is tentatively scheduled for **November 14, 2007 at 6:30 pm** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Michelle Stahlhut** at (408) 535-7849.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: October 25, 2007

Ron Eddow
Deputy

MNDPN/SBA/2/11/03
REV. sba 1/9/06

ENDORSED

OCT 25 2007

REGINA ALCOMENDRAS, CA
Santa Clara County
Deputy

POSTED ON 10-25-07 THROUGH 11-14-07
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
BY VERONICA AGUIRRE DEPUTY

**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: 10th & Hedding Street Residential Project

PROJECT FILE NUMBER: PDC07-025

PROJECT DESCRIPTION: Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District and subsequent permits to allow up to 54 single-family attached residential units on a 2.09 gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Southwest corner of E. Hedding Street and N. 10th Street; APN 249-08-002, -003

COUNCIL DISTRICT: 3

APPLICANT CONTACT INFORMATION: Core Homes, LLC, Chris Neale, 470 S. Market Street, San Jose, CA 95113 Phone: (408)292-7841

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.
- o Design of the project shall conform to the City's *Residential Design Guidelines*.
 - o Lighting on the site shall conform to the City's Outdoor Lighting Policy (4-3).

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

III. AIR QUALITY - The Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible dust control measures that could reduce construction air quality impacts to a less-than-significant level. The following mitigation would be implemented during all phases of construction on the project site:

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, gravel and other loose materials (including demolition debris) and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Pave, apply water three times daily or as needed, or apply (non toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction site.
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
- Sweep streets daily, 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.

- Any tree to be removed will be replaced with new trees in accordance with the City's Tree Replacement Ratios. Trees greater than 56 inches in circumference shall be replaced by 24-inch box trees at the rate of five to one for native species, four to one for non-native species, and three to one for orchard trees. Trees between 37 inches and 55 inches in circumference shall be replaced by 24-inch box trees at the rate of three to one for native species and two to one for non-native species. Trees less than 37 inches in circumference shall be replaced by 15-gallon container trees at the rate of one to one for all types.

- 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.
 - 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.

V. CULTURAL RESOURCES – The following mitigation measures have been included in the project to reduce Cultural Resources impacts to a less than significant level.

- As required by County ordinance, this project shall incorporate the following guidelines. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- The applicant shall retain a qualified archaeologist to monitor site clearing, grading, and trenching activities. Monitoring shall be conducted until the archeologist is satisfied that there is no further potential for the discovery of archaeological materials. In the event that archaeological deposits are discovered, work shall be halted within the zone designated by the archaeologist until a plan for the evaluation of the resource has been submitted to and approved by the City's Environmental Principal Planner. If evaluation demonstrates that additional soils removal will impact an archaeological resource eligible for the California Register of Historic Resources, a plan for mitigation of impacts shall be submitted to the City's Environmental Principal Planner for approval before work can recommence. Mitigation can take the form of limited data retrieval through hand excavation coupled with continued monitoring of soils removal to insure that all significant archaeological materials have been recorded and/or removed for additional analysis.

VI. GEOLOGY AND SOILS - The project will not have a significant impact on this resource, therefore no mitigation is required.

- 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.
- A soil investigation report addressing the potential hazard of liquefaction shall be submitted subject to review and approval 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).

VII. HAZARDS AND HAZARDOUS MATERIALS – The following mitigation measures have been included in the project to reduce hazardous materials impacts to a less than significant level.

- 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.
- Prior to demolition, the applicant shall remove stored hazardous materials from the site, including existing ASTs and drums, in accordance with all federal, state, and local requirements.
- Prior to construction, the applicant shall obtain approval of a Corrective Action Plan (CAP) or a Remedial Action Plan (RAP) from the Santa Clara County Department of Environmental Health that identifies measures for appropriately removing and/or managing chemicals detected in onsite soils and groundwater in accordance with all regulatory requirements to assure public health and safety.

VIII. HYDROLOGY AND WATER QUALITY –

Construction Measures

- Obtain and comply with the NPDES General Construction Activity Storm Water Permit. Prior to construction, the developer shall file a Notice of Intent and prepare a Storm Water Pollution Prevention Plan (SWPPP).
- Restrict grading to the dry season or meet City requirements for grading during the rainy season.
- Use BMPs to retain sediment on the project site.
- Place burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains.
- Provide temporary cover of disturbed surfaces to help control erosion during construction.
- Provide permanent cover to stabilize the disturbed surfaces.

Post-Construction Measures

- Incorporate permanent, post-construction storm water treatment measures in compliance with provision C.3 of the City of San Jose's NPDES Permit. Proposed post-construction BMPs and design features include the installation of vegetated swales and/or underground treatment units, and landscaping to control and treat runoff.

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 – Implementation of the following mitigation measures, consistent with City Policy requirements, will reduce potential noise and vibration impacts to less than significant levels:

- The project shall incorporate building sound insulation requirements to meet the requirements of the California Building Code to reduce interior noise levels to 45 dBA DNL or lower. This shall include the provision of forced-air mechanical ventilation satisfactory to the local building official for all new units, so that windows can be closed at the occupant's discretion to control noise. Special building construction techniques may be required that may include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. (Preliminary calculations indicate that residential units would require sound rated windows and doors with ratings ranging from STC 28-34 to assure that the 45 dBA DNL indoor standard is met.) The specific determination of the necessary treatments shall be determined on a unit-by-unit basis, based on the results of unit-specific acoustical analyses. Each analysis, including the description of the necessary noise control treatments, shall be submitted to the City with the building plans and approved prior to issuance of a building permit.

Groundborne Vibration

- Locate proposed residential structures no closer than 50 feet from the edge of the railroad track, which could result in the removal of up to six units. As this is deemed infeasible due to the General Plan and proposed densities on the site, the following alternative mitigation is recommended.
- At the building design stage, the applicant shall design residential structures located closer than 50 feet from the edge of the railroad track that railroad train vibration levels would be adequately reduced at primary living spaces. The building designs shall provide adequate support of foundation systems for residential structures to avoid resonant frequencies that coincide with primary frequencies of train-generated ground vibration (10 Hz and 20 Hz).

Construction Noise

- Noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way should be restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction activities should occur Sundays or holidays.
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

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 November 14, 2007, any person may:

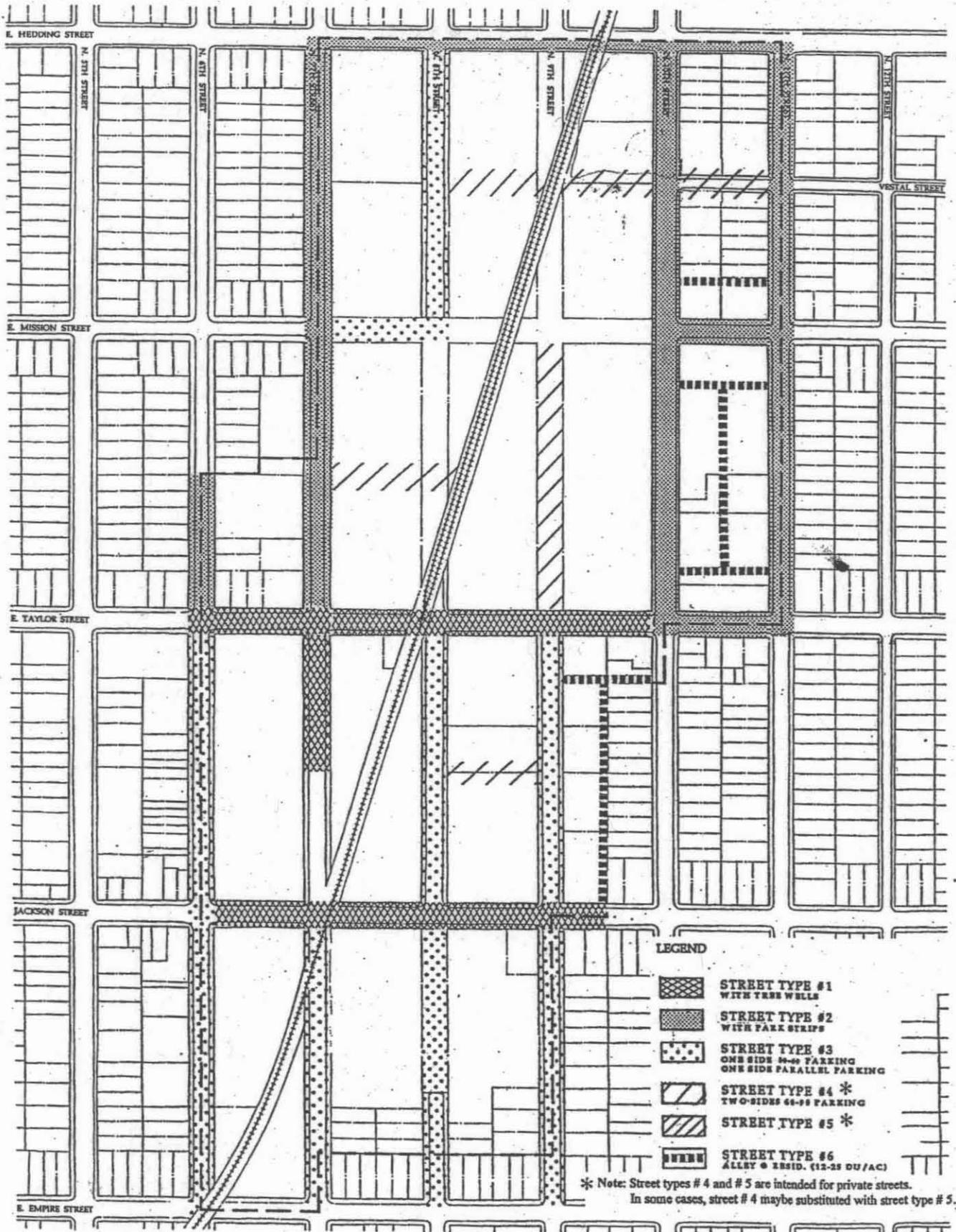
- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and 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.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: October 25, 2007 Ron Eddow
Deputy

Adopted on: _____
Deputy

Revised 8/26/05 JAC

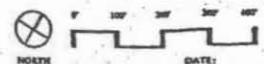


STREET TYPES PLAN

CALTHORPE ASSOCIATES
 SAN FRANCISCO, CALIFORNIA
 BAY AREA ECONOMICS

JACKSON - TAYLOR RESIDENTIAL STRATEGY
 SAN JOSE, CALIFORNIA

FIGURE 11



the southern portion of the study area between 7th and 9th streets, and the southern half of the block between 6th and 7th along Taylor street.

High Density Residential

High density (25-50 du/ac) residential uses would be located adjacent to the mixed-use core south of Hedding along North 10th Street, along North 7th between Mission and Taylor Streets, around the expanded Bernal Park, and at the southwest tip of the study area at the intersection of North 6th and East Empire Streets. This designation permits densities as low as 25 du/ac and as high as 50 du/ac. The intent of this designation is to achieve an average overall density of approximately 35 du/ac. For densities above 35 du/ac, projects should exhibit exemplary architectural design that is urban in character and expresses the essence of the design guidelines contained in the Residential Strategy. Sites selected for this designation are located away from existing single family areas. The high density residential designation can contain a variety of housing unit sizes and types. In fact, a mix of housing densities, types and ownership patterns is desirable within the Jackson-Taylor area to meet all household needs and create a more cosmopolitan community. This building type, is similar, but with fewer stories, to that permitted in the mixed-use core, in that buildings would be up to four stories, generally over a podium of parking and building facades would be varied and articulated to echo the character of the surrounding area. Any high density housing development on the north side of Taylor between 7th and 8th Streets should include ground floor retail. This would allow for the preservation of Bini's Bar and Grill, a "landmark business" in the Jackson-Taylor area.

Mixed-Use Core

The mixed-use core is located in the heart of the study area, extending from East Mission to Jackson Street; north of Taylor Street it is clustered on the east side of the railroad tracks; south of Taylor, it extends from North 6th to North 9th streets. The primary land use designation applied to this area allows a mix of residential, office, and retail uses. New development in this area would be up to six stories in height, with some ground floor retail shops, up to two stories of office space, and up to four stories of residential units. All parking in this area would be below ground; in structures faced with ground floor commercial, office, or residential space; or in interior surface lots surrounded by buildings to hide the parking from pedestrian streets. This mix of uses would create a vibrant urban environment that is active during the day and after dark.

Retail uses are identified on the illustrative land use plan within the mixed-use core in strategic locations that provide convenient shopping for residents and employees, as well as frame public plazas and parks. For example, new public plazas are proposed at Jackson and North 6th street next to the proposed Japantown Complex and at Taylor and North 10th. Small retail shops should line these formal public spaces to provide a meeting place for residents and employees to enjoy outdoor lunches and for community activities. Festivals and gathering can also take place here, such as the Farmer's Market, fiestas, and other special events. These activities are not only important to the community, but also help support and bring additional business to the merchants.

Retail space within residential and office areas is also essential to effectively link future transit service with land use. Without these shopping opportunities within convenient walking distance, residents would use cars for greater numbers of trips and workers would lose an additional incentive to use transit. Goods and services used on a daily or more-than-once a week basis are especially important to making this transit/land use link.

Limited industrial uses are permitted in existing buildings within the area bounded by Mission, Tenth, Taylor and the railroad tracks. Allowable industrial uses are those which typically might have a retail and/or restaurant component, and which do not generate noise, odor, or other nuisance impacts. For example, allowable uses include the manufacturing of food products, beverages, furniture, and arts and crafts. Auto-related uses are not allowed.

- Entries to the primary building must be provided from the ground floor street-facing facade; secondary entries may be provided from alleys, garages, and parking lots. Exterior stairs to upper floor units are not permitted on street facing facades, including the front portions of side elevations. Ancillary units may be accessed from rear yard or alley entries.
- Roofs should vary from lot to lot, with a combination of gable and hip roofs.

25-50 du/ac Residential

The following is a discussion of policies and design guidelines for all sites within the 25-50 units/acre residential designation. The design guidelines are also illustrated in Figure 8.

Density and Building Types

- Buildings within this zone may be a maximum of four stories over parking, not to exceed 45 feet in height. Any parking podiums should be depressed so that first floor residential units are not more than 5 feet from finish grade. A 15 foot front yard setback is required for the podium and building; porches, bays and balconies may extend into the front yard setback.
- A minimum density of 25 du/ac is required, a maximum density of 50 du/ac is permitted, provided these densities are accommodated in the building envelope described above and all other City open space and parking requirements are met. For densities above 35 du/ac, projects must exhibit exemplary architectural design that is urban in character and expresses the essence of the design guidelines contained in the Residential Strategy.
- A mix of unit sizes and types should be provided in each residential complex to provide opportunities for households of a variety of sizes and income levels.

Architectural Guidelines

- Building facades should be varied and articulated to provide visual interest to pedestrians, rather than create an overly unified frontage. Building massing should be articulated with porches, bays, and balconies placed 50 feet on center to reflect the rhythm of the surrounding single family residential area. Porches may extend up to 7 feet into the front setback; bays and balconies may extend 5 feet into the setback. In no case shall the street facade of a building consist of an unarticulated blank wall or an unbroken series of garage doors.
- Building openings should face the street and sidewalk to enliven the pedestrian environment by providing a pleasant sense of connection between indoor and outdoor activities. Primary entrances must orient to streets, plazas, or parks; not to the interior of blocks or to parking garages. Street access to residential units should be frequent, at approximately every 100 feet. First floor units facing the street should be accessed directly from the street whenever possible. Exterior stairs to upper floor units are not permitted on street facing facades, including the front portions of side elevations.
- Architectural diversity is encouraged; large scale projects diminish the liveliness of the street by their sameness of style and detail. No building or project should appear to dominate an entire street or block. Variations in floor level, facades, roof styles, architectural details, and finishes that create the appearance of several smaller projects are encouraged. Street elevations should also be broken with reveals, recesses, and other architectural features to provide visual interest.

- Building materials such as concrete, stucco, masonry, tile, stone, and wood are encouraged. Variation in building facades should be achieved, in part, by using a variety of material along each street. In general, high quality materials are encouraged; pre-fabricated and non-durable material are discouraged.
- Roof lines should be articulated and relate to the facade articulation and massing of the building. Roofs should be a combination of flat and gable. To achieve variety in design, a single roof style should not be used for an entire project, unless the project is clearly too small to accommodate such variety.
- Street-facing garage entrances should be as narrow as is consistent with safety and should be spaced at least 200 feet apart.
- All vents from the street to the parking garage must be screened with louvers, screen walls, or porches; planting is not an alternative to screening material. All parking garage lighting should be shielded so that light does not shine through vents at night. If forced venting is required for the garage, air should not vent directly onto the sidewalk.
- Double-aspect units (units that extend from the front to the rear of the building) are preferred over double loaded corridor buildings, where feasible.
- Outdoor plazas over the parking podium should be landscaped to provide both common and private open space. This space should be designed as an intimate courtyard
- Ground level open space (not over parking podium) should be provided for each building or project. This outdoor amenity may be partially satisfied within a nearby pocket park. Ground level open space should be planted with trees at a minimum. Seating, tables and children's play equipment are encouraged.

Parking

- Parking garages should not dominate the frontage of a street or prohibit pedestrian movement. Structured parking areas should be depressed at least 1/2 level below the ground surface and must be below the residential component of the project to minimize impact on the building facade and street frontage.
- All street-facing garage entrances should be spaced at least 200 feet apart.
- Where structured parking is not feasible, surface parking areas should follow the parking design guidelines contained in the City of San Jose's "Residential Design Guidelines".



Memorandum

TO: Lesley Xavier
Planning Department

FROM: Tim Town
Municipal Water System

SUBJECT: Muni Water Comments
On Proposed Development

DATE: May 10, 2007

San Jose Municipal Water System has reviewed the proposed development **PD07-025** regarding a Planned Development Permit to allow construction of 54 single-family attached residences on a 2.09 gross acre site located at the southwest corner of E. Hedding Street and N. 10th Street, and has the following comments:

This development shall be responsible for the costs of connecting to an existing recycled water main on Hedding Street, constructing a recycled water main along its frontage with 10th Street to the south property line, and constructing recycled water services to the site.

This development shall connect to the recycled water system for non-potable uses such as landscape irrigation.

Design and construction of recycled water facilities, both on-site and off-site, shall conform to SBWR Rules and Regulations, and be submitted to Muni Water/SBWR for approval. If you have any questions please contact me at 277-3671. Thanks for the opportunity to comment.

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