

CITY COUNCIL
STAFF REPORT

FILE NO.: PDC08-068

Submitted: 1/08/09

PROJECT DESCRIPTION: Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow more than 500 sq ft on the 3rd floor of living space in previously approved 3-story residences (PDC06-071) on a 2.67 gross acre site.

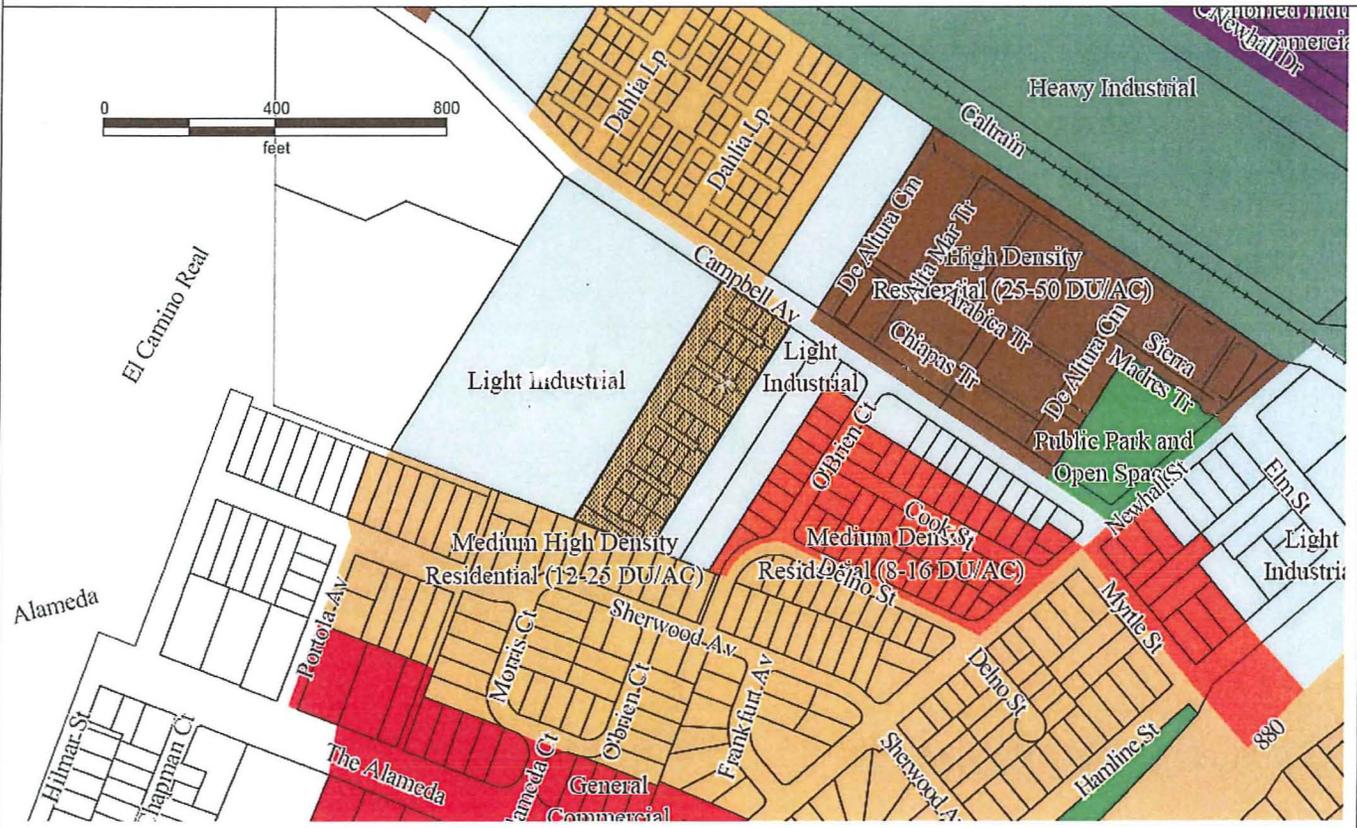
Existing Zoning	A(PD) Planned Development
Proposed Zoning	A(PD) Planned Development
General Plan	Medium High Density Residential (12-25 DU/AC)
Council District	6
Annexation Date	12/8/1925
SNI	None
Historic Resource	No
Redevelopment Area	No
Specific Plan	N/A

LOCATION: Southwest side of Campbell Avenue 340 feet Northwesterly of O'Brien Court.

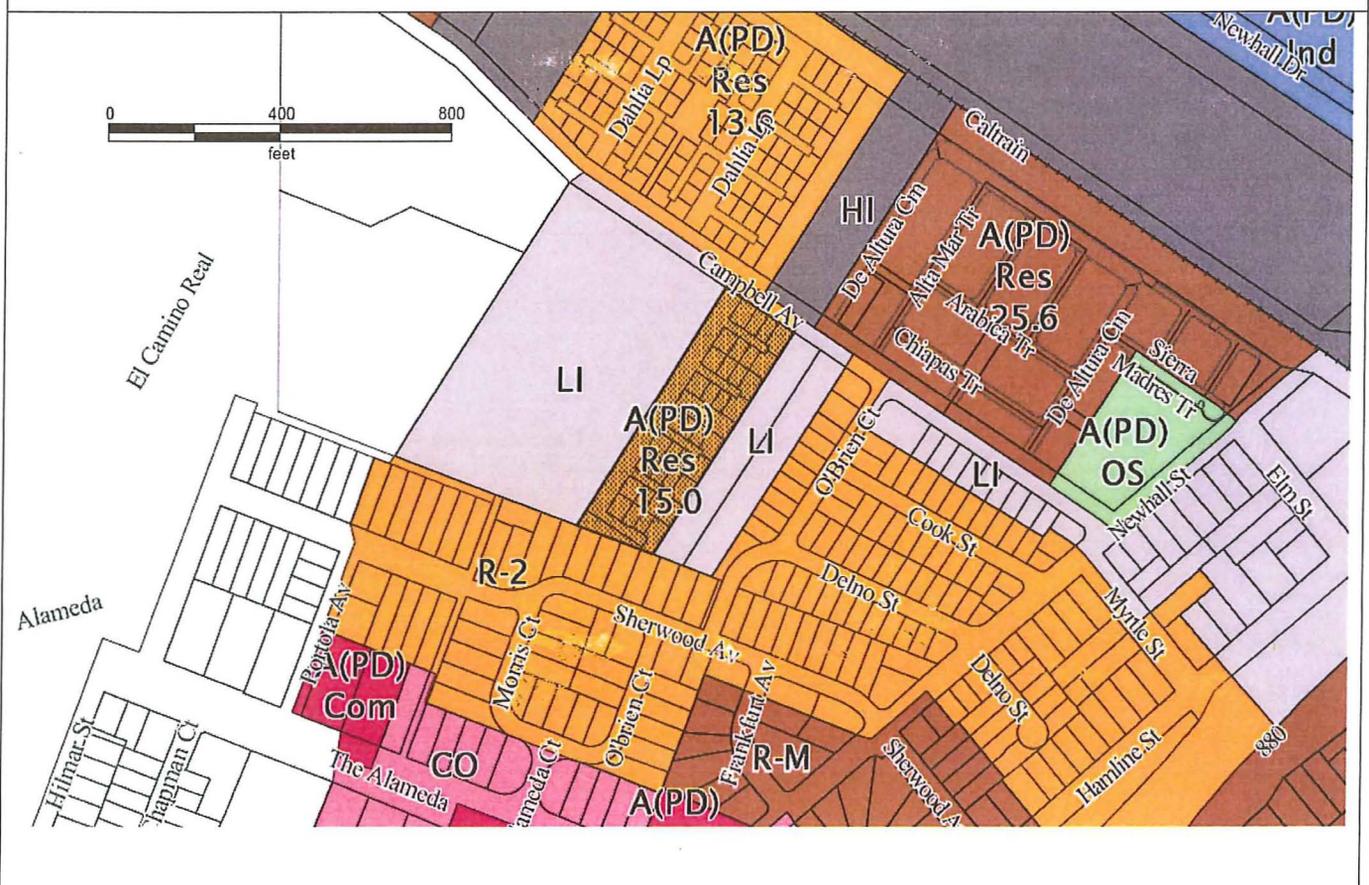
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

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

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation diagram's designation of Medium High Density Residential (12-25 DU/AC).
2. The proposed zoning is compatible with existing uses on the adjacent and neighboring properties.
3. The proposed project is in conformance with the Residential Design Guidelines.
4. The proposed rezoning will allow the project to take advantage of recent Universal Building Code changes for a limited number of residential lots.

BACKGROUND & DESCRIPTION

This application is for a Conforming Planned Development Rezoning to allow up to 40 single-family detached residences on a 2.67 gross acre site. A Planned Development Rezoning, File No. PDC06-071, was approved by City Council on February 27, 2007 for the same project. This current Rezoning application is only to modify the permitted size of the third story to exceed 500 square feet for a limited number of dwelling units and not to exceed 750 square feet. All other development regulations remain unchanged. The project is currently under construction, with approximately 50% of it built out.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were originally addressed by an Initial Study, and a Mitigated Negative Declaration was adopted by the Director of Planning on December 5, 2006, for the previously approved Planned Development Zoning (File No. PDC06-071). The proposed project does not result in any different or increased significant environmental impacts or required mitigation measures.

GENERAL PLAN CONFORMANCE

The site has a designation of Medium High Density Residential (12-25 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed project density is 15 DU/AC, which is within the density range of 12-25 DU/AC. No changes are proposed to the allowed project density.

ANALYSIS

The primary issues associated with the previously approved Planned Development Zoning, PDC06-071, were the compatibility of the proposed residential use with the existing neighborhood, conformance to the Residential Design Guidelines. See attached Staff Report/Supplemental Memorandum for the previously approved Planned Development Zoning, PDC06-071, for full discussion of these issues.

The only proposed change to the previously approved Planned Development Zoning is to allow a limited number of units to have a third floor that is greater than 500 square feet in size. The existing development standards currently cap the third floor at a maximum of 500 square feet, partly to reduce potential height impacts and partly due to the restrictions of the Universal Building Code when the project was first

proposed. The Universal Building Code has since been revised and could potentially allow larger third floors. The proposed rezoning would affect eight lots, all of which are interior to the project site and will not have a significant visual impact on surrounding uses. The existing building footprints are approximately 810 square feet. Limiting the square footage of the third story to 750 feet will insure that some building articulation is provided.

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.

Project Manager: Ed Schreiner

Approved by:

Daryl Boyd

Date:

8/24/09

Owner/Applicant:	Attachments:
Mark Robson Robson Homes, LLC 2185 The Alameda, Suite 150 San Jose, CA 95126	Location Map Development Standards Reduced Plan Set Staff Report/Supplemental Memo for PDC06-071

GENERAL DEVELOPMENT PLAN NOTES
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The following development standards shall be placed on the General Development Plan after the first reading by the City Council. All other development standards shall be removed from the plan set.

Note: All development standards except as noted in ~~strikeout~~/underline are the same as PDC06-071

Uses

Single-family detached residential with common open space and tot lot, private drive and motor court alleyways, and on- and off-tract off-street guest parking.

Development Standards

Maximum Number of Units:	Up to 36
Maximum Height:	35 feet
Maximum Number of Stories:	3 (third story not to exceed 500 <u>750</u> square feet) except for units 33, 34, 35, and 36 which are limited to two stories in height

Minimum Setbacks

Perimeter Setbacks: (Minimum In Feet From Property Line)

North Property Line (Industrial Use)	
Residential 1 & 2-story/element	10 Feet
Residential 3-story/element	15 Feet
Driveways/Parking	4 Feet
Plan 4 garages	7.5 Feet
East Property Line (Campbell Avenue)	
Building	18 Feet
Residential 2-story/element (Plan 1 only - balcony)	14 Feet
South Property Line (Industrial Use)	
Residential 1 and 2-story/element	10 Feet
Residential 3-story/element	15 Feet
Driveways/Parking	4 Feet
Plan 4 garages	7.5 Feet
West Property Line (adjacent residential tract - Sherwood Avenue)	
Building	20 Feet
Residential 2-story/element	24 Feet

Common Open Space Setbacks: 160 feet from front property line (Campbell Avenue)

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Interior Setbacks: (Minimum In Feet Between Buildings)

Pedestrian Paseos (front-to-front): 18 feet minimum width (building to building – between Lots 29 and 36)

Motor Courts (back-to-back): 22.5 feet curb-to-curb (typical), with variable apron width, and 28 feet garage door to garage door width (typical).
Exceptions at the discretion of the Director of Planning and subject to approval of a Planned Development Permit

Between Detached Homes (side-to-side): 6.5 feet

Note: Minor architectural projections such as: chimneys, roof overhangs, and bay windows may project into any setback by no more than 2'-0" for a horizontal distance not to exceed 10'-0" in length, no more than 20% of the building elevation length.

Parking Requirements:

The total parking requirement is based on bedroom count as follows:

<u># Bedrooms</u>	<u>Parking Required</u>
1 BD	2.2
2 BD	2.5
3 BD	2.6
4 BD	2.75

Off-site parking along the project frontage (Campbell Avenue) can be counted toward guest parking requirements at a 0.5 per space basis

Open Space

Minimum Common Open Space: Approximately 200 square feet per unit (provided by one large paseo proposed with an approximate area of 7440 square feet).

Minimum Private Residential

Usable Open Space: 150 square feet per unit

Driveway/Access Road

Private driveways shall not be gated. The main private drive shall be 28 feet in width curb-to-curb except where they intersect Campbell Avenue where they shall be reduced to 26 feet in width. Landscaping at least 3 feet in width shall be located between the northern property line and access drive. Parking along the private driveway shall be setback a minimum of 50 feet from Campbell Avenue.

The location and final layout of all private drives and motor courts shall be determined prior to approval of a Planned Development Permit in conformance with the development standards.

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General Notes

Water Pollution Control Plant Notice

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

Post-Construction Storm Water Treatment Controls

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

Parkland Dedication Ordinance

This subdivision is subject to the requirements of the Parkland Dedication Ordinance (PDO) for the dedication of land or payment of fees in lieu of the dedication of land for park purposes.

Public Works Requirements

Storm

Prior to approval of a Planned Development permit, the conceptual grading and drainage plan shall include the following: cross-sections along all property lines around the site, indicate the overland release path in arrows with indication that it is paved, show that on-site ponding shall be less than one foot, and show that finished floor elevations must be one foot higher than overland release elevation.

Storm Water Runoff Pollution Control Measures:

This project shall comply with the City's Post-Construction Urban Runoff Management Policy (City Council Policy 6-29), which requires implementation of Best Management Practices that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges.

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Street Vacation

Should a street vacation be required, further discretionary approval by City Council is necessary and shall be completed prior to Public Works Clearance. Applicant shall submit a title report to Public Works prior to any decisions regarding the possible vacation of this street.

Street Improvements

Traffic calming requirements shall be determined prior to approval of a Planned Development permit. Construct curb, gutter and sidewalk along Campbell Avenue frontage, which shall have a curb-to-curb width of 40 feet with 10-foot attached sidewalks with tree wells per City standard detail R2-A. Width of proposed main private driveway should be 26 feet minimum. Street trees are conceptual only and final location shall be determined at the street improvement stage of the process.

Private Streets

Final design of private infrastructure improvements shall be designed and constructed in accordance with the current Common Interest Development Ordinance standards and shall require the approval of the Director of Public Works.

Environmental Mitigation

The following environmental mitigation measures shall be included in the project prior to approval of a Planned Development permit. Alternative mitigation that achieves an equivalent reduction in potentially significant impacts may be approved by the Director of Planning through a Planned Development permit.

AIR QUALITY

SPECIFIC DEVELOPMENT MITIGATION AND AVOIDANCE MEASURES

1. Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site.
2. 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.
3. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
4. 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.
5. 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.
6. Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

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CULTURAL RESOURCES

SPECIFIC DEVELOPMENT MITIGATION AND AVOIDANCE MEASURES

1. 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.

HAZARDS AND HAZARDOUS MATERIALS

SPECIFIC DEVELOPMENT MITIGATION AND AVOIDANCE MEASURES

1. 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 is 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.
2. 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.
3. No dwelling units shall be constructed within a radius of the adjacent Variety Metals facility located at 1166 Campbell Avenue (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 (0.1 mile) 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. Alternatively, a Risk Assessment to conduct additional detailed modeling completed by a qualified hazardous materials consultant which includes additional detailed modeling 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.

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4. 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 City of San Jose protocols to follow in the event of an accidental release of hazardous materials at the nearby CalARP site. The informational document contained in the purchase/disclosure documents shall be prepared by a qualified hazardous materials consultant under contract with the property owner.
5. 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.
6. 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 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 the adjacent 1173-1175 Campbell Avenue have been approved by DTSC. If a cleanup plan and schedule for remediation have been approved by DTSC for the adjacent site then no further soil gas investigation is necessary and the qualified hazardous materials consultant shall submit this documentation along with an approval letter from RWQCB 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 for the adjacent site, 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 prepared by a qualified hazardous materials consultant and 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.

NOISE IMPACTS SPECIFIC DEVELOPMENT MITIGATION AND AVOIDANCE MEASURES

Interior and exterior noise levels will be maintained at acceptable levels by the following measures:

1. The common open space area shall be set back 160 feet and shielded by buildings; based on these design requirements, this area meets the City's noise threshold of 60 DNL.
2. 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.

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3. 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.

HYDROLOGY AND WATER QUALITY
SPECIFIC DEVELOPMENT MITIGATION AND AVOIDANCE MEASURES

1. The project shall comply with the City of San José's NPDES Permit requirements, the City's ordinances and policies related to storm water management, the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity, and other applicable local, State, and Federal requirements.
2. The project shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific measures shall be implemented to prevent storm water pollution and minimize potential sedimentation during construction:
 - a. restrict grading to the dry season or meet City requirements for grading during the rainy season;
 - b. using Best Management Practices to retain sediment on the project site;
 - c. burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains;
 - d. providing temporary cover of disturbed surfaces to help control erosion during construction;
 - e. provide permanent cover to stabilize the disturbed surfaces after construction has been completed;
 - f. the project shall comply with the City of San José's NPDES Permit requirements, the City's ordinances and policies related to storm water management, the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity, and other applicable local, State, and Federal requirements.
3. Prior to approval of a Planned Development permit, the project shall include post-construction source control treatment measures and Best Management Practices (BMPs) for reducing the volume of storm water runoff and the contamination in storm water runoff as permanent features of the project, in accordance with the City of San José's requirements, and other local, State, and Federal requirements. These features could include disconnected roof downspouts, pervious paving materials, concave parking lot medians, storm water filters, or other structural storm water treatment controls that all would be designed to SCVURPPP and SCVWD specifications for site and soil and groundwater conditions.

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The **Standard Measures** are as follows:

1. Lighting on the site shall conform to the City's Outdoor Lighting Policy (4-3).
2. The project shall implement the following standard measure to reduce geologic hazard impacts:
 - Design and construct building in accordance with the design-level geotechnical investigation prepared for the project, which identifies the specific design features that will be required to address the expansive soils, including site preparation, compaction, foundation and subgrade design, drainage and pavement design. The City shall incorporate the recommendations of the geotechnical investigation into the project design and construction. The geotechnical investigation shall be reviewed and approved by the City Geologist prior to approval of grading permits or Public Works clearance.
 - Prior to issuance of a Public Works Clearance, the developer must obtain a grading permit before commencement of excavation and construction. Implementation of standard grading and best management practices would prevent substantial erosion and siltation during development of the site.
 - Implement standard grading and Best Management Practices to prevent substantial erosion and siltation during development of the site.
3. The project shall implement the following standard measure to reduce seismic related hazard impacts:
 - Design and construct the building in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize damage from seismic shaking and seismic related hazards on the site.
 - 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. A recommended depth of 50 feet should be explored and evaluated in the investigation.
4. The project shall implement the following standard measures:
 - Comply with the SCVURPPP NPDES permit issued to the City of San José and other co-permittees of the SCVURPPP, and shall include measures to control pollutants discharged into the stormwater system. Future activities that require a permit from the City of San José will be evaluated for BMPs including, but not limited to the following:
 - i. Damp sweeping of streets,
 - ii. Routine storm drain cleaning, and
 - iii. Covering of dumpsters and material handling areas.
 - Comply with the City's Grading Ordinance.
 - Prior to the issuance of a grading permit, the applicant must submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity to the satisfaction of the Director of Public Works.

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5. The project shall implement the following standard measure:
 - Comply with the SCVURPPP NPDES permit issued to the City of San José and other co-permittees of the SCVURPPP, and shall include measures to control pollutants discharged into the stormwater system. Future activities that require a permit from the City of San José will be evaluated for BMPs including, but not limited to the following:
 - Stormwater retention or detention structures,
 - Use of landscaped-based stormwater treatment measures, such as biofilters and vegetated swales to manage runoff from the site,
 - minimization of impervious surfaces and increased use of permeable pavement,
 - maintain the functional integrity of inlet filters (if used) with the implementation of a maintenance program, and
 - filtered inlets in paved areas.

6. In accordance with California Government Code Section 65996, the developer shall pay a school impact fee, to the School District, to offset the increased demands on school facilities caused by the proposed project.

7. The project shall conform to the City's *Park Impact Ordinance (PIO)* and *Parkland Dedication Ordinance (PDO)* (Municipal Code Chapter 19.38).

8. The proposed project shall implement the following standard measures regarding archaeological resources:
 - Construction workers shall be alerted of the potential that site clearing and trenching may uncover buried archaeological materials. Indicators of buried materials include, but not limited to: darker than surrounding soils, concentration of bones, stone or shell fish, artifacts of these materials, evidence of fire such as ash, charcoal, fire affected rock or earth, and human and/or animal burials. If evidence of any archaeological, cultural, and/or historical deposits is found, the following measures shall be taken:
 - i. A qualified professional archaeologist will be notified and all further excavation activity shall be monitored. There shall be no excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains, at least within 50 feet of the discovery, until archaeological monitoring by the qualified archeologist begins.
 - ii. Hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources).
 - iii. If it is determined that the discovery represents a cultural resource deposit potentially eligible for inclusion on the California Register of Historic Resources (CRHR), Environmental Principal Planner for the City of San Jose should be notified, and the resource should be evaluated to the satisfaction of the Director of Planning, Building and Code Enforcement. If evaluative testing confirms that the

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resource is eligible for inclusion on the CRHR, a plan for mitigation of impacts should be prepared to the satisfaction of the Director of Planning, Building and Code Enforcement, and implemented before construction related earthmoving is allowed to recommence inside the area designated as archeologically sensitive.

- iv. Additionally, as required by County ordinance, this project has incorporated 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 reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

9. Standard measures for construction noise:

- Notify neighbors of the schedule and type of equipment used for each phase of construction;
- Limit hours of construction to between 7:00 a.m. and 7:00 p.m. on weekdays, when construction occurs within 500 feet of existing residences, Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Locate noisy stationary equipment (i.e., generators or compressors) away from neighboring residences;
- Require that all construction equipment be in good working order and that mufflers be inspected for proper functioning;
- Require that vehicles and compressors turn off engines when not in use;
- Utilize available noise suppression devices and techniques as appropriate, in conformance with General Plan policy; and
- Designate a construction noise coordinator who would be available to respond to complaints from neighbors and take appropriate measures to reduce noise.

10. The proposed project shall implement the following standard measures to avoid impacts to trees:

- The exact number of trees to be removed will be determined at the PD permit stage.
- The proposed project shall replace trees removed at the following ratios:

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Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio

Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

- In the event that the site does not have sufficient area to accommodate the required number of replacement trees per Table 2, such determination to be made by the Director of Planning, Building, and Code Enforcement at the Planned Development permit stage, one or both of the following measures shall be implemented:
 - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
 - A donation of \$300 per mitigation tree to San José Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

- If at the PD Permit stage, the Director of Planning, Building, and Code Enforcement determines that one or more trees shall remain, the following tree protection measures will also be included in the project in order to protect these trees during construction:
 - i. Pre-construction treatments:
 1. The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
 2. Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE (TPZ) prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
 3. Prune trees to be preserved to clean the crown and to provide clearance. The crown shall be cleaned to removal wood and thinned to reduce end-weight on lateral scaffold limbs. Any structural branches shall be cabled, if necessary. All pruning shall be completed or supervised by a Certified Arborist and adhere to the

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Best Management Practices for Pruning of the International Society of Arboriculture.

4. Any brush clearance around the tree dripline shall be done with hand operated equipment.
 5. Vertical Mulching /Aeration - Prior to application of mulch, all trees to remain shall be vertical mulched by auger drilling three inch by 24 inch holes in a grid pattern, within TPZ. Holes should be spaced three feet apart and extend from three feet from the trunk to the edge of the TPZ. Excavated holes are to be back-filled with a mixture of one inch lava rock and mushroom compost (3:1) mixed with Mycor Tree[®] Tree Saver at labeled rate. This work should be completed six weeks before construction starts or should not take place.
 6. Mulching - A six inch layer of wood chips should be laid under the dripline of each tree to be preserved prior to TPZ fencing being installed.
 7. Watering (Pre-construction through post construction) - All trees to be preserved shall be thoroughly soaked two weeks before construction. Watering shall continue through construction right up until project completion or an appropriate irrigation system has been installed. All the trees shall be watered at the rate of 7.5 gallons/inch trunk diameter, twice per month. The watering shall be administered as to prevent surface run off. The initial watering shall be done concurrently with the fertilization after mulch has been installed.
 8. Fertilization - All trees to remain shall be fertilized with Doggett[®] 12-24-24 with humic acid, at half labeled rate mixed with Mycor Tree[®] Tree Saver Injectable, at full labeled rate (see attached label for detailed mixing and application instructions). This liquid fertilizer shall be applied after mulch has been installed, concurrently with the first watering application. After the mulching of trees has been complete, installation of protective fencing may convene and conform to the following:
 - a. Fencing will be 6 foot tall, chain link.
 - b. The fence will be mounted on 2-inch galvanized iron post, driven two feet into ground with 10 foot spacing. Fence is to enclose entire TPZ of each tree to remain.
 - c. Fence is to remain throughout entire project, up through the final inspection by City officials.
 - d. Each fence is to have a "Warning" sign, a minimum of 18-inch square, clearly stating the following: "WARNING - This fence shall not be removed or relocated without written authorization from the City. Violators will be prosecuted."
- ii. During Demolition:
1. A consulting arborist shall be present during all phases of construction within the TPZ.
 2. No equipment or un-authorized activity shall be permitted within in the TPZ. The first phase of the demolition shall consist of removal of hardscape from the TPZ only. All hardscape demolition within the TPZ will be performed with hand operated equipment. Once hardscape has been removed, exposed areas shall be

GENERAL DEVELOPMENT PLAN NOTES
PDC08-068

vertical mulched and fertilized and watered according to preconstruction specifications 7 and 8 listed above.

3. Demolition on the remainder of the site may commence. Demolition activities may occur concurrently only if the activities will not compromise the health or vigor of any of the trees to remain and must be approved by the consulting arborist.
- iii. During Construction:
1. Consulting Arborist is required to be on site to supervise the following activities and ensure they are completed per contract requirements.
 - a. Trenching
 - b. Root cutting and/or removal
 - c. Remedial tree care activities such as additional pruning, fertilization, and disease/pest control.
 2. The following guidelines shall always be observed:
 - a. No un-authorized entry into the TPZ.
 - b. All irrigation or other underground activities shall be routed outside the TPZ. Any trenching or root cutting activities within the TPZ must be approved and supervised by a certified Arborist. Arborist may recommend further tree preservation measure for the affected trees.
 - c. Use of herbicides under pavement shall be labeled as non-toxic to trees. Maintain the original soil grade around trees to remain for a minimum of 2 foot radius from the root collar.
 - d. No piers should be located within four feet of the tree. Prior to drilling, all holes should be hand-dug to a depth of 24- inches. Any roots greater than three inches in diameter encountered will necessitate the relocation of the hole to avoid damage to these buttress roots.
 - e. Excavation shall never interfere with the root ball. The hole or trench must be relocated if this is a possibility.
 - f. Any roots left uncovered should be kept wet and covered to prevent desiccations.
- iv. Post Construction
1. Tree health shall be monitored by a Certified Arborist. This is to include:
 - a. Any fertilization, watering, or maintenance needs.
 - b. Replenishment of mulch as needed.
 - c. Pest and disease control.

Landowner is responsible to maintain proper tree care after the project is complete.



Memorandum

TO: PLANNING COMMISSION
SUBJECT: SEE BELOW

FROM: Joseph Horwedel
DATE: January 23, 2007

SUPPLEMENTAL MEMO

SUBJECT: PDC06-071. PLANNED DEVELOPMENT REZONING FROM LI-LIGHT INDUSTRIAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 36 SINGLE-FAMILY DETACHED RESIDENCES ON A 2.67 GROSS ACRE SITE LOCATED ON THE SOUTHWESTERLY SIDE OF CAMPBELL AVENUE APPROXIMATELY 950 FEET NORTHWESTERLY OF NEWHALL STREET

This item was heard at the Planning Commission hearing of December 6, 2006. Planning staff recommended that the Planning Commission recommend denial of the Planned Development Rezoning to the City Council for the following reasons: (1) 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.

At the public hearing, the applicant presented revised plans to the Planning Commission reducing the number of units from 40 to 36, substantially revising the site plan to include more open space and parking, and reducing the height of units along the perimeter of the project adjacent to existing houses. Several speakers spoke in favor of the revised project; no one spoke in opposition. In order to provide time for review of the revised plans by staff, the Planning Commission deferred the item for up to 60 days, specifying that the matter should be back before the Planning Commission by no later than early February 2007.

Revised Project Description

Revised plans were received on January 8, 2007. The revised project includes 36 units, rather than the 40 units initially proposed, and the proposed perimeter setbacks and open space ratios were modified in response to previous concerns. In addition, the project was revised to improve the design of the paseos between rows of units and to widen the common open space area from 15 feet to 64 feet.

The following table summarizes the changes reflected in the current proposal:

	Original Proposal (November 3, 2006)	Revised Proposal (January 8, 2007)
Number of units/ density	40 (15 DU/AC)	36 (14 DU/AC)
Setback from SFR Rear Yards		
First Floor:	9 feet	20 feet
Second Floor:	14 feet	24 feet
Private Open Space per unit	88 to 168 sq ft	150 sq ft minimum per unit
Common Open Space per unit/overall	52 sq ft per unit , 2,100 sq ft total	200 sq ft per unit, 7200 sq ft total

Staff believes that the revised proposal substantially conforms to the Residential Design Guidelines. In particular, the common open space ratio has increased and the proposed common open space area is sized and dimensioned to provide a significant opportunity at the Planned Development Permit stage for a highly useable open space to serve future residents of the project. The paseos have been redesigned to ensure sufficient space for high quality private open spaces for each unit. Additionally, the applicant is proposing that the units along the back of the site (adjoining single-family residential properties) be no taller than two stories and be set back a minimum of 20 feet to help ensure compatibility with the primarily single-story neighborhood to the west.

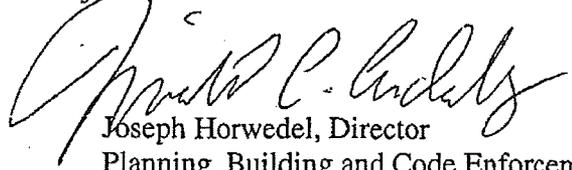
The applicant has also revised the project to provide adequate on-site parking per the Residential Design Guidelines based on the current bedroom count. The total parking requirement is 95 spaces, based on 27 three-bedroom units and nine four-bedroom units. The site accommodates 96 spaces total, 72 within private garages, 15 along the private main driveway, and nine between units accessed from the alleys. The Draft Development Standards (attached) also allow 0.5 credit for off-site parking spaces along the project frontage, to allow flexibility at the Planned Development Permit stage to achieve a well-landscaped, tree-lined driveway and sufficient guest parking. The Development Standards also include a parking setback of 50 feet from the front property line along Campbell Avenue, which will ensure an attractive landscaped driveway entry feature.

RECOMMENDATION

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan *Land Use/Transportation Diagram* designation of Medium High Density Residential (12-25 DU/AC).

2. The proposed project is compatible with adjacent uses.



Joseph Horwedel, Director
Planning, Building and Code Enforcement

cc: Andre Hunt, Santa Clara Development, 2185 The Alameda, San Jose CA 95123
Cobalt Associates, 333 West Santa Clara Street, Unit 280, San Jose CA 95113

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 #. *416*
C.C. 12-12-06 *11.5*

File Number
PDC06-071

Application Type
Planned Development Rezoning

Council District
6

Planning Area
West Valley

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

STAFF REPORT

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

APPLICANT/OWNER/DEVELOPER

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

Completed by: SM

Department of Public Works

See attached memorandum

Other Departments and Agencies

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

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

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, crawlspaces 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

**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



Adopted on: 12/5/06
Deputy



MND/JAC 8/26/05