



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** January 14, 2010

**COUNCIL DISTRICT:** 10  
**SNI AREA:** N/A

**SUBJECT: FILE NO. PDC08-051, A PLANNED DEVELOPMENT REZONING FROM R-1-1 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO SEVEN (7) SINGLE-FAMILY DETACHED RESIDENTIAL UNITS ON A 0.85 GROSS ACRE SITE.**

## **RECOMMENDATION**

The Planning Commission voted 6-0-1 (Commissioner Kamkar absent) to recommend that the City Council approve the proposed Planned Development Rezoning as recommended by staff.

## **OUTCOME**

Should the City Council approve the Planned Development Rezoning, the applicant would be able to move forward with a Planned Development Permit and subsequent building permits to allow for the construction of seven new single-family detached residential units on the subject site.

## **BACKGROUND**

On January 13, 2010, the Planning Commission opened a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed Planned Development Rezoning.

Planning staff gave a report and stated that the rezoning request is consistent with the San Jose 2020 General Plan and the Residential Design Guidelines. While the project proposes a density of 10.6 DU/AC, which exceeds the allowable 8 DU/AC of its Medium Low Density

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Residential land use designation, the proposed project does meet the requirements of the General Plan's Discretionary Alternate Use Policy-Two Acre Rule.

Staff noted that, as discussed in the staff report, with the approval of the Jayden Lane project located to the north of the site in 2007, the City Council directed staff to study and analyze vehicular access to the subject site and three others with the Santa Clara County Roads & Airports Department for the purpose of reducing or avoiding reliance on access through Fleetwood Drive. Planning, Public Works, and Department of Transportation staff, with Santa Clara County Roads and Airports staff, did study the site access and determined that based on the County's design requirements that it is not possible to design a safe access route with direct access from Almaden Expressway to all four of the development sites and that further more this access was not needed as Fleetwood Drive can safely accommodate the additional traffic generated from the proposed developments.

The number of trips or traffic volume on Fleetwood Drive that would be added by the proposed development on the subject site, the Hudson property to the south, and the approved development of the Jayden Lane project to the north, would be 220 daily trips which combined with the 470 daily existing trips, from existing residences, on Fleetwood Drive totals 710 daily trips, which is well within the daily capacity of 1,500 trips for Fleetwood Drive. Staff also made a correction to the staff report, noting that on page 5, the number of trips added was incorrectly stated as 210 trips and should be 220, and the number of trips existing was incorrectly stated as 500 and should be 470.

The applicant, Jerry Strangis, then spoke on the item and stated that he agreed with staff's report and supports their recommendation. There were no speakers from the public present at that time to speak on the proposed project. The Planning Commission then closed the public hearing to discuss the item. After the Commission acted on the item, staff was made aware that two members from the public did arrive at the time the Planning Commission was voting on a motion.

Commissioner Zito asked staff to further explain how access to the site would work noting the map on page 4 of the staff report. Staff responded that the subject site would take access through Fleetwood Drive as would the Hudson property located to the south of the subject site and the approved, but not yet constructed, Jayden Lane project to the north of the subject site. The access to the Mazzone property, the northern most project site in this area, would not take access through Fleetwood Drive, but through Mazzone Drive. There also will not be a vehicular connection between the Mazzone site and the three sites to the south across the Santa Clara Valley Water District property that separates them.

Commissioner Platten made a motion to approve the zoning per the staff recommendation. The Commission did not discuss the motion. The motion was approved 5-0-1 (Commissioner Kamkar absent).

### ANALYSIS

A complete analysis of the issues regarding this project, including General Plan conformance, is contained in the attached staff report.

### EVALUATION AND FOLLOW-UP

The applicant would be required to file a subsequent development permit with the Planning Division in order to implement the project on the subject site.

### POLICY ALTERNATIVES

Not Applicable

### PUBLIC OUTREACH/INTEREST

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

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

There were three community meetings held with area residents to present and discuss the proposed project. A summary of those community meetings is contained in the Public Outreach section of the attached staff report.

**COORDINATION**

This project was coordinated with the Department of Public Works, Department of Transportation, Fire Department, Environmental Services Department, the City Attorney, and the Santa Clara County Roads and Airports Department.

**FISCAL/POLICY ALIGNMENT**

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

**COST SUMMARY/IMPLICATIONS**

Not applicable.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

The environmental impacts of this project were addressed by a Mitigated Negative Declaration adopted for File Nos. GP08-10-01 and PDC08-051 on May 26, 2009. The Mitigated Negative Declaration states that no significant impacts will result from the subject project.

  
FOR JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Lesley Xavier, Project Manager at 408-535-7852.

**Attachments:**

Revised Development Standard Illustration  
Planning Commission Supplemental Memorandum  
Planned Development Rezoning Staff Report  
Letter from the applicant with attachments  
Additional Neighbor Correspondence

**REVISED**  
**FILE NO. PDC08-051**  
**DEVELOPMENT STANDARDS**

*In any cases where the graphic plans and text may differ, the text takes precedence.*

EASEMENT RECORDATION:

- Prior to the approval of a Planned Development Permit, the property owner of the subject site (APN: 696-24-002) and that of the adjacent Hudson property (APN: 696-24-001) shall have executed and recorded an easement and maintenance agreement that will allow for the construction of the shared private driveway, which straddles the shared property line, the construction of the extension of Almaden Road as a private or public road, and any necessary structure demolition required to construct the access.

MINIMUM LOT SIZE: 3,100 square feet

USE/MAXIMUM NUMBER OF UNITS: Up to 7 single-family detached units

SETBACKS

Front – Lot 1: 5 feet from back of sidewalk to garage  
8 feet from back of sidewalk to 1<sup>st</sup> and 2<sup>nd</sup> floor living space

Lots 2, 3, 5, and 6: 12 feet to side facing garage and/or porch  
15 feet to 1<sup>st</sup> and 2<sup>nd</sup> floor living space

Lots 4 and 7: 8 feet from back of sidewalk ~~private drive~~ to garage  
11 feet to 1<sup>st</sup> and 2<sup>nd</sup> floor living space

Side – 4 feet

Rear – Lots 1 and 7: Average of 15 feet  
Lots 2, 3, and 5: Average of 39 feet  
Lot 4: 10 feet minimum  
Lot 6: Average of 20 feet

*(Average dimension is measured from the mid point and two outside corners of the rear face of the building to the rear property line)*

BUILDING HEIGHT: 35 feet/3 stories

PARKING REQUIREMENTS:

- Two covered parking spaces per unit plus one off-lot parking space for units with a driveway apron (17 feet in length or greater) and 1.3 off-lot parking spaces for units without a driveway apron.

PRIVATE OPEN SPACE:

- A minimum of 600 square feet of open space per unit

ACCESSORY STRUCTURES/BUILDINGS:

- Permitted as of right, per Chapter 20.30, Part 5 Accessory Buildings and Structures, of the Zoning Ordinance, as amended.

SECONDARY UNITS:

- Second units are not permitted.

MINOR ARCHITECTURAL PROJECTIONS:

- Minor architectural projections such as, fireplaces and bay windows, may project into any setback or building separation by up to 2 feet for a length not to exceed 10 feet or 20% of the building elevation length.
- Minor additions which conform to the above setbacks do not require approval of the Director of Planning, Building, and Code Enforcement.

ARCHITECTURAL DESIGN:

- The architectural design of the houses shall conform to the standards of the Single-Family Design Guidelines.

ENVIRONMENTAL MITIGATION

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- I. **AIR QUALITY** – The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site.
- a. Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
  - c. 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.
  - d. Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; and
  - e. Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

**II. BIOLOGICAL RESOURCES –**

- a. All trees that are to be removed shall be replaced at the following ratios:

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

x:x = tree replacement to tree loss ratio

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

The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage: (1) The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees. (2) An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact Todd Capurso, PRNS Landscape Maintenance Manager, at 277-2733 or [todd.capurso@sanjoseca.gov](mailto:todd.capurso@sanjoseca.gov) for specific park locations in need of trees. (3) A donation of \$300 per mitigation tree to 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. Contact Rhonda Berry, Our City Forest, at (408) 998-7337 x106 to make a donation. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

The following tree protection measures will also be included in the project in order to protect trees to be retained during construction:

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 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. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

During construction

1. No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
  2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
  3. Supplemental irrigation shall be applied as determined by the consulting arborist.
  4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
  5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
  6. Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
  7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.
- b. **Raptors.** If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

- c. **Bats.** Surveys for roosting bats shall be conducted by a qualified biologist no more than thirty (30) days prior to any building demolition or removal, construction activities or Oak tree relocation and/or removal. If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony. Buffer zones may include a 200-foot buffer zone from the roost and/or timing of the construction activities outside the maternity roosting season (after July 31 and before March 1). If an active nursery roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats may be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such exclusion shall occur under the direction of a bat biologist, by sealing openings and providing bats with one-way exclusion doors. In order to avoid excluding all potential maternity roosting habitat simultaneously, alternative roosting habitat, as determined by the bat biologist, should be in place at least one summer season prior to the exclusion. Adjacent Oaks and Oak Woodland areas should be preserved to the maximum extent feasible as potential bat roosting habitat. Bat roosts should be monitored as determined necessary by a qualified bat biologist, and the removal or displacement of bats shall be performed in conformance with the requirements of the CDFG. A biologist report outlining the results of pre-construction surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading, building, or tree removal permit.

### III. CULTURAL RESOURCES –

- a. If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.
- b. If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)
- c. In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
  1. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected

to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

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

#### **IV. GEOLOGY AND SOILS –**

- a. The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.
- b. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report).

#### **V. HAZARDS AND HAZARDOUS MATERIALS –**

- a. In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.
- b. All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
- c. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or

coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

## VI. HYDROLOGY AND WATER QUALITY –

### Construction Measures

- a. The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San Jose, California 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.
- b. The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:
  1. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season.
  2. Utilize on-site sediment control BMPs to retain sediment on the project site;
  3. Utilize stabilized construction entrances and/or wash racks;
  4. Implement damp street sweeping;
  5. Provide temporary cover of disturbed surfaces to help control erosion during construction;
  6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

### Post-Construction Measures

- c. Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled "No Dumping – Flows to Bay" to the satisfaction of the Director of Planning, Building and Code Enforcement.
- d. The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.
- e. The project shall comply with applicable provisions of the following City Policies: 1) Post-Construction Urban Runoff Management Policy (6-29), which establishes

guidelines and minimum BMPs for all projects and requires numerically sized control measures for applicable projects; and 2) Post-construction Hydromodification Management Policy (8-14), which requires flow modification controls for applicable projects.

- The project will elevate the lowest floor above the flood level and obtain an Elevation Certificate (FEMA Form 81-31) for each structure prior to the issuance of a building permit.
- or
- The applicant shall submit a Flood Study to demonstrate that there are no flooding impacts due to the development of the site since there is currently no floodway mapped on portions of the Alamos Creek. (Although the City of San Jose will submit a Letter of Map Revision (LOMR) to FEMA to re-establish this floodway, this would delay the project.)
- Due to the project sites former use an orchard, a pesticide evaluation of the shallow soil shall be conducted prior to the approval of building permits. A minimum of 10 samples composite in a 4 to 1 ratio is required. The pesticide evaluation shall be submitted to the City of San Jose Environmental Services Department (ESD), Municipal Environmental Compliance.

## VII. NOISE –

- a. Construct an acoustically-effective barrier approximately 6 to 8 foot high fence or wall along the property lines of the four lots along Almaden Expressway as identified in the Traffic Noise Assessment Study.
- b. Install sound control windows as identified in the Traffic Noise Assessment Study.

### *Mechanical Ventilation*

- a. All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.
- b. As this project is in an area with a noise level between 60 DNL and 70 DNL, this project will include mechanical ventilation, which will allow the windows to be closed for noise control and will reduce the noise levels inside the units by 25 DNL
- c. Install windows and glass doors so that the sliding window and glass door panels form an air-tight seal when in the closed position and the window and glass door frames are caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration.

*Construction*

- d. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- e. Weekend construction hours, including staging of vehicles, equipment and construction materials, shall be limited to Saturdays between the hours of 9 a.m. to 5 p.m. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Exterior generators, water pumps, compressors and idling trucks are not permitted. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site. The Director of Planning, at his discretion, may rescind provisions to allow extended hours of construction activities on weekends upon written notice to the developer.
- f. The developer will implement a Construction Management Plan approved by the Director of Planning, Building and Code Enforcement to minimize impacts on the surrounding sensitive land uses to the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:
  1. Early and frequent notification and communication with the neighborhood of the construction activities.
  2. Prohibit unnecessary idling of internal combustion engines.
  3. Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.
  4. The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
  5. Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

**VIII. PUBLIC SERVICES –**

- a. 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.

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

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

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**PUBLIC WORKS CLEARANCE**

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

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation/Access:**
  - a) After a thorough review of existing field conditions and proposed design options, City and County staff recommend an access from existing Fleetwood Drive. City staff concurs with County staff's recommendation of no direct access to Almaden Expressway since Fleetwood Drive can safely accommodate the additional traffic generated from the proposed developments. The existing traffic volume on Fleetwood Drive [470 Average Daily Traffic (ADT)] and the future traffic volumes from this project and other proposed developments (Jayden Lane and Hudson Property) (70 ADT + 150 ADT = Total 220 ADT) are within the typical range for a neighborhood street (1,500 ADT).

Furthermore, the existing field conditions along and adjacent to Almaden Expressway pose new challenges to a proposed direct access to Almaden Expressway such as inadequate traffic merging; compromised safety standards; additional conflicts with existing driveways; and major relocation of existing public services and utilities. The two signalized intersections north and south of the project site, McAbee Road/Almaden Expressway and Redmond Avenue/Almaden Expressway, are functioning at acceptable Level of Service B and C which indicate that there is enough capacity to accommodate the proposed project and the other developments. These two intersections provide safe merging

for vehicles entering/exiting Almaden Expressway while a direct Almaden access option will not meet the merging standard for safe acceleration and deceleration.

- b) This project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes less than 15 Single Family detached units.

3. **Grading/Geology:**

- a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
- b) The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.

4. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.

- a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed. At PD stage, submit the final Stormwater Control Plan and numeric sizing calculations with the following revisions:
  - i) The Treepod system by KriStar Enterprises is not accepted by the City as an approved treatment control measure. Select another treatment control measure for this project and include the numeric sizing calculations.
  - ii) In the treatment control summary on Sheet 4.0B, add a drainage area that covers the rear areas of the units.
  - iii) Show treatment for the triangular, private drive area at the northern end of the project.
- b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.

5. **Flood: Zone AE, Elevation Range from 219.50' to 220.50' North American Vertical Datum of 1988 (NAVD88), approximately 216.50' to 217.50' NGVD29**
  - a) A preliminary, area-wide floodplain analysis, dated December 8, 2009, is being finalized that analyzes the cumulative flooding impacts from future, intensified development in the area since a floodway along certain reaches of Alamitos Creek has not been re-established. Using estimated blockages for existing developments and future intensified development in the area, the preliminary analysis shows that the cumulative effect of the existing and future developments increases the water surface elevation within the area by less than one foot. Projects within the non-floodway reaches of Alamitos Creek require an analysis of the cumulative flooding impact of the project and all the other existing and anticipated development in the area. The City has also submitted a flood map revision application to the Federal Emergency Management Agency (FEMA) to re-establish a floodway on Alamitos Creek that will preclude cumulative floodplain analysis requirements for future projects in the area.
  - b) A separate Floodplain Analysis was required for this project to demonstrate Project-specific flooding impacts. A Project-specific Floodplain Analysis, dated December 21, 2009, has been reviewed by City staff and concludes that the project has a less than significant impact on local flooding levels.
  - c) Elevate the lowest floor, including basement, to the applicable elevation above the ranges of 219.50' to 220.50' NAVD88 (approximately 216.50' to 217.50' NGVD29).
  - d) An Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, is required prior to issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required for each built structure prior to issuance of an occupancy permit.
  - e) If applicable, provide vent openings for all enclosures below the base flood elevation, except basements (ex. crawlspace, at-grade garages). The design must either be certified by a registered professional engineer or meet the following requirements:
    - i) Provide vent openings on at least two exterior walls of each enclosure to automatically equalize the lateral pressure of the floodwaters. The bottom of each opening shall be no higher than twelve inches above the exterior adjacent grade. Provide a minimum of two vent openings having a total net area of not less than one square inch per one square foot of enclosed area
  - f) Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.
6. **Storm:** At PD stage, show the pipe sizes, pipe type and pipe inverts for the proposed storm mains.
7. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

8. **Sanitary:** Submit a conceptive sanitary sewer plan with pipe slopes, surface elevations, and invert elevations at the PD permit stage.
9. **Parks:** This residential project is subject to the payment of park fees in-lieu of land dedication under either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code).
10. **Private Street:**
  - a) A private ingress/egress easement is required to accommodate the proposed shared access with the adjacent Hudson property to the south.
  - b) Construct and delineate a private street entrance at the southern terminus of the Almaden Road extension. A street vacation may be necessary.
  - c) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
11. **Street Improvements:**
  - a) Improve the southern terminus of the new Almaden Road extension which may include new curb, gutter, park strip and sidewalk. Dedication may be required.
  - b) Proposed driveway width to be 26'.
  - c) Construct a masonry sound wall along the project's Almaden Expressway frontage. A County encroachment permit may be required.
  - d) Close unused driveway cuts along Almaden Expressway.
  - e) Improvement of the public streets shall be to the satisfaction of the Director of Public Works.
  - f) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
12. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
13. **Street Trees:** Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in a park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings. The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only. Contact the City Arborist at (408) 277-2756 for the designated street tree.
14. **Referrals:** This project should be referred to the County Roads and Airports Department and the Santa Clara Valley Water District.