



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** July 30, 2012

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**COUNCIL DISTRICT: 8**

**SUBJECT: FILE NO. PDC11-003, A PLANNED DEVELOPMENT REZONING FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW FOR THE DEVELOPMENT OF 16 SINGLE-FAMILY DETACHED RESIDENTIAL UNITS AND A RELIGIOUS ASSEMBLY USE ON A 7.24 GROSS ACRE SITE, LOCATED AT THE SOUTHEAST CORNER OF YERBA BUENA ROAD AND HIGHWAY 101 (3800 DOVE HILL ROAD).**

## RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council find the project in conformance with the California Environmental Quality Act (CEQA) and approve the proposed Planned Development Rezoning as recommended by staff.

## OUTCOME

Should the City Council approve the Planned Development Rezoning as recommended by the Planning Commission and staff, the applicant would be able to move forward with a Planned Development Permit and subsequent building permits to allow for the construction of up to 16 single-family detached residential units and a church with up to 200 seats, on the subject site.

## BACKGROUND

On July 11, 2012, 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.

Staff provided introductory comments by stating that revised Development Standards were being provided as the Standards for the religious assembly use on the site were inadvertently left out;

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and a minor revision was made to the cultural resource mitigation measure to more clearly state that the sandstone rock wall on the site is to be retained as a part of the project.

Gerry DeYoung, representing the applicant, Joey Lo, spoke on behalf of the project. He commented that the staff report neglected to mention the project was presented to the community at the District 8 Roundtable. He then closed by stating that he supported staff's recommendation and was available for questions. There were no public speakers on the item and the Commission then closed the public hearing.

The Commission had no discussion on the item and a motion was made to approve the project per staff's recommendation. Commissioner Cahán made a comment on the motion and stated that even though the project fit with the goals and policies of the General Plan, she is concerned about putting people close to a freeway where air quality is questionable and could cause an increase in health problems.

The Planning Commission then voted 7-0-0 to recommend that the City Council approve the proposed Planned Development Rezoning as recommended by staff.

### ANALYSIS

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

### EVALUATION AND FOLLOW-UP

If the zoning is approved, the applicant would be required to file subsequent development permits with the Planning Division in order to implement the project on the subject site.

### PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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)**

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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. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

### **COORDINATION**

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

### **FISCAL/POLICY ALIGNMENT**

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

### **CEQA**

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building, and Code Enforcement for the subject rezoning. The documents were circulated for public review between June 20, 2012 and July 10, 2012.

/s/

JOSEPH HORWEDEL, SECRETARY  
Planning Commission

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

**STAFF REPORT**  
**PLANNING COMMISSION**

**FILE NO.: PDC11-003**

**Submitted: March 24, 2011**

**PROJECT DESCRIPTION:**

A rezoning from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow for the development of 16 single-family detached residential units and a religious assembly use on a 7.24 gross acre site.

Existing Zoning	A(PD) Planned Development
Proposed Zoning	A(PD) Planned Development
General Plan	Residential Neighborhood; Rural Residential
Council District	8
Annexation Date	May 8, 1972 (Evergreen No. 67)
SNI	NA
Historic Resource	NA
Redevelopment Area	NA
Specific Plan	NA

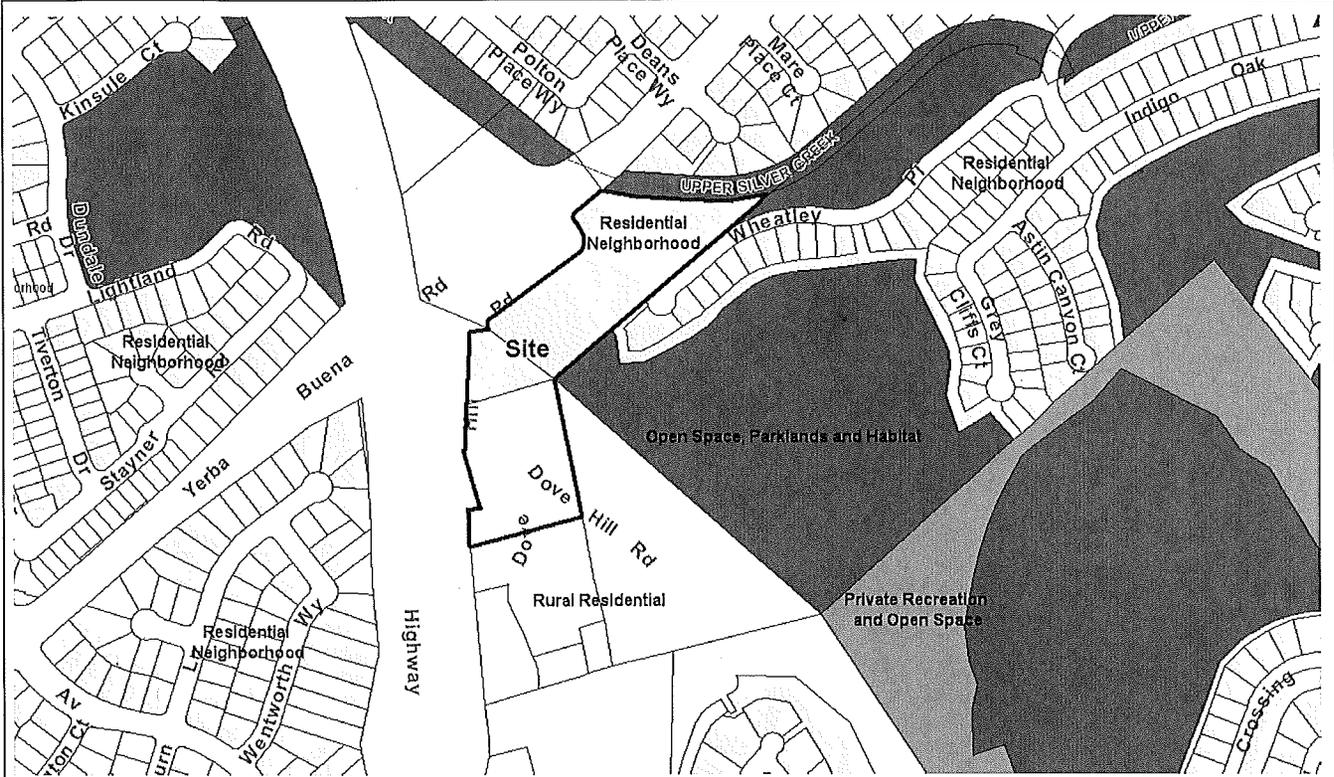
**LOCATION:**

Southeast corner of Yerba Buena Road and Dove Hill Road (3800 Dove Hill Road)

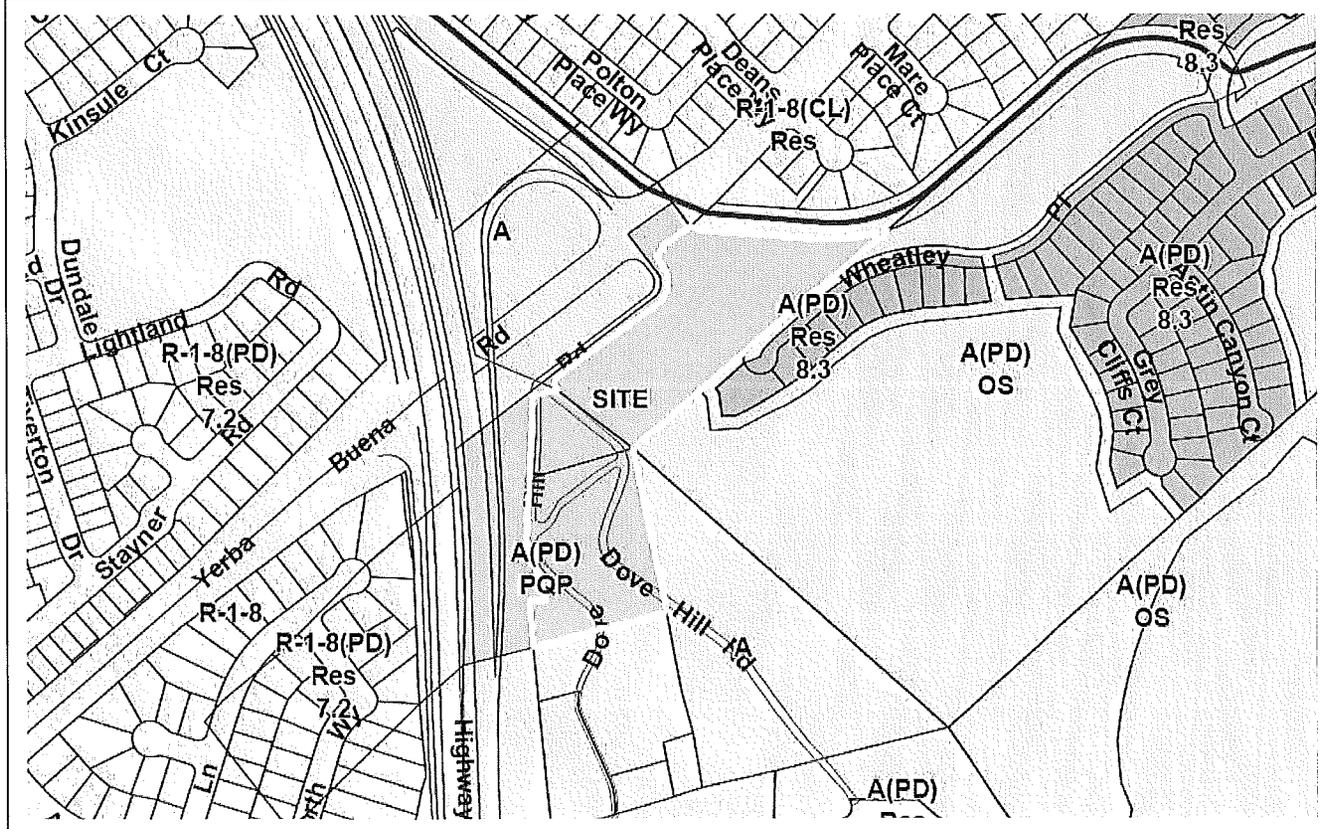
Aerial Map



### GENERAL PLAN



### ZONING



## **RECOMMENDATION**

Planning staff recommends that the Planning Commission find that the project is in conformance with the California Environmental Quality Act (CEQA) and recommend to the City Council approval of the proposed Planned Development Rezoning on the subject site for the following reasons:

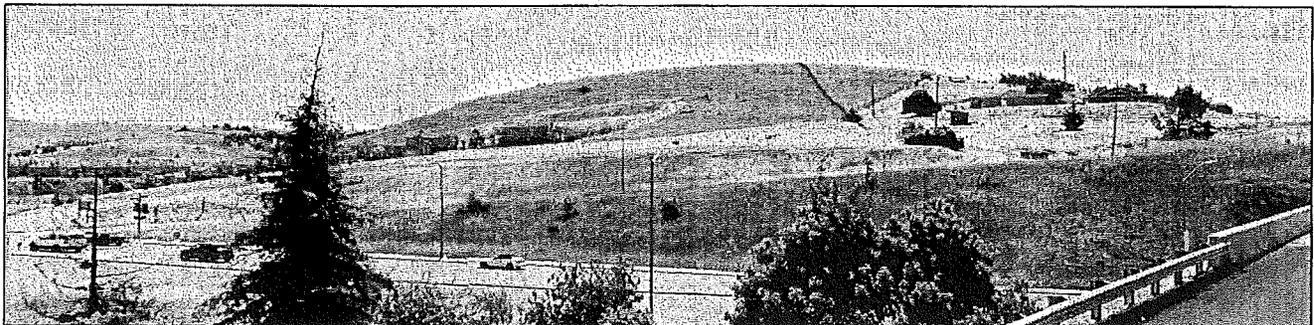
1. The proposed Planned Development Rezoning is consistent with the goals and policies of the Envision San Jose 2040 General Plan and the Residential Neighborhood land use designation. The project matches the development pattern of the surrounding area and is at a density less than the maximum of 8 DU/AC.
2. There is no substantial evidence that the project will have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the proposed project was prepared in conformance with the California Environmental Quality Act (CEQA) and the said document was circulated for public review between June 20, 2012 and July 10, 2012.
3. The project utilizes lot sizes, setbacks, parking requirements, and height limits that are comparable to the surrounding residential development.

## **BACKGROUND & DESCRIPTION**

On April 24, 2011, Gerry De Young of Ruth and Going, Inc., representing the property owner, Joey Lo, applied for a Planned Development Rezoning on the subject 7.24 gross acre site to allow for the development of up to 16 single-family detached residences, at an approximate net density of 4.2 DU/AC, and a church on 3.14 acres of the site. The conceptual site plan depicts single-family detached units on individual lots averaging a size of 7,009 square feet. The residential units will have street frontage on a new private street accessed off of Dove Hill Road, private rear yards, and attached garages. The project also includes a 15,500 square foot church with up to 200 seats also accessed by a private street off of Dove Hill Road.

### **Site and Surrounding Land Uses**

The subject site is undeveloped, sloping, grassland that overlooks Highway 101 to the northwest. The land uses surrounding the site include single-family residential to the north and east, open hillside and single-family residential to the south, and Highway 101 to the west.



*View of the subject site from the Highway 101 off-ramp looking towards the south.*

### **Previous Planning Approvals**

In 1995, a General Plan Amendment (File No. GP95-08-04) was approved to change the land use designation on the subject site from Non-Urban Hillside to Public/Quasi-Public. This request was filed to facilitate the development of a church on the site. In 2001, a subsequent Planned Development Rezoning

(File No. PDC99-028) was approved that allowed for a church use to be developed on the site. The site design was such that the parking areas were distributed on either side of a single building to minimize the total visual impact. The subject site is located below the 15% slope line; however, its sloping topography is visible from the valley floor.

On May 18, 2010, the City Council approved a General Plan Amendment (File No. GP09-08-01) to once again change the General Plan land use designation on 3.2 acres of the subject site from Public/Quasi-Public (PQP) to Medium Low Density Residential (MLDR 8.0 DU/AC). The approval of the General Plan Amendment included the following Council direction: (1) Allow no more than nineteen homes on the site; (2) The applicant should submit a rezoning for the entire site; and (3) if the proposed church does not move forward after five years, staff should initiate a General Plan change to non-urban hillside.

On November 1, 2011, the City Council approved the Envision San Jose 2040 General Plan which again changed the land use designation on the site to Residential Neighborhood and Rural Residential.

### **ANALYSIS**

The proposed rezoning was analyzed with respect to: 1) conformance with the San Jose 2040 General Plan, 2) conformance with the Evergreen-East Hills Development Policy, 3) conformance with the Residential Design Guidelines, 4) sustainability, and 5) the California Environmental Quality Act (CEQA).

#### **San Jose 2040 General Plan Conformance**

The site has two General Plan land use designations, one of which is Residential Neighborhood. This designation has a typical maximum density of 8 dwelling units per acre, and is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project.

The proposed 16-unit residential project is located on the area of the site that is designated as Residential Neighborhood. The residential portion of the project has a net density of 4.2 DU/AC, which is close to the typical 8 DU/AC density called for in this land use designation and is consistent with the prevailing neighborhood character in density, lot size and shape, massing, and form.

The site's second land use designation is Rural Residential. The proposed 200 seat church use is located on the 3.14 acres designated as Rural Residential. This designation is applied to areas already largely developed for residential use with a low density or rural character. Any new infill development should be limited to densities that match the established density, lot size, and character of surrounding properties. Properties with this designation that have existing zoning entitlements or traffic allocations in place may proceed with development of those entitlements. The current zoning for the site is a church use and this modified project will still allow for a church use to occur. Land Use Policy LU-1.8 states that existing

Public / Quasi-Public lands should be preserved in order to maintain an inventory of sites suitable for Private Community Gathering Facilities, particularly within the Residential Neighborhoods. The zoning as proposed is consistent with this policy as it will reserve a portion of the site for a church use.

### **Evergreen-East Hills Development Policy**

The subject site is located within the Evergreen-East Hills Development Policy (EEHDP) area. A revised Policy was adopted on December 8, 2008 to change the traffic analysis methodology for managing the traffic congestion associated with near term development in the EEHDP area and promote development consistent with the General Plan goals. The updated EEHDP establishes a capacity for the development of up to 500 new residential units within the area. The pool of new residential units is divided up between small projects (35 units or less) and large projects (between 35 and 150 units). Units are withdrawn from the pool with the approval of a rezoning or development permit. The previous policy created a benefit assessment district which allocated units to specific parcels and not every undeveloped or underdeveloped parcel had a unit allocation. Under the old policy the subject site had no unit allocation. With the adoption of the new EEHDP the subject site now has the ability to develop residential units. The approval of the proposed Planned Development rezoning will remove 16 residential units from the pool of 500 units. Currently, 280 out of the pool of 500 residential units have been approved by the City Council. If this rezoning is approved, an additional 16 units will have been allocated out of the pool and 204 units will remain.

The EEHDP requires new projects making use of the development pool capacity must:

- Further the Major Strategies, Goals and Policies of the City of San Jose General Plan. Although development must adhere to all applicable aspects of the General Plan, development policies which are particularly relevant to the topography and environment of the Evergreen-East Hills area include hillside development and riparian corridor protection policies.
- Conform to the City's Design Guidelines for Residential uses.
- Not require modification of the Urban Service Area or Urban Growth Boundary boundaries.
- Not create significant adverse effects upon the environment, including but not limited to; projects that must not require significant grading or other alteration of the natural environment.

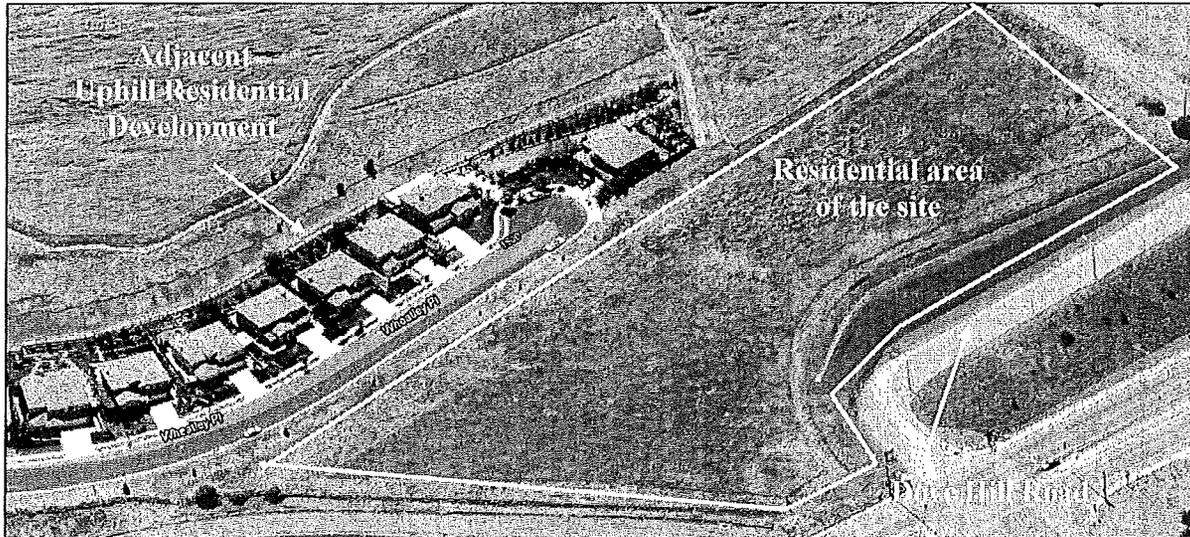
As discussed above in the General Plan Conformance section of this report, the project as proposed furthers the goals and policies of the City of San Jose General Plan. The project does not require modification to the Urban Service Area or Urban Growth Boundary, and does not create a significant adverse effect upon the environment. Therefore, the proposed project is in conformance with the Evergreen-East Hills Development Policy.

In addition, under the EEHDP, the applicant will pay a Traffic Impact Fee (TIF) based on a fair-share contribution towards the cost of providing transportation improvements that directly mitigate the traffic impacts associated with the development.

### **Residential Design Guidelines**

The proposed project includes lot sizes ranging from approximately 6,175 to 8,200 square feet in a standard lotting pattern consistent with the residential development pattern in the surrounding area. The Residential Design Guidelines are technically not applicable to single-family development with lot sizes larger than 6,000 square feet. However, the project is proposing to utilize lot sizes, setbacks, parking requirements, and height limits that are comparable to the surrounding residential development.

The lot sizes of the surrounding residential development range from 4,356 square feet to six (6) acres. The adjacent residential development, located uphill and to the south of the subject site, is a typical single-family detached development with two-story homes that have attached garages, and rear and front yards. (See aerial photo below.)



### **Sustainability**

This project is subject to the City of San Jose Green Building Ordinance for Private Sector New Construction. A future Planned Development Permit for this project will be conditioned to be GreenPoint rated for 50 points or LEED Certified prior to issuance of a building permit. At this time, it is unknown what green building measures the project proposes to implement.

### **California Environmental Quality Act (CEQA)**

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building, and Code Enforcement for the subject rezoning. The documents were circulated for public review between June 20, 2012 and July 10, 2012.

The MND states that the proposed Planned Development Rezoning will not have a significant effect on the environment. The primary environmental issues addressed in the Initial Study include the potential impacts of the physical development of the site on: biologic resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and transportation/traffic. The MND includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. The mitigation measures will be included in the project in the form of development standards for the Planned Development Zoning, as well as, in a Mitigation Monitoring Program. The entire MND and Initial Study are available for review on the Planning web site at: [www.sanjoseca.gov/planning/eir/MND.asp](http://www.sanjoseca.gov/planning/eir/MND.asp)

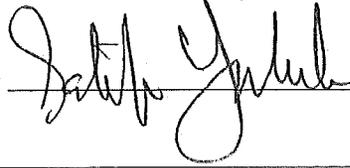
### **PUBLIC OUTREACH/INTEREST**

The property owners and occupants within a 1,000-foot radius of the subject site were sent public hearing notices for the Planning Commission and City Council hearings. This staff report has been posted on the

City's web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

**Project Manager:** Lesley Xavier

**Approved by:**



**Date:** 07/03/2012

<b>Owner/Applicant:</b> Joey Lo 3300 Ralston Avenue Hillsborough, CA 94010	<b>Attachments:</b> Development Standards Plan Set
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**FILE NO. PDC11-003**  
**DEVELOPMENT STANDARDS**

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

USE ALLOWANCES:

- Single-family detached residential uses of the R-1-8 Zoning District, as amended.
- Religious assembly uses.
- Hillside/open space and biotic preservation area as shown on the General Development Land Use Plan. These areas shall be limited to open space and shall not include any structures or flat terraced areas.

MAXIMUM NUMBER OF UNITS: 17 units

MINIMUM LOT SIZE: 6,000 square feet

SETBACKS: *(setbacks are measured from the property line)*

- Front to building – 10 feet
- Side – 3 feet
- Rear – 15
- Front to Garage – 20 feet

BUILDING HEIGHT:

- 35 feet/3 stories

PARKING REQUIREMENTS:

- Two covered parking spaces 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.
- 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.

**GRADING DESIGN:**

- The grading design for the project shall conform to the grading and hillside development policies of the Residential Design Guidelines.
- To the extent possible, minimize the height of visible retaining walls and the grade differentials between buildings and or retaining walls.
- All visible retaining walls shall be constructed with attractive materials.

**PUBLIC WORKS CLEARANCE:**

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**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.

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:** This project is located in the Evergreen East Hills Development Policy area and is required to pay a Traffic Impact Fee (TIF) in the amount of \$490,284.00 based on 19 single family . The TIF per residential unit is \$13,804.47 and per 1,000 square feet of commercial or office is \$12,000. We conclude that the subject project will be in conformance with the Evergreen East Hills Development Policy and a determination for a negative declaration can be made with respect to traffic impacts.
3. **Grading/Geology:**
  - a) A grading permit is required prior to the issuance of a Public Works Clearance.
  - b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
  - c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
  - d) A Conditional Certificate of Geohazard Clearance has been issued by the City's Engineering Geologist. See enclosed document dated March 1, 2012.
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) Final inspection and maintenance information on the post-construction treatment control measures must be included on the final Stormwater Control Plan.
  - b) 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 that 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. **Stormwater Peak Flow Control Measures:** The project is located in a Hydromodification Management (HM) area and will create and/or replace one acre or more of impervious surface. The project must comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14) which requires HM projects to demonstrate that post-project runoff does not exceed estimated pre-project runoff rates and durations.
6. **Flood: Zone AE**
- a) Depending on the location of the future residential structures proximity to the existing flood plain an Elevation Certificate (FEMA Form 81-31) based on construction drawings, may be 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.
  - b) 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.
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. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Nicole Harvie at (408) 277-2558 for further information.
9. **Parks:** This residential project is subject to 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) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the formula contained within in the Subject Chapter and the Associated Fees and Credit Resolutions.
10. **Street Improvements:**
- a) Applicant shall be responsible to remove and replace broken or uplifted curb, gutter, and sidewalk along Dove Hill Road project frontage.
  - b) Close unused driveway cut(s).
  - c) Proposed driveway width to be 26' maximum.
  - d) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any

necessary pavement restoration will be included as part of the final street improvement plans.

11. **Electrical:**

- a) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
- b) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.

12. **Street Trees:**

- a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
- b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
- c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.
- d) Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.

13. **Private Streets:**

- a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
- b) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.

**ENVIRONMENTAL MITIGATION:**

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**Air Quality:**

1. The project will implement standard construction-related BMPs, per the BAAQMD CEQA Guidelines.

**Biological Resources:**

2. **Burrowing Owls.** The developer shall have a qualified biologist conduct a survey and prepare a report not more than one month prior to construction activities to determine the presence of burrowing owls on the site. If owls are present on the site, a mitigation program shall be developed in conformance with the requirements of the California Department of Fish and Game and the U.S. Wildlife Service. If mitigation includes relocation, owls shall not be relocated during the nesting season (March through August). Prior to the issuance of any grading or building permits, the developer shall submit a biologist's report to the City's Environmental Principal Planner to the satisfaction of the

Director of Planning indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies.

3. **Special-Status Plants.** The developer shall have a qualified biologist conduct updated surveys prior to construction activities, and in the spring months when special-studies plants are flowering and readily identifiable. The first survey should be conducted in March, continuing once a month through June (for a total of four surveys). During the 2001 special-status plant surveys one special-status plant was identified on the project site: fragrant fritillary (*Fritillaria liliacea*). Two fragrant fritillary plants were observed onsite during these surveys. Fragrant fritillary is a California Native Plant Society (CNPS) List 1B.2 species. It has no State or federal status. While not protected under either the State or Federal Endangered Species Acts, plants on CNPS List 1B.2 must be considered in any CEQA document prepared by a Lead Agency (for example, a City, a County). Under the current development proposal, the two fragrant fritillary plants would be impacted. These impacts could be avoided by relocating these plants (which grow from bulbs) to a suitable protected location on another portion of the site not proposed for development.

#### **Cultural Resources**

4. **Historic Resources.** The historic evaluation report recommends that in order to mitigate impacts to this recorded cultural resource, the project should retain the Sandstone rock wall, and incorporate new and/or rebuilt portions of the Serpentine and Metamorphic rock wall into the landscaping on the property. The report also recommends that future development on the project site should take into consideration placing a historical plaque/sign on the project site describing the Cottle Stone Fence site and its significance to the local area. The plaque/sign should contain a written description prepared by a qualified historian or cultural resource specialist. Photo documentation and an historic interpretation of the Cottle Stone Fences, written by a qualified historian or cultural resource specialist, site is recommended. The impacts to the historic resources will be less than significant with this documentation for the Serpentine and Metamorphic rock wall feature and preservation of the Sandstone rock wall.
5. Grading operations should be performed in accordance with 17CCR Sections 93105 and 93106. If grading operations encounter areas of suspected serpentinite where NOA is more likely to occur, dust mitigation measures as outlined in 17 CCR 93105 should be implemented and samples of the material to be disturbed should be analyzed for NOA minerals.

#### **Hazards and Hazardous Materials:**

6. If NOA materials are found during grading operations, then:
  - a. As a part of project grading, the top 18 inches to 2 feet of soil shall be replaced with clean soil, so as to avoid impacts from naturally occurring asbestos (NOA).
  - b. Future homeowners should be notified that they may encounter asbestos in any subsurface excavations greater than two feet in depth and that special precautions will be required to comply with adopted standards to reduce risks to an acceptable level. Future homeowners will also be advised of the excavation precautions necessary if they plan to install a spa or pool.

## Noise

### Construction Related Noise.

7. 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.
8. 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.
9. 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.

**Exterior / Interior Noise.** The project will incorporate mitigation measures to reduce indoor and outdoor noise to the meet the City's goals.

10. Sound-rated walls, windows and exterior doors will be needed to reduce environmental noise to the City's goal of DNL 45 dBA or lower indoors. Specific details and sound insulation ratings must be determined during the design phase, when floor plans and elevations have been developed. For the comfort or residents, consider providing a ventilation system to provide outside air to homes with windows closed.
11. To provide an estimate of the extent of mitigation that may be needed, preliminary estimates assume a 12- by 14-foot room with approximately one-third of one or two exterior facades consisting of windows. Based on this, window and door sound insulation ratings up to approximately STC 35 may be needed at the homes in the western portion of the site. Ratings will decrease towards the northeast corner, where typical dual-pane windows are expected to suffice. Exterior walls are assumed to be similar to 3-coat stucco over wood sheathing with batt insulation in stud cavities and at least one-layer of gypsum board on the interior.

12. Outdoor noise levels will vary, depending on the location and orientation to US 101 and Yerba Buena Road. This assessment assumes that houses will include fenced side or rear yards. Initial estimates suggest that 7- to 10-foot tall noise barriers (with respect to yard elevation) will reduce estimated future traffic noise to the City's goal of DNL 60 dBA or lower in yards. For reference, 6-foot tall noise barriers would reduce traffic noise to approximately DNL 65 dBA or lower in yards. Specific details must be determined during the design phase as the location, orientation, and elevation of houses and yards is developed.
13. Effective noise barriers should be solid from bottom to top with no cracks or gaps, and should have a minimum surface density of three pounds per square foot. Common constructions include CMU block or framed plaster walls.

3-29-12

re. PDC 11-003

- ① Rufus & I are here today to see the plans going up to our property @ 3830 Inverhill Rd. We need to know that it will be SAFE driving through PDC 11-003's property (ingress/egress). The dirt road has not been cared for by the current property owner. Even old signs at the dirt road have fallen down the hill where you do not see the edge as safely.
- ② We would want them to pave the road to the end of their property. The minimum area of 20' at least with parking.
- ③ We have had many more cars come up the road which decreases security. We need to have a private gate at a low enough area to open & close it.
- ④ Our mail and trash currently are down at street level. That will not work with church goers and 16 homes

of residents + friends having  
access to see it.

Ann + Rufus Green  
3830 Dove Hill Rd  
San Jose, CA 95121

408 270-1592

email

rgreen3830@aol.com

# SABERCAT DOVE HILL ROAD

## Planned Development Zoning

## General Development Plan

### Exhibit "C"

#### STATEMENTS & TABLES

GENERAL PLAN: MEDIUM LOW DENSITY  
RESIDENTIAL (8 DU/AC);  
NON-URBAN HILLSIDE.

EXISTING ZONING: A(PD)

PROPOSED ZONING: A(PD)

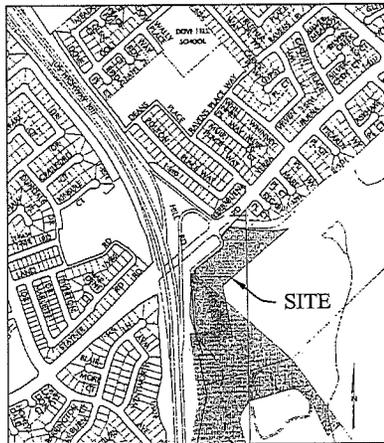
SITE AREA: 6.94 ACRES (NET)  
7.24 ACRES (GROSS)

RESIDENTIAL AREA: 3.80 ACRES (GROSS/NET)

#### DEVELOPMENT SCHEDULE

START: FALL 2012

COMPLETION: SUMMER 2013



LOCATION MAP  
NO SCALE

#### PLAN SET REVISIONS

Date	Description
03-24-11	INITIAL SUBMITTAL
07-19-11	REVISED SUBMITTAL
01-26-12	REVISED SUBMITTAL
06-13-12	FINAL SUBMITTAL

FILE NO.: PDC 11-003

#### GENERAL

OWNER / APPLICANT: JOEY LO

PLANNING: RUTH AND GOING, INC.

ENGINEERING: RUTH AND GOING, INC.

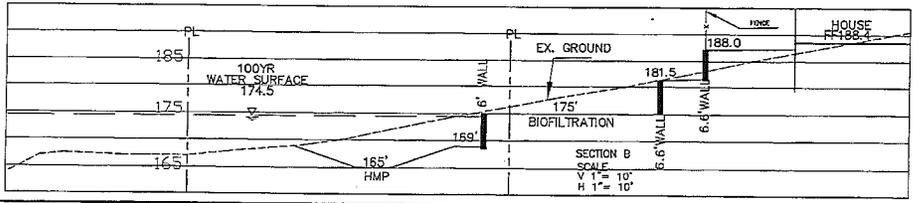
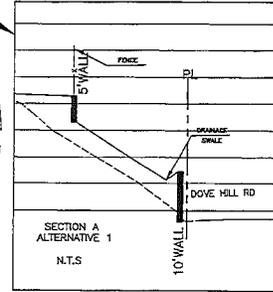
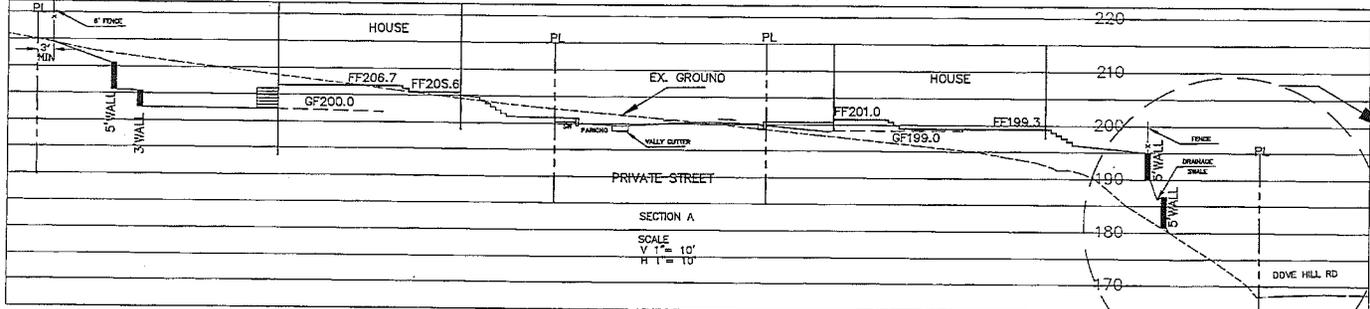
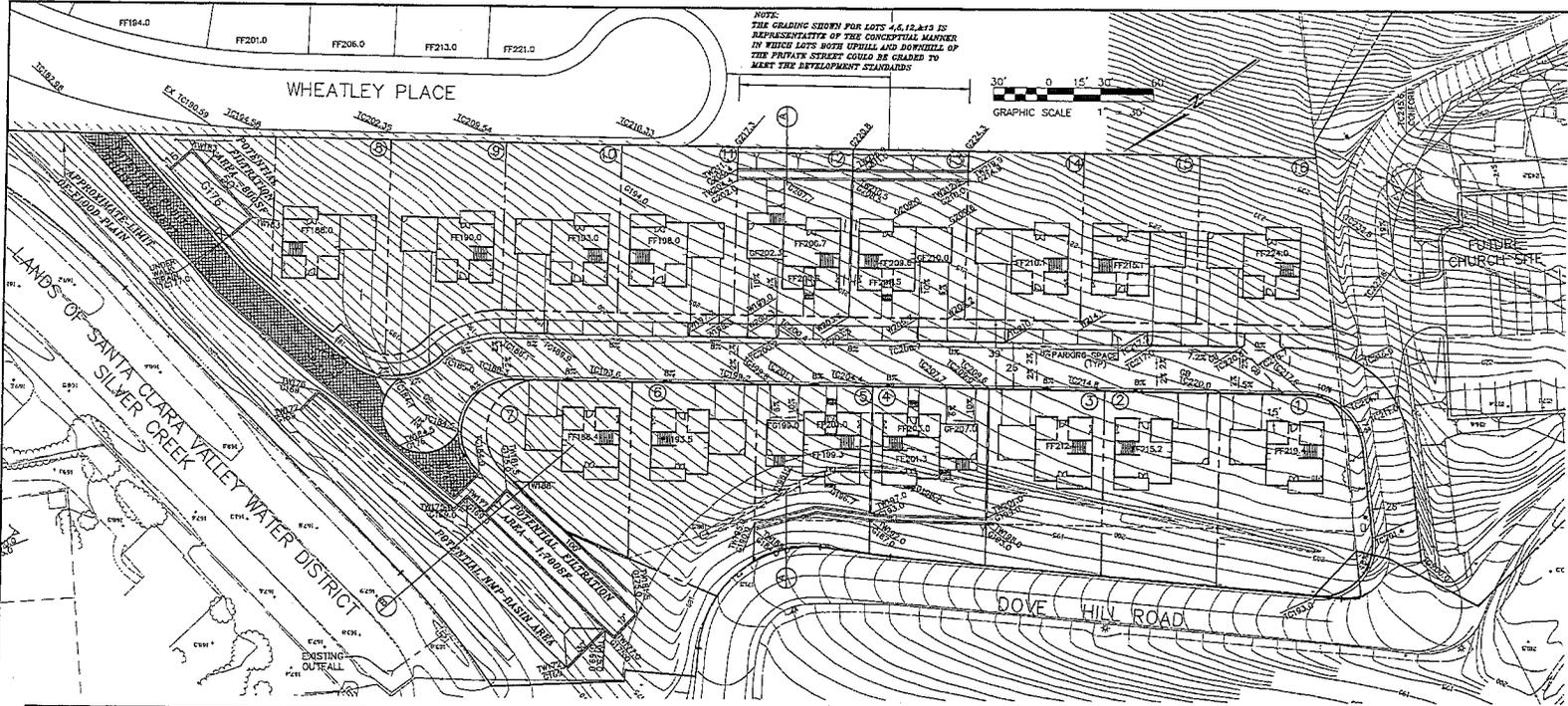
#### TABLE OF CONTENTS

##### SHEET DESCRIPTION

1. TITLE, GENERAL, STATEMENT & TABLES
2. GENERAL DEVELOPMENT PLAN "EXHIBIT C" - LAND USE PLAN
3. DEVELOPMENT STANDARDS
4. CONCEPTUAL LOTTING PLAN/GRADING AND DRAINAGE PLAN
5. CONCEPTUAL PLAN FOR CHURCH SITE







Revisions	By	Date	Description

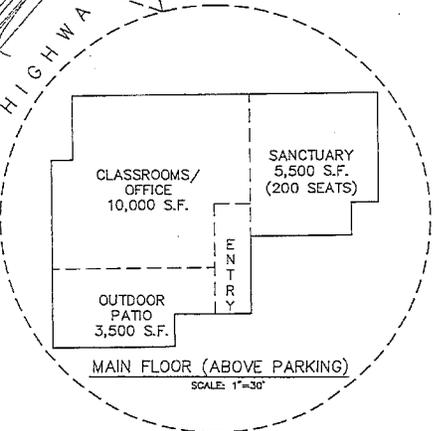
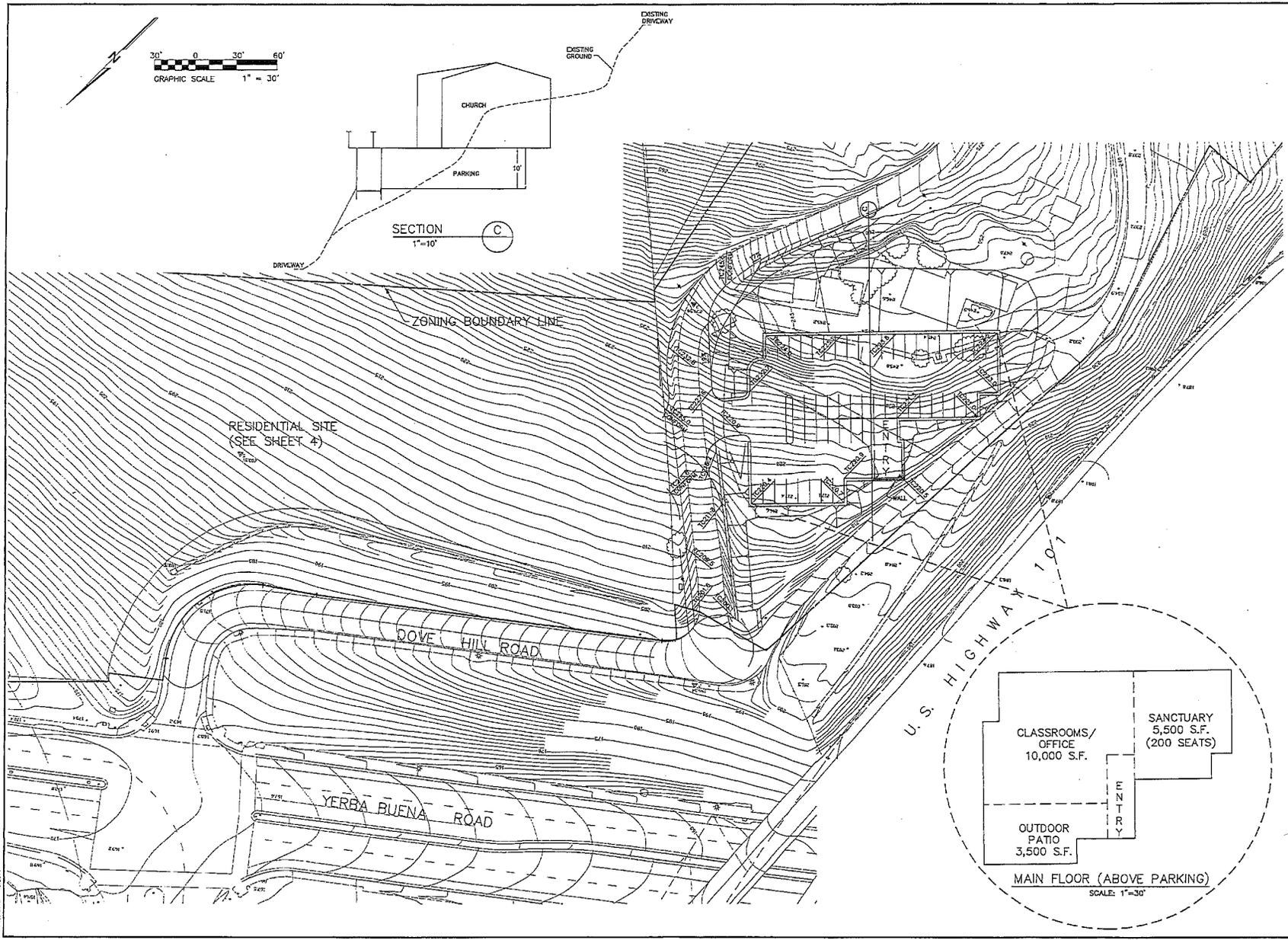
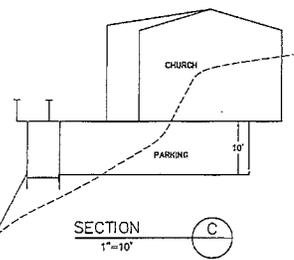
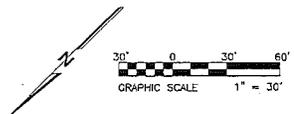
NVA  
 EXTENDED  
 ETC  
 M3  
 CHECKED  
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**R+G**  
 RUTH AND GOING, INC.  
 DEPARTMENT-1  
 DEPARTMENT-2  
 700 N. 15th St., Suite 100  
 Lincoln, NE 68502  
 TEL: (402) 334-4300 FAX: (402) 334-4305

CONCEPTUAL LOTTING PLAN/  
 GRADING AND DRAINAGE PLAN  
 SABERCAT DOVE HILL ROAD

Scale 1" = 20'  
 Date 01-25-2012  
 4 of 5 Sheets  
 Job No. 05013B  
 Drawing NAME

Project No. A:\Projects\2012\01-25-2012\SABERCAT DOVE HILL ROAD\DWG\CONCEPTUAL LOTTING PLAN.dwg  
 Date: 01-25-2012 10:28:00 AM



Revisions	
Description	Date

DATE	
BY	
CHECKED	
DATE	
BY	
CHECKED	
DATE	
BY	

**RG** RUTH AND GOING, INC.  
 Civil Engineering Land Surveying  
 Planning  
 2211 1st St. Suite 100  
 San Jose, CA 95131  
 TEL: (408) 298-4000 FAX: (408) 298-4111

CONCEPTUAL PLAN FOR  
 CHURCH SITE  
 SABERCAT DOVE HILL ROAD  
 SAN JOSE, CALIFORNIA

Scale 1"=30'  
 Date 01-26-2012  
 5 of 5 Sheets  
 Job No. 050138  
 Drawing SHT-5-CHURCH

SHEET 5 OF 5 - CONCEPTUAL CHURCH SITE PLAN - 01/26/12

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