



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 8, 2012

COUNCIL DISTRICT: 8

SUBJECT: FILE NO. PDC11-012. A PLANNED DEVELOPMENT ZONING FROM THE R-1-1 RESIDENTIAL ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW FOR THE DEVELOPMENT OF UP TO FOUR (4) SINGLE-FAMILY DETACHED RESIDENCES ON A 2.14 GROSS ACRE SITE LOCATED ON THE NORTH SIDE OF THE FUTURE TURTURICI WAY, APPROXIMATELY 400 FEET EASTERLY SAN FELIPE ROAD. (6782 & 6790 SAN FELIPE ROAD).

RECOMMENDATION

The Planning Commission voted 7-0-0 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 as recommended by the Planning Commission, 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 four (4) single-family detached residential units on the subject site.

BACKGROUND

On November 7, 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 reiterating the conclusion of the staff report and noting that revised development standards were provided and included one revision to Public Works

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conditions, specifically regarding the timing of the reconstruction of the culvert. The condition was revised to allow for the lots on the west side of Misery Creek to be constructed prior to the reconstruction of the culvert. (The aforementioned revised Development Standards are attached to this memo). Mark Lazzarini, the applicant, then spoke on behalf of the project by stating that he agreed with the analysis in the staff report and the revised Development Standards.

The Commission then took public testimony from one community member representing the Sierra Club and the Santa Clara Valley Audubon Society. They submitted a letter, which is attached to this memo, stating that the project encroaches into the riparian buffer along Misery Creek potentially impacting the creek and upland habitats and the Coyote Creek watershed downstream. The speaker requested that staff respond to the comments outlined in the letter.

The applicant then made closing remarks by stating that, as indicated in the Staff Report, the project is consistent with the City's policies and that it is also located adjacent to an approved project that is currently under construction, which was approved with the same riparian setback requirements and mitigation measures for Misery Creek as this project proposes. The proposed project is in a sense an extension of the project that is under construction.

The Planning Commission then closed the public hearing to discuss the item and requested that staff respond to the comments in the Sierra Club and Santa Clara Valley Audubon Society letter. Staff then responded to the concerns outlined in the letter by stating the following:

1. Jurisdictional Waters. The site is required to obtain any necessary Army Corps permits for work in the creek bank area.
2. Riparian Corridor Policy Study. The Riparian Corridor Policy Study does have a 100 foot setback as a starting point. However, this creek is really a depression in the middle of the field with no native riparian vegetation. With the proposed riparian restoration, and a 50 to 75 foot setback, this project meets the intent of the Policy, which allows for reductions in the 100 foot setback for projects with a disproportionately large riparian area on the site.
3. Burrowing Owls. The project site provides potential habitat (ground squirrel burrows) for burrowing owls. While burrowing owls are currently absent from the site, they could utilize the site at some future date. Therefore, pre-construction surveys for burrowing owls should be conducted. Fish and Game did release a staff report with updated recommendations on mitigation. Staff is in discussion with Fish and Game on this update and the City has not yet determined how we are going to implement Fish and Game's updated mitigation. However, in this case, owls have not been observed in this area and, therefore, the standard mitigation as proposed is appropriate.
4. Nesting Birds. The project site provides potentially suitable habitat for tree-nesting raptors and other migratory birds. The mitigation measures require pre-construction surveys for nesting raptors and other migratory birds to be conducted prior to construction.

5. Lights, Fences, & Retaining Walls. Staff will review these features at the Planned Development stage. These types of details are not typically reviewed at the zoning stage of the entitlement process.

6. Maintenance of Creek Riparian Area. A Planned Development Permit for this project would be conditioned to require the formation of a Homeowners Association (HOA) that would maintain common areas including the creek.

Commissioner Cahan questioned staff as to why, in her experience, development projects never provide the 100 foot setback as required in the Riparian Corridor Policy. The Planning Director responded to the question by confirming that in the past there have been a number of projects that included reduced riparian setbacks because of their unique circumstances. However, the current Envision 2040 General Plan now includes stronger language regarding riparian setback policies, which future projects would have to conform to. Additionally, the City Council has requested staff to study the policies in the General Plan and the Riparian Corridor Study and determine strategies for their implementation in various development circumstances.

A motion was then made to approve staff recommendation. The Planning Commission then discussed the motion. Commissioner Abelite appreciated that the development of this project would clean up a piece of blighted property in the community. Commissioner Cahan stated that she was going to reluctantly support the motion as she is concerned with the less than 100 foot riparian setback, and that approval of a Habitat Conservation Plan is still likely an uncertain date in the future.

The Planning Commission then voted on the motion, which passed 7-0-0.

ANALYSIS

A complete analysis of the issues regarding this project, including General Plan conformance, is contained in the staff report to the Planning Commission. This report was provided to the City Council under separate cover.

EVALUATION AND FOLLOW-UP

If the rezoning 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)**

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.

Additionally, two e-mails were received from an area neighbor. The letters expressed their support of the project and asked that the relatively small riparian margin on this particular property not be used as a precedent for other development in the area. The letter also asked that this be a one-time exception driven by the removal of an eyesore building and the preservation of the trees, which are the most important wildlife habitat on this particular property.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved policies and design guidelines.

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CEQA

Mitigated Negative Declaration (MND), File No. PDC11-012. The Mitigated Negative Declaration states that no significant impacts will result from the subject project.

/s/

JOSEPH HORWEDEL, SECRETARY
Planning Commission

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

Attachments: Revised Development Standards
Letter

FILE NO. PDC11-012
HUNT PROPERTY
DEVELOPMENT STANDARDS
REVISED NOVEMBER 6, 2012

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

ALLOWED USES

- Single-Family Detached Residential Dwellings and those permitted, special, and conditional uses of the R-1-8 Single-Family Residence Zoning District, as amended. Conditional and special uses shall require the approval of a Planned Development Permit or Amendment.

DEVELOPMENT STANDARDS

NUMBER OF DWELLING UNITS:

- Up to 4 dwelling units.

MINIMUM LOT SIZE:

- 10,000 square feet

SETBACKS: *(note: Lots, 1, 3, & 4 are interior lots & Lot 2 is a corner side lot)*

Front

- Living Area 25 feet
- Porch 20 feet
- Attached Garage 20 feet

Side

- Living Area –interior lot 5 feet (8 feet next to Lands of Murphy- Westerly perimeter)
- Living Area - corner side lot 20 feet
- Attached Garage – interior lot 5 feet (8 feet next to Lands of Murphy- Westerly perimeter)
- Attached Garage – corner side lot 20 feet
- Detached Garage – corner side lot 20 feet
- Detached Garage – interior lot 0 feet

Rear

- Living Area 15 feet
- Patio Cover/Trellis 10 feet
- Attached Garage 10 feet
- Detached Garage 0 feet

Riparian

- There shall be a 50 foot setback between any building or structure and the edge of riparian vegetation drip line of Misery Creek. No structure are permitted in this area. Said area shall be kept natural with riparian compatible landscape materials as specified in the City's Riparian Corridor Policy.

OPEN SPACE :

- 550 square feet of private open space per unit.

MAXIMUM BUILDING HEIGHT:

- 35 feet and 2 stories.

PARKING REQUIREMENTS:

- Two covered parking spaces per unit.

DRIVEWAYS:

- Lots 2, 3, and 4 shall be accessed via a shared driveway, as shown on the conceptual site plan.

FENCE REGULATIONS:

- Fences shall conform to SJMC chapter 20.30, as amended.

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:

- Secondary units are not permitted.

ARCHITECTURAL REQUIREMENTS:

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

PUBLIC WORKS

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:** This project is located within the new Evergreen East Hills Development Policy (EEHDP) area. Under this new policy, new residential development will require allocation from the pool of 500 new residential units which includes payment of a Traffic Impact Fee (TIF). The fee per residential unit is \$13,214 and is projected to be \$26,428 for this project's 2 additional units. This fee is due and payable to the City prior to the issuance of building permits. 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. **Misery Creek Culvert/Grading/Geology:**
 - a) Based on the evaluation letter submitted by Schaaf & Wheeler dated November 1, 2012 and a comment letter from Cornerstone Earth Group dated October 5, 2012, it is unlikely that on-going erosion along Misery Creek will impact the proposed 4 residential lots. Therefore, it is considered an acceptable level of risk to allow the development of Lots 2, 3 & 4 prior to the culvert work.
 - i) Prior to development of Lot 1, if the culvert work has not been constructed by the previously-approved Planning Permit PD09-029, submit the final culvert design for review at improvement plan stage. Design of the culvert shall be to the satisfaction of the Director of Public Works and approved prior to issuance of a Public Works Clearance.
 - b) A grading permit is required prior to the issuance of a Public Works Clearance.
 - c) 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.
 - d) If this project involves a land disturbance of more than one acre, 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.
 - e) A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
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 site design measures, source controls, and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges..
 - 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.

- a) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
5. **Stormwater Peak Flow Control Measures:** The project is located in a Hydromodification Management (HM) area but will not create nor replace one acre or more of impervious surface. Therefore, the project is not required to 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 D** Although the project site is in Flood zone D which is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain, flooding on the project site may be possible.
 - a) A Floodplain Analysis dated August 25, 2011 was submitted and reviewed. At PD permit stage, submit a revised Floodplain Analysis that also address the additional runoff from the future development of the adjacent southeasterly sites (Planning Permits PD07-047 and PD09-029) and the proposed culvert work.
 - b) Elevate the lowest floor of all residential units above the applicable 100-year water surface elevation stated in the project's Misery Creek Floodplain Analysis.
7. **Streamside Resource Protection:** The site is located within 50' from the top of bank of Misery Creek and is therefore subject to the adopted Guidelines and Standards for Land Use Near Streams that includes design requirements and recommendations for land-use activities in order to protect stream resources.
 - a) The project should notify and obtain permits from appropriate regulatory agencies if the project will construct the proposed culvert and other creek work.
8. **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.
9. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Jeffrey Provenzano at (408) 277-3288 for further information.
10. **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).
11. **Street Improvements:**
 - a) If the frontage improvements along the future Turturici Way have not been constructed by the previously-approved Planning Permit PD09-029 prior to the development of Lot 1, construct all public street improvements, including but not limited to, curb, gutter, sidewalk, minimum 40' half-street, and culvert work.

- b) Proposed driveway width to be 20' for driveway serving Lots 2, 3 & 4 and 16' for Lot 1 driveways.
 - c) Dedicate approximately 6' along Turturici Way for street and sidewalk purposes.
 - d) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
12. **Sanitary:** Prior to the development of Lot 1, construct the sanitary sewer main extension from the main to be constructed by the previously-approved PD07-047 permit along the future street, Turturici Way, to serve this lot.
13. **Electrical:**
- a) Install electroliers along project frontage.
 - b) Provide clearance for electrical equipment from driveways. The minimum clearance from the proposed driveways is 5'.
14. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1915 for the designated street tree. 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 the park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings.

ENVIRONMENTAL MITIGATION

Air Quality

Temporary Construction Dust

1. The following Best Management Practices shall be required of construction contracts and specifications for all construction to prevent visible dust emissions from leaving the site:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by CCR Title 13). Clear signage shall be provided for construction workers at all access points.

- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. A publicly-visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Biological Resources

Trees

- 1. Any tree that is removed will be replaced with the addition of a new tree(s) at the ratios shown in the following Tree Replacement Ratios table.

Table 4. Tree Replacement 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 to <18 inches	3:1	2:1	None	24-inch box
<12 inches	1:1	1:1	None	15-gallon container

x:x = tree replacement to tree loss ratio

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

- 2. 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.
- 3. Replacement trees are to be above and beyond standard landscaping; required street trees do not count as replacement trees.
- 4. 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:
 - a. The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.
 - b. 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 Jaime Ruiz, Parks, Recreation and Neighborhood Services Landscape Maintenance Manager,

at 975-7214 or jaime.ruiz@sanjoseca.gov for specific park locations in need of trees.

- c. A donation of \$300.00 per mitigation tree will be paid to Our City Forest for in-lieu offsite 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 offsite tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.
5. 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

- a. The applicant will retain a consulting arborist. The construction superintendent will meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
- b. Fence all trees to be retained to completely enclose the tree protection zone prior to demolition, grubbing or grading. Fences will be 6-foot chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction are completed.
- c. Prune trees to be preserved to clean the crown and to provide clearance. All pruning will 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

- d. No grading, construction, demolition or other work will occur within the tree protection zone. Any modifications must be approved and monitored by the consulting arborist.
- e. Any root pruning required for construction purposes will receive the prior approval of, and be supervised by, the consulting arborist.
- f. Supplemental irrigation will be applied as determined by the consulting arborist.
- g. If injury should occur to any tree during construction, it will be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
- h. No excess soil, chemicals debris, equipment or other materials will be dumped or stored within the tree protection zone.
- i. Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
- j. 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 will be designed to withstand differential displacement.

Raptors and Other Migratory Birds

6. If possible, construction should be scheduled between October and December (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds shall be conducted by a qualified ornithologist to identify active 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 shall be conducted 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 nests. If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading or building permit.

Burrowing Owls

7. A pre-construction survey for burrowing owls shall be conducted by a qualified biologist within 30 days prior to any ground disturbance activities.
8. A buffer zone of a minimum of 250 feet shall be established around active burrowing owl nesting sites if nesting burrowing owls are discovered during pre-construction surveys conducted between February 1st and August 31st, and no disturbance shall occur within the buffer zone until a qualified biologist has determined that the young birds have fledged.
9. No disturbance shall occur within 160 feet of occupied burrows if over-wintering burrowing owls are discovered using the site during the non-breeding season (September 1st through January 31st).
10. If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them.
11. A biologist report outlining the results of the pre-construction burrowing owl surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of a grading permit.

Bats

12. A detailed bat survey shall be conducted to determine if bats are roosting or breeding in the onsite buildings prior to demolition. A qualified bat specialist shall look for

individuals, guano, staining, and/or vocalization by direct observation and potential waiting for nighttime emergence. The survey shall be conducted during the time of year when bats are active, between April 1 and September 15. If demolition is planned within this timeframe, the survey shall be conducted within 30 days of demolition. An initial survey could be conducted to provide early warning if bats are present, but a follow-up survey will be necessary within 30 days. If demolition is planned outside of this timeframe (September 16 through March 31), the survey shall be conducted in September prior to demolition. If no bats are observed to be roosting or breeding in these structures, then no further action would be required, and demolition can proceed.

13. If a non-breeding bat colony is found in the buildings to be demolished, the individuals will be humanely evicted via the partial dismantlement of the buildings prior to demolition under the direction of a qualified bat specialist to ensure that no harm or "take" would occur to any bats as a result of demolition activities. If a maternity colony is detected in the buildings, then a construction-free buffer shall be established around the structure and remain in place until it has been determined by a qualified bat specialist that the nursery is no longer active. Demolition will preferably be done between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery.
14. A biologist report outlining the results of pre-construction bat surveys and any recommended buffer zones or other mitigation shall be submitted and approved to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading, building, or tree removal permit.

Cultural Resources

Native American Burials

1. 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 will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner will be notified by the developer and will 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 will notify the Native American Heritage Commission, who will 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 landowner will reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
2. Any Native American human remains that are discovered and would be subject to disturbance will be removed and analyzed, a report will be prepared, and the remains will be reburied in consultation and agreement with the Native American Most Likely Descendant designated by the Native American Heritage Commission. Prior to obtaining a Certificate of Occupancy, a copy of the report will be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement.

Prehistoric Cultural Resources

3. A qualified professional archaeologist shall be required to monitor all construction grading and utility trenching until the archaeologist is satisfied that construction will not disturb important archaeological deposits, as follows:
 - a. If no resources are discovered, the archaeologist shall submit a report to the Director of Planning, Building and Code Enforcement verifying that the required monitoring occurred and that no further mitigation is necessary.
 - b. If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation shall proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines.
 - c. The archaeologist shall submit reports, to the satisfaction of the Director of Planning, Building and Code Enforcement, describing the testing program and subsequent results; these reports shall identify any program mitigation to be completed in order to mitigate archaeological impacts (including resource recovery and/or avoidance, testing and analysis, removal, reburial, and curation of archaeological resources at a recognized storage facility). A final report shall verify completion of the mitigation program to the satisfaction of the Director of Planning, Building and Code Enforcement.
 - d. 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.

Geology and Soils

Geologic Hazard Zone

1. A Certificate of Geologic Hazard Clearance has been obtained from the Director of Public Works; and any Conditions of Clearance including, but not limited to, measures identified in the geologic evaluation for slope stabilization, surface and subsurface drainage control, offsite improvements, use restrictions, erosion control and/or maintenance guarantees for private improvements contained therein will be implemented as specified. *A Certificate of Geologic Hazard Clearance was issued for the project on June 13, 2012.*

Erosion

2. A City-approved Erosion Control Plan will be developed prior to approval of a grading permit or Public Works clearance with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps; and/or 5) temporary silt fences. The provisions of the Erosion Control Plan will be implemented to the satisfaction of the Director of Planning, Building and Code Enforcement.

Seismic Shaking

3. The proposed structures on the site will 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.

Stream Erosion

4. Habitable structures shall be located a minimum of 50 feet from the steeply-incised portions of the top of Misery Creek's bank.
5. A Vegetative Bank Stabilization Plan for Misery Creek, comprised of long-term bank stabilization via the installation of native woody and semi-woody riparian vegetation (trees and/or shrubs/subshrubs) and short-term bank stabilization of barren soils via hydroseeding and/or the installation of coconut fiber matting, shall be developed and implemented.

Hazards and Hazardous Materials

Wells

1. A well destruction permit will be obtained from the Santa Clara Valley Water District, and the well will be destroyed in accordance with District standards.

Septic Systems

2. The two septic systems will be abandoned in accordance with the requirements of the Santa Clara County Sewage Disposal Ordinance.

Asbestos-Containing Materials

3. The structure(s) to be removed will be surveyed for the presence of asbestos-containing materials (ACM) at the demolition permit stage; and if any suspect ACM are present, they will be sampled prior to demolition in accordance with NESHAP guidelines, and all potentially friable ACM will be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with NESHAP, Cal-OSHA and BAAQMD requirements.

Lead Based Paint

4. The structure(s) to be removed will be surveyed for the presence of lead based paint (LBP) at the demolition permit stage; and if any suspect LBP is present, it will be sampled prior to demolition, and all potential LBP will be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with EPA and OSHA requirements.

General

5. Prior to issuance of a Grading Permit, a Soil Management Plan shall be developed to the satisfaction of the appropriate regulatory agencies, with a copy to the Director of Planning, Building and Code Enforcement. The Soil Management Plan shall establish practices for managing and handling buried structures; debris and/or impacted soil if these materials/ structures are encountered prior to or during demolition and/or site grading. The measures identified in the Soil Management Plan, including testing, special handling and/or disposal measures, shall be implemented as warranted.

Chemical Use and Storage

6. All onsite hazardous materials, piles of debris, and aboveground storage tanks shall be removed and properly disposed prior to development.
7. The interior of the automobile maintenance pit in the garage at 6790 San Felipe Road shall be observed for indications of hazardous material spills or staining prior to

development. If significant hazardous material spills or staining are observed, they shall be tested, handled and/or disposed in accordance with the Soil Management Plan.

Soil Contamination - Chlordane and Lead

8. Soil at the locations of the samples with the chlordane concentrations detected above the residential CHHSL (SS-2 and SS-8) shall be over-excavated for appropriate offsite disposal.
9. Soil at the location of the sample with the lead concentration detected above the residential CHHSL (SS-7) shall be over-excavated for appropriate offsite disposal.
10. An additional soil quality evaluation shall be conducted prior to over-excavating the impacted soil to further evaluate its lateral and vertical extent in an effort to minimize the quantity of soil to be removed from the site.
11. Verification samples shall be collected and analyzed for chlordane and lead to document that the impacted soil has been sufficiently removed from the site.
12. Regulatory agency oversight is required if significantly elevated levels of contaminants of concern are detected in the soil samples. Regulatory oversight can be requested prior to and during the over-excavation of impacted soil.

Hydrology and Water Quality

Water Quality - Construction

1. Prior to the commencement of any clearing, grading or excavation, the project will comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:
 - a. The applicant will develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities; and
 - b. The applicant will file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
2. The project will incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities.
3. The project applicant will 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:
 - a. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season;
 - b. Utilize onsite sediment control BMPs to retain sediment on the project site;
 - c. Utilize stabilized construction entrances and/or wash racks;
 - d. Implement damp street sweeping;

- e. Provide temporary cover of disturbed surfaces to help control erosion during construction; and
- f. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Water Quality - Post-Construction

4. Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific 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.
5. The project will comply with the Municipal Regional Stormwater NPDES Permit No. CAS612008, which provides enhanced performance standards for the management of stormwater of new development.
6. The project will comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs and numerically-sized (or hydraulically-sized) Treatment Control Measures (TCMs) for all projects; and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for hydromodification measures.

Noise

Temporary Construction Noise

1. Construction activities will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite 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.
2. The contractor will 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 will be equipped with adequate mufflers and will be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
3. Stationary noise-generating equipment will be located as far as possible from sensitive receptors. Staging areas will be located a minimum of 200 feet from noise-sensitive receptors, such as residential uses.

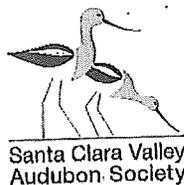
Transportation/Traffic

Evergreen–East Hills Development Policy

1. The Traffic Impact Fee established by the Evergreen–East Hills Development Policy shall be paid to fund and construct the transportation improvements necessary for the additional development of the Evergreen–East Hills Development Policy Area.



**SIERRA
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Santa Clara Valley
Audubon Society

September 24th, 2012

via email

Leslie Xavier, Project Manager
Department of Planning, Building and Code Enforcement
City of San Jose
Re: 6782 and 6790 San Felipe Road, City File PD11-012 and PD11-029

Dear Ms. Xavier:

The Santa Clara Valley Audubon Society and the Loma Prieta chapter of the Sierra Club submits these comments on the above referenced project for a Planned Development Permit and Rezoning to allow the construction of single-family detached homes on 6782 and 6790 San Felipe Road in the City of San Jose.

As stewards for our biological resources, our organizations are always concerned with any development that may impact wildlife habitat and/or have impact on river and riparian ecosystems, encroach into stream setbacks and floodplains, or result in the eventual conversion of natural creek banks and riparian ecosystems to reinforced, costly and sterile structures at a project site or downstream.

The above-referenced project, as currently designed, encroaches into the riparian buffer zone along Misery Creek, thus potentially impacting creek and upland habitats and the Coyote Creek watershed downstream.

1. Community Meeting

The Initial Study (IS) states, "a community meeting to discuss the project has not yet been held" (page 13.) To ensure public participation and transparency, a community meeting should take place prior to approval of the project by the San Jose Planning Commission and prior to certification of the Mitigated Negative Declaration (MND)

2. Jurisdictional Waters of the United States

Misery Creek is a tributary of Thompson Creek, which flows to Lake Cunningham and then to Coyote Creek. Runoff from Misery Creek eventually flows to the San Francisco Bay. Photographs of the existing conditions (see Initial Study Figure 9, page 10) clearly show Misery Creek and its "top of the bank" delineation. The project plans show a future [Turturici] road, and the project includes "Bank slope protection typ.), lower portions of cut or fill slopes within the channel to be protected ..." Since work and fill are proposed within the creek, the site should be evaluated by the Army Corps of the United States as

"Waters of the United States" and require both State and Federal permits (401 and 404) under the Clean Water Act.

3. The San Jose Riparian Corridor Policy Study states that development adjacent to riparian habitats generally should be set back 100 feet from the outside edge of the riparian habitat. Yet two of the proposed homes are proposed within the 100-ft buffer.

One of the two homes is to be constructed less than 75-ft from the creek, with some construction to occur less than 50-ft from the creek. Another home is proposed at a 75-ft distance from the creek. Because the proposed homes are so close to the creek, the project requires slope stabilizations and new retaining walls. While these may reduce the risks of erosion and sedimentation at the project site itself, and may protect the riparian ecosystem to a limited degree, it is established science that building in such close vicinity to creeks propagates problems at downstream. This includes:

- Increased runoff that increases incision and erosion downstream,
- Pollution as a result of home, garden and vehicle maintenance
- Fragmentation of wildlife movement corridors
- Encroachment by pets

The IS/MND concludes that lower order tributaries require less protection. However, due to potential watershed-wide impacts, encroachment into the 100-ft setback of unmodified streams (including lower order tributaries) should always be considered a significant impact. For this project, we believe that the City of San Jose should ask the developer to change the project plans so the project abide with the 100-ft setback. Alternatively, an Environmental Impact Report should be prepared to evaluate the full impacts of the proposed development on Misery Creek and the watershed it flows into, and to inform the public of full scope of potential environmental impacts at the project site and downstream.

4. Burrowing Owls

One survey for burrowing owls was conducted in November 2010 (IS, page 41.) This survey does not abide by the guidelines recommended by the California Department of Fish and Game (3 surveys, at least 2 in the months between May and July).

The proposed mitigations (preconstruction survey up to 30 days prior to construction, buffer zones and relocation procedures) are inadequate, as they rely on obsolete California Department of Fish and Game (CDFG) guidelines.

Please review the and implement the recommended survey protocols, construction buffers and other mitigation as directed by the March 7, 2012 "Staff Report on Burrowing Owl Mitigation" publication by the California Department of Fish and Game (please find attached.) This document replaces the Department of Fish and Game 1995 Staff Report On Burrowing Owl Mitigation. Following the DFG directions for surveying potential burrowing owl habitat is important, as it minimizes the risk of unlawful "take" of individual owls, and that of habitat loss with no mitigation.

In addition, the Project should mitigate for the loss of foraging habitat for burrowing owls.

5. Nesting birds

The IS describes a "stick nest, possibly raptor or magpie" (IS page 40.) Since raptors reuse their nests from one year to the next, so removal or other impact to this nest should be considered a potentially significant impact even outside of the nesting season, and a potential "take" of migratory birds. The MND/IS should describe and mitigate impacts to this nest.

6. Lights, Fences and Retaining Walls

Please analyze the impact of new fences and retaining walls, and lights from streets and homes, on wildlife movement along the creek.

7. Maintenance of Creek Riparian Area

The organization that would be responsible for maintenance of the creek's riparian area should be clearly identified. It is not enough to assume that someone (HOA or other) will assume this responsibility.

8. Cumulative Impacts

Please analyze cumulative impacts of neighboring development to Misery Creek, including creek crossings and reinforcement, and evaluate impacts downstream.

We believe that a wealth of evidence (presented, among many sources, in the in the City's Riparian Corridor Policy and the Envision 2040 General Plan) supports a fair argument that the siting of new homes within the 100-ft riparian setback of Misery Creek is a potentially significant impact, and that the potential impacts on biological resources and hydrology downstream of the project site have not been mitigated to a less than significant level. We maintain that this project may impact environmental harm and cost downstream, while providing no public benefit.

Thank you for the opportunity to submit these comments. We request that you put us on the notification list for all further developments on this site.

Sincerely,

Mike Ferreira
Conservation Committee Chair
Loma Prieta Chapter, Sierra Club
3921 East Bayshore Road, Suite 204
Palo Alto, CA 94303

Shani Kleinhaus
Environmental Advocate
Santa Clara Valley Audubon Society
22221 McClellan Rd.
Cupertino, CA 95014

STAFF REPORT
PLANNING COMMISSION

P.C. Agenda: 11-07-12
Item: 3.a.
Deferred from 09/26/12

FILE NO.: PDC11-012

Submitted: June 2, 2011

PROJECT DESCRIPTION:

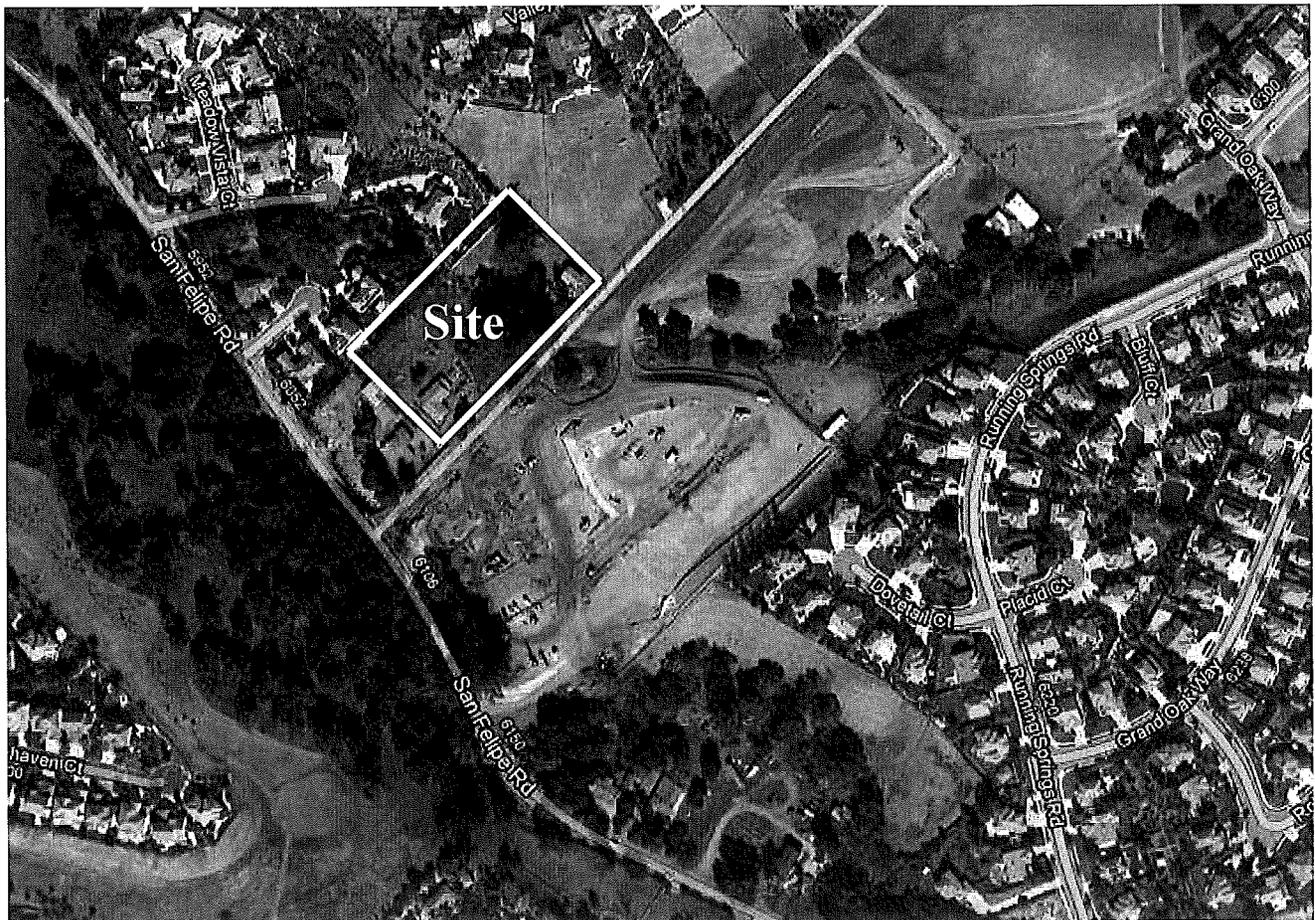
Planned Development Rezoning from the R-1-1 Single-Family Residence District to the A(PD) Planned Development Zoning District to allow the development of up to 4 single-family detached residential units on a 2.14 gross acre site.

Zoning	R-1-1 Single-Family Residence
Proposed Zoning	A(PD) Planned Development
General Plan	Rural Residential
Council District	8
Annexation Date	July 8, 1992 (Evergreen No. 176)
SNI	NA
Historic Resource	NA
Redevelopment Area	NA
Specific Plan	NA

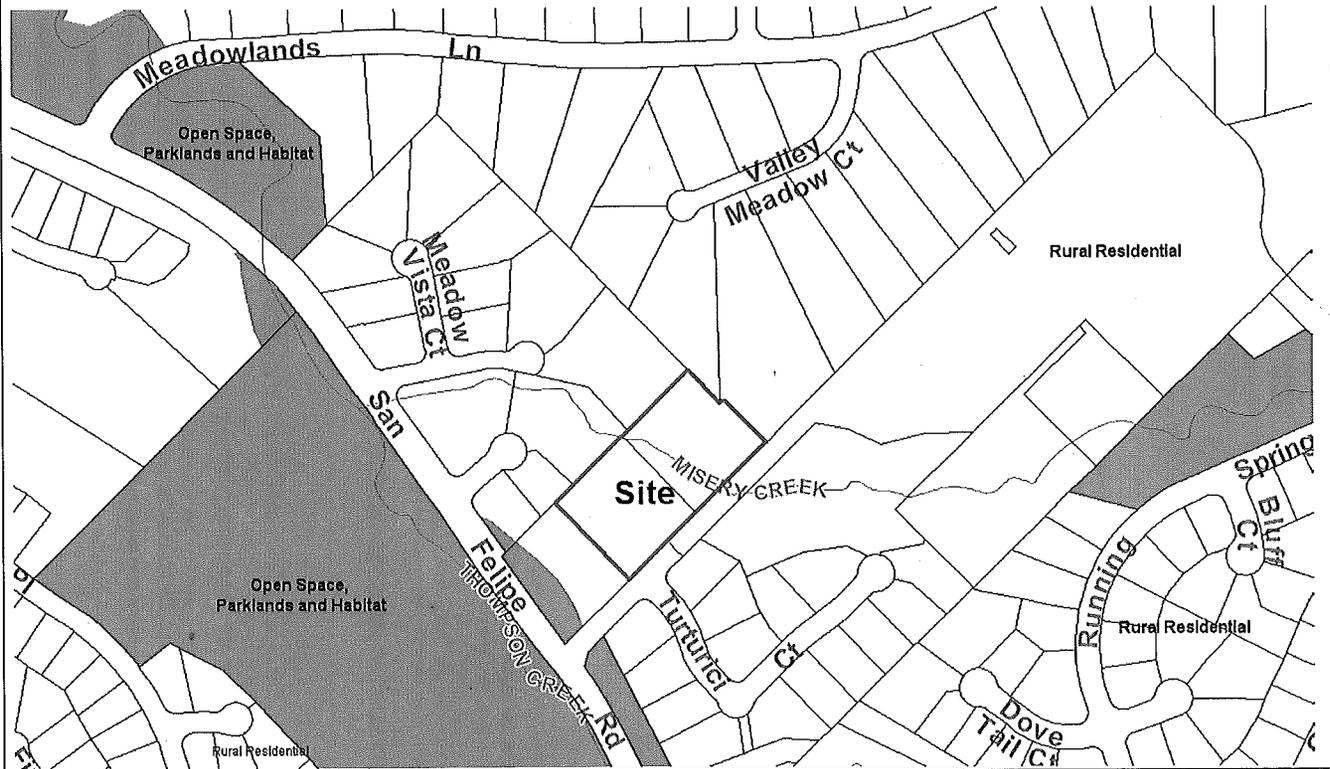
LOCATION:

North side of the future Turturici Way, approximately 400 feet easterly San Felipe Road. (6782 & 6790 San Felipe Road)

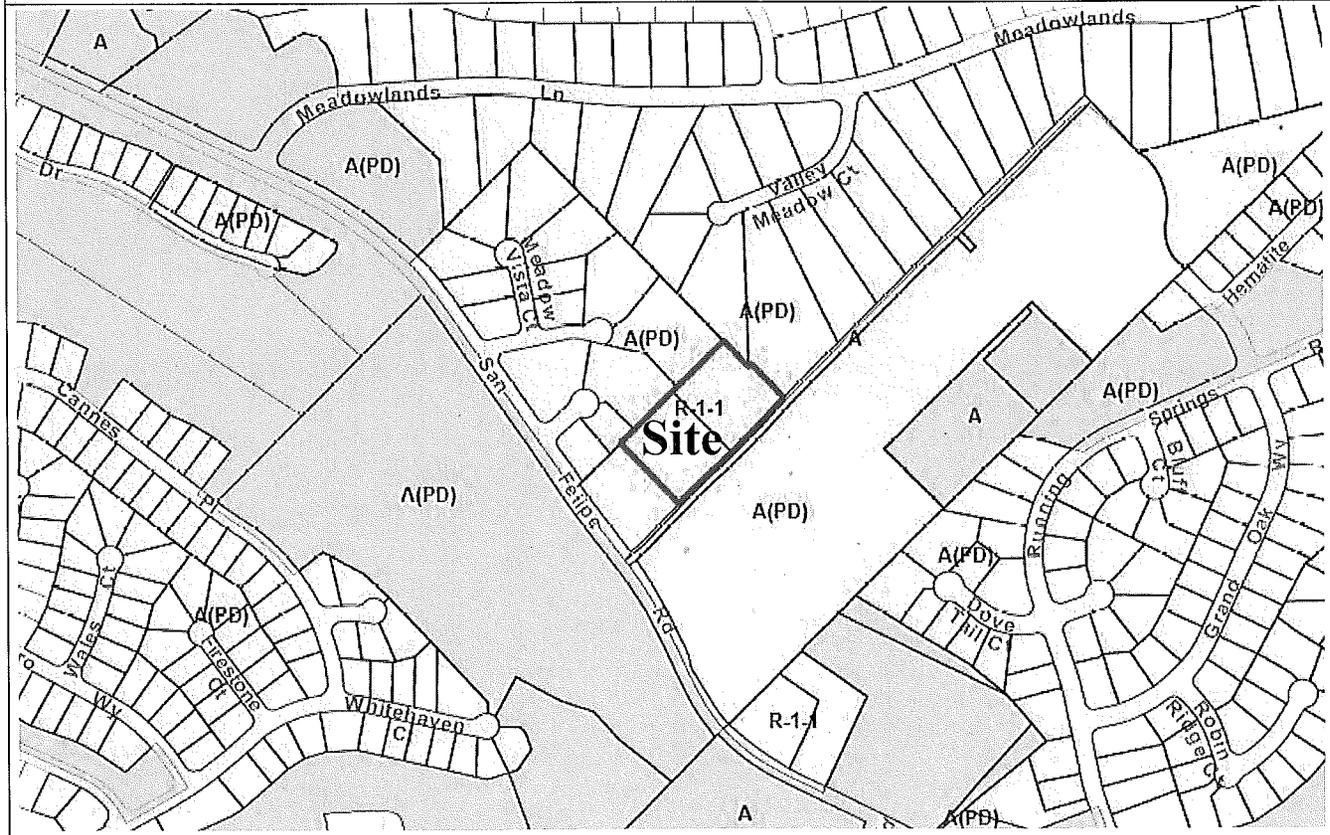
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends that the Planning Commission find that the project is 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 project will not 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).
2. The proposed Planned Development Rezoning is consistent with the goals and policies of the San Jose 2040 General Plan, specifically:
 - a. The zoning is consistent with the site's Land Use/Transportation Diagram land use designation of Rural Residential (up to 2 (DU/AC)) as the proposed density of the project is 1.96 DU/AC.
 - b. General Land Use Policy LU-1.2, as the project is accessed off of a new public street that we be constructed with the adjacent residential project. This street includes sidewalks that connect to adjacent developments and San Felipe Road, a local connector street.
 - c. Residential Neighborhoods Policy LU-11.2, as the proposed two story single-family development on the subject site at a density of 1.96 DU/AC will continue the development pattern at a consistent density of the surrounding neighborhood.
3. The project conforms to the Evergreen-East Hills Development Policy.
4. The project is conforms to City Council Policy 6-19: The Flag Lot Policy
5. The project is consistent with the City's Riparian Corridor Policy.

BACKGROUND & DESCRIPTION

On June 2, 2011, Mark Lazzarini of DAL Properties, LLC, applied for a Planned Development Rezoning on the subject site to allow for the development of up to four (4) single-family detached residences, at an approximate net density of 1.96 DU/AC. Two (2) of the homes will front onto a new public street, Turturici Way, which connects to San Felipe Road, and two (2) of the homes are in a flag lot configuration.

Site and Surrounding Uses

The subject site is gently sloping land developed with two (2) single-family detached residences and associated accessory structures. Misery Creek, a lower order tributary, bisects the site. The land uses surrounding the site include single-family detached residences to the north, east, south, and west.

The property immediately south of the subject site is also owned by DAL Properties, LLC and is under construction with 15 single-family detached residences that were approved through a Planned Development Zoning, File No. PDC09-007. This project is commonly known as Heritage Estates and includes minimum lot sizes of 9,000 square feet, a minimum 20 foot front setback, 10 foot side setbacks, and rear setbacks that range between 20 and 30 feet depending on the location of the lot. This project will

also be constructing the new public street, Turturici Way, from which the subject project will be taking its access.

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 Riparian Corridor Policy, 4) conformance with City Council Policy 6-19: The Flag Lot Policy and site design issues, 5) sustainability, and 6) the California Environmental Quality Act (CEQA).

San Jose 2040 General Plan Conformance

The site's Rural Residential [(up to 2 DU/AC (Match existing land use pattern); FAR up to 0.35 (1 to 2.5 stories)] land use 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.

The project proposes large lot (11,680 to 33,766 square feet) single-family detached residential units at a net density of 1.96 dwelling units per acre consistent with the density range of the Rural Residential land use designation. Two of the homes front onto a public street and two of the homes are flag lots. The land use pattern of the surrounding area is mainly cul-de-sac streets with the traditional single-family detached lot and an occasional flag lot. The project as proposed is consistent with the density range and character of the surrounding neighborhood, and therefore its land use designation.

The proposed project is consistent with the General Plan's Major Strategy #2 - Form Based Plan. This Strategy uses the General Plan Land Use / Transportation Diagram designations and Plan Goals and Policies to address the form and character as well as land uses and densities for the future development of San José. As discussed above, the project is consistent with its land use designation and as discussed in the following, the project on the subject site is also consistent with the following applicable General Plan Policies.

General Land Use Policy LU-1.2. Encourage Walking. Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

Consistent with this policy the project is accessed off of a new public street that will be constructed with the adjacent residential project. This street includes sidewalks that connect to adjacent developments and San Felipe Road, a local connector street.

General Land Use LU-9.17. Limit residential development in established neighborhoods that are not identified growth areas to projects that conform to the site's Land Use / Transportation Diagram designation and meet Urban Design policies in this Plan.

The proposed project is located within an established neighborhood that is not an identified growth area and the project does conform to the site's Rural Residential Land Use / Transportation Diagram land use designation, as well as, the Urban Design policies of the General Plan.

Residential Neighborhoods Policy LU-11.1. Design all new single-family detached residences so that each home has a frontage on a public street or on a private street that appears and functions as a public street.

Consistent with this policy, the proposed project has two (2) homes fronting on a new public street and two (2) flag lot homes accessed by a private drive, of which one (1) of the homes can almost be entirely seen from the public street.

Residential Neighborhoods Policy LU-11.2. Support subdivisions of residential lots if the new lots reflect the established pattern of development in the immediate area, including lot sizes and street frontages. Discourage residential developments, such as courthomes or flag lots, that increase residential densities for an area or disrupt an established neighborhood pattern. Allow new development of a parcel, including one to be subdivided, to match the existing number of units on that parcel; design such subdivisions to be compatible with and, to the degree feasible, consistent with the form of the surrounding neighborhood pattern. Consider allowing secondary units (granny or in-law units) in lieu of creating flag lots, substandard lots, or parcels that disrupt an established neighborhood pattern.

The existing neighborhood is comprised of lots ranging from approximately 7,400 square feet to one acre at densities between 1.4 and 2.0 with one to two story single-family- detached homes. The subject site is currently two one-acre residential lots sandwiched between two single-family detached residential developments. The proposed two story single-family development on the subject site at a density of 1.96 DU/AC will continue the development pattern at a consistent density of the surrounding neighborhood. The proposed project complies with the City's Flag Lot Policy, which limits the use of this site design pattern except when compliant with specific design criteria.

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 previous version of the policy the subject site had a unit allocation of 2 units. With the adoption of the new EEHDP the subject site now has the ability to develop additional residential units. Currently, 264 out of the pool of 500 residential units have been approved by the City Council. If this rezoning is approved, an additional 2 units will have been allocated out of the pool and 262 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 in the preceding General Plan Conformance section of this report, the project as proposed furthers the Form Based Plan Major Strategy and the General Land Use and Residential Neighborhood 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.

Riparian Corridor Policy

The Riparian Corridor Policy intends to preserve riparian corridors and protect them for environmental as well as recreational purposes. Setbacks from the riparian corridor are the principle means of minimizing impacts. The Riparian Corridor Policy Study recommends a setback of 100 feet from the edge of the corridor for any new development. Exceptions to the 100-foot setback can be considered as long as no reasonable alternative exists which avoids or reduces the encroachment into the setback area and the habitat protection objectives are achieved, with no less than 30 feet considered the minimum.

Misery Creek is a lower order tributary that bisects the subject site. The width of the corridor in this reach of Misery Creek is relatively narrow and has been substantially degraded due to human activity that includes the location of the two (2) existing homes and outbuildings within approximately 20 feet of the top-of-bank and the planting of or invasion by eucalyptus trees.

The edge of the riparian corridor for the Creek was established to be a combination of the top-of-bank where vegetation is absent and the dripline of one red willow tree. The project, in an attempt to improve the presently degraded riparian corridor, includes a riparian enhancement component that is intended to improve the current conditions along this reach of Misery Creek. The key component of this approach is to increase the setback to 50 feet, which exceeds the current setbacks of the two existing homes. This enhancement will include native trees and shrubs along the presently sparse riparian corridor

The following two exceptions to the 100 foot setback are indicated in the Riparian Corridor Policy and apply to the project site:

1. Sites adjacent to small lower order tributaries whose riparian influence does not extend 100 feet.
2. Instances where implementation of the project includes measures which can protect and enhance the riparian value of the corridor more than a 100 foot-setback.

Per the biological assessment provided for this project, Misery Creek's riparian influence does not extend 100 feet, but rather has riparian vegetation of only one to three trees wide. In addition, the banks have been impacted by human activity, including planting of non-native vegetation and the location of buildings and structures within close proximity to the top of bank.

As a part of the project, riparian revegetation is proposed along Misery Creek. This revegetation along with the removal of the two buildings located within close proximity to the top of bank will off-set the area of encroachment into the 100-foot setback. Riparian plantings per the biological assessment will

restore and improve wildlife value within this short reach of the creek. The proposed riparian setback is also consistent with that which was recently approved with the adjacent Heritage Estates project.

Flag Lot Policy/Site Design

For flexibility, the proposed development standards for the project include a minimum lot size of 10,000 square feet. The conceptual site plan includes lot sizes ranging from approximately 11,680 to 33,766 square feet in a standard and flag lotting pattern consistent with the residential development pattern in the surrounding area. The single-family detached units are all on individual lots with private rear yards and three of the lots share one driveway, which minimizes the curb cuts to the street and provides a safer pedestrian and bicycle environment. The proposed development standards require each unit to provide a two-car garage. The conceptual site plan shows each unit having a three-car garage which exceeds this typical standard.

The site layout generally complies with the key principles contained in the Flag Lot Policy that ensure compatible unit relationships and proper integration into the surrounding neighborhood. Specifically, the Flag Lot Policy recommends that units front toward a common driveway, have both front and rear yards, provide a common driveway for the flag lots, and the flag lots shall be visible from the street. The Flag lot policy also recommends larger perimeter setbacks to improve separation from adjacent off-site properties. As stated above, and consistent with the aforementioned flag lot standards, the project provides individual lots with private rear yards, the flag lots share one driveway, one of the two flag lots is visible from the street and larger than standard perimeter setbacks are provided.

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. Additionally, the site layout generally complies with the principles contained in the Residential Design Guidelines that ensure compatible unit relationships and proper integration into the surrounding neighborhood.

Sustainability

This project is subject to the City of San Jose Green Building Ordinance for New Construction Private Development. A future Planned Development Permit for this project will be conditioned to provide a GreenPoint or LEED checklist for the project prior to issuance of a building permit. The project's specific green building measures have not been established at this stage of the process, but will be evaluated at the Planned Development Permit stage of the development process.

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 August 24, 2012 and September 24, 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: air quality, biologic resources, cultural resources, geology and soils, hazards and hazardous materials, 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

PUBLIC OUTREACH/INTEREST

The property owners and occupants within a 1,000-foot radius 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.

General Correspondence

In addition, two e-mails were received from an area neighbor. The letters expressed their support of the project and asked that the relatively small riparian margin on this particular property not be used as a precedent for other development in the area. That this should be a one-time exception driven by the removal of an eyesore building and the preservation of the trees, which are the most important wildlife habitat on this particular property.

Project Manager: Lesley Xavier

Approved by:

Delia J. Judd

Date:

9/18/2012

Owner/Applicant: DAL Properties, LLC Attn: Mark Lazzarini 255 W. Julian Street, Suite 502 San Jose, CA 95110	Attachments: Plan Set Development Standards Neighbor Correspondence
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FILE No. PDC11-012
HUNT PROPERTY
DEVELOPMENT STANDARDS

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

ALLOWED USES

- Single-Family Detached Residential Dwellings and those permitted, special, and conditional uses of the R-1-8 Single-Family Residence Zoning District, as amended. Conditional and special uses shall require the approval of a Planned Development Permit or Amendment.

DEVELOPMENT STANDARDS

NUMBER OF DWELLING UNITS:

- Up to 4 dwelling units.

MINIMUM LOT SIZE:

- 10,000 square feet

SETBACKS: *(note: Lots, 1, 3, & 4 are interior lots & Lot 2 is a corner side lot)*

Front

- Living Area 25 feet
- Porch 20 feet
- Attached Garage 20 feet

Side

- Living Area –interior lot 5 feet (8 feet next to Lands of Murphy- Westerly perimeter)
- Living Area - corner side lot 20 feet
- Attached Garage – interior lot 5 feet (8 feet next to Lands of Murphy- Westerly perimeter)
- Attached Garage – corner side lot 20 feet
- Detached Garage – corner side lot 20 feet
- Detached Garage – interior lot 0 feet

Rear

- Living Area 15 feet
- Patio Cover/Trellis 10 feet
- Attached Garage 10 feet
- Detached Garage 0 feet

Riparian

- There shall be a 50 foot setback between any building or structure and the edge of riparian vegetation drip line of Misery Creek. No structure are permitted in this area. Said area shall be kept natural with riparian compatible landscape materials as specified in the City's Riparian Corridor Policy.

OPEN SPACE :

- 550 square feet of private open space per unit.

MAXIMUM BUILDING HEIGHT:

- 30 feet and 2 stories.

PARKING REQUIREMENTS:

- Two covered parking spaces per unit.

DRIVEWAYS:

- Lots 2, 3, and 4 shall be accessed via a shared driveway, as shown on the conceptual site plan.

FENCE REGULATIONS:

- Fences shall conform to SJMC chapter 20.30, as amended.

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:

- Secondary units are not permitted.

ARCHITECTURAL REQUIREMENTS:

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

PUBLIC WORKS

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:** This project is located within the new Evergreen East Hills Development Policy (EEHDP) area. Under this new policy, new residential development will require allocation from the pool of 500 new residential units which includes payment of a Traffic Impact Fee (TIF). The fee per residential unit is \$13,214 and is projected to be \$26,428 for this project's 2 additional units. This fee is due and payable to the City prior to the issuance of building permits. 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. **Misery Creek Culvert/Grading/Geology:**
 - a) If the culvert work has not been constructed by the previously-approved Planning Permit PD09-029 at the time of this project's implementation, submit the final culvert design for review at improvement plan stage. Design of the culvert shall be to the satisfaction of the Director of Public Works and approved prior to issuance of a Public Works Clearance.
 - b) At PD permit stage, submit a design-level Geotechnical and Geologic Report for the project that includes the culvert work to address the potential hazards of slope instability and erosion.
 - c) A grading permit is required prior to the issuance of a Public Works Clearance.
 - d) 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.
 - e) If this project involves a land disturbance of more than one acre, 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.
 - f) A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
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.

- a) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
5. **Stormwater Peak Flow Control Measures:** The project is located in a Hydromodification Management (HM) area but will not create nor replace one acre or more of impervious surface. Therefore, the project is not required to 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 D** Although the project site is in Flood zone D which is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain, flooding on the project site may be possible.
 - a) A Floodplain Analysis dated August 25, 2011 was submitted and reviewed. At PD permit stage, submit a revised Floodplain Analysis that also address the additional runoff from the future development of the adjacent southeasterly sites (Planning Permits PD07-047 and PD09-029) and the proposed culvert work.
 - b) Elevate the lowest floor of all residential units above the applicable 100-year water surface elevation stated in the project's Misery Creek Floodplain Analysis.
7. **Streamside Resource Protection:** The site is located within 50' from the top of bank of Misery Creek and is therefore subject to the adopted Guidelines and Standards for Land Use Near Streams that includes design requirements and recommendations for land-use activities in order to protect stream resources.
 - a) The project should notify and obtain permits from appropriate regulatory agencies if the project will construct the proposed culvert and other creek work.
8. **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.
9. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Jeffrey Provenzano at (408) 277-3288 for further information.
10. **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).
11. **Street Improvements:**
 - a) If the frontage improvements along the future Turturici Way have not been constructed by the previously-approved Planning Permits PD07-047 and PD09-029 at the time of this project's implementation, construct all public street improvements, including but not limited to, curb, gutter, sidewalk, minimum 40' half-street, and culvert work.

- b) Proposed driveway width to be 20' for driveway serving Lots 2, 3 & 4 and 16' for Lot 1 driveways.
 - e) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
12. **Sanitary:** Construct the sanitary sewer main extension from the main to be constructed by the previously-approved PD07-047 permit along the future street, Turturici Way, to serve Lot 1.
13. **Electrical:**
- a) Install electroliers along project frontage.
 - b) Provide clearance for electrical equipment from driveways. The minimum clearance from the proposed driveways is 5'.
14. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 277-2756 for the designated street tree. 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 the park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings.

ENVIRONMENTAL MITIGATION

Air Quality

Temporary Construction Dust

1. The following Best Management Practices shall be required of construction contracts an specifications for all construction to prevent visible dust emissions from leaving the site:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by CCR Title 13). Clear signage shall be provided for construction workers at all access points.

- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. A publicly-visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Biological Resources

Trees

- 1. Any tree that is removed will be replaced with the addition of a new tree(s) at the ratios shown in the following Tree Replacement Ratios table.

Table 4. Tree Replacement Ratios

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

x:x = tree replacement to tree loss ratio

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

- 2. 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.
- 3. Replacement trees are to be above and beyond standard landscaping; required street trees do not count as replacement trees.
- 4. 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:
 - a. The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.
 - b. 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 Jaime Ruiz, Parks, Recreation and Neighborhood Services Landscape Maintenance Manager,

at 975-7214 or jaime.ruiz@sanjoseca.gov for specific park locations in need of trees.

- c. A donation of \$300.00 per mitigation tree will be paid to Our City Forest for in-lieu offsite 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 offsite tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.
5. 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

- a. The applicant will retain a consulting arborist. The construction superintendent will meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
- b. Fence all trees to be retained to completely enclose the tree protection zone prior to demolition, grubbing or grading. Fences will be 6-foot chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction are completed.
- c. Prune trees to be preserved to clean the crown and to provide clearance. All pruning will 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

- d. No grading, construction, demolition or other work will occur within the tree protection zone. Any modifications must be approved and monitored by the consulting arborist.
- e. Any root pruning required for construction purposes will receive the prior approval of, and be supervised by, the consulting arborist.
- f. Supplemental irrigation will be applied as determined by the consulting arborist.
- g. If injury should occur to any tree during construction, it will be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
- h. No excess soil, chemicals debris, equipment or other materials will be dumped or stored within the tree protection zone.
- i. Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
- j. 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 will be designed to withstand differential displacement.

Raptors and Other Migratory Birds

6. If possible, construction should be scheduled between October and December (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds shall be conducted by a qualified ornithologist to identify active 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 shall be conducted 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 nests. If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading or building permit.

Burrowing Owls

7. A pre-construction survey for burrowing owls shall be conducted by a qualified biologist within 30 days prior to any ground disturbance activities.
8. A buffer zone of a minimum of 250 feet shall be established around active burrowing owl nesting sites if nesting burrowing owls are discovered during pre-construction surveys conducted between February 1st and August 31st, and no disturbance shall occur within the buffer zone until a qualified biologist has determined that the young birds have fledged.
9. No disturbance shall occur within 160 feet of occupied burrows if over-wintering burrowing owls are discovered using the site during the non-breeding season (September 1st through January 31st).
10. If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them.
11. A biologist report outlining the results of the pre-construction burrowing owl surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of a grading permit.

Bats

12. A detailed bat survey shall be conducted to determine if bats are roosting or breeding in the onsite buildings prior to demolition. A qualified bat specialist shall look for

individuals, guano, staining, and/or vocalization by direct observation and potential waiting for nighttime emergence. The survey shall be conducted during the time of year when bats are active, between April 1 and September 15. If demolition is planned within this timeframe, the survey shall be conducted within 30 days of demolition. An initial survey could be conducted to provide early warning if bats are present, but a follow-up survey will be necessary within 30 days. If demolition is planned outside of this timeframe (September 16 through March 31), the survey shall be conducted in September prior to demolition. If no bats are observed to be roosting or breeding in these structures, then no further action would be required, and demolition can proceed.

13. If a non-breeding bat colony is found in the buildings to be demolished, the individuals will be humanely evicted via the partial dismantlement of the buildings prior to demolition under the direction of a qualified bat specialist to ensure that no harm or "take" would occur to any bats as a result of demolition activities. If a maternity colony is detected in the buildings, then a construction-free buffer shall be established around the structure and remain in place until it has been determined by a qualified bat specialist that the nursery is no longer active. Demolition will preferably be done between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery.
14. A biologist report outlining the results of pre-construction bat surveys and any recommended buffer zones or other mitigation shall be submitted and approved to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading, building, or tree removal permit.

Cultural Resources

Native American Burials

1. 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 will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner will be notified by the developer and will 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 will notify the Native American Heritage Commission, who will 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 landowner will reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
2. Any Native American human remains that are discovered and would be subject to disturbance will be removed and analyzed, a report will be prepared, and the remains will be reburied in consultation and agreement with the Native American Most Likely Descendant designated by the Native American Heritage Commission. Prior to obtaining a Certificate of Occupancy, a copy of the report will be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement.

Prehistoric Cultural Resources

3. A qualified professional archaeologist shall be required to monitor all construction grading and utility trenching until the archaeologist is satisfied that construction will not disturb important archaeological deposits, as follows:
 - a. If no resources are discovered, the archaeologist shall submit a report to the Director of Planning, Building and Code Enforcement verifying that the required monitoring occurred and that no further mitigation is necessary.
 - b. If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation shall proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines.
 - c. The archaeologist shall submit reports, to the satisfaction of the Director of Planning, Building and Code Enforcement, describing the testing program and subsequent results; these reports shall identify any program mitigation to be completed in order to mitigate archaeological impacts (including resource recovery and/or avoidance, testing and analysis, removal, reburial, and curation of archaeological resources at a recognized storage facility). A final report shall verify completion of the mitigation program to the satisfaction of the Director of Planning, Building and Code Enforcement.
 - d. 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.

Geology and Soils

Geologic Hazard Zone

1. A Certificate of Geologic Hazard Clearance has been obtained from the Director of Public Works; and any Conditions of Clearance including, but not limited to, measures identified in the geologic evaluation for slope stabilization, surface and subsurface drainage control, offsite improvements, use restrictions, erosion control and/or maintenance guarantees for private improvements contained therein will be implemented as specified. *A Certificate of Geologic Hazard Clearance was issued for the project on June 13, 2012.*

Erosion

2. A City-approved Erosion Control Plan will be developed prior to approval of a grading permit or Public Works clearance with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps; and/or 5) temporary silt fences. The provisions of the Erosion Control Plan will be implemented to the satisfaction of the Director of Planning, Building and Code Enforcement.

Seismic Shaking

3. The proposed structures on the site will 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.

Stream Erosion

4. Habitable structures shall be located a minimum of 50 feet from the steeply-incised portions of the top of Misery Creek's bank.
5. A Vegetative Bank Stabilization Plan for Misery Creek, comprised of long-term bank stabilization via the installation of native woody and semi-woody riparian vegetation (trees and/or shrubs/subshrubs) and short-term bank stabilization of barren soils via hydroseeding and/or the installation of coconut fiber matting, shall be developed and implemented.

Hazards and Hazardous Materials

Wells

1. A well destruction permit will be obtained from the Santa Clara Valley Water District, and the well will be destroyed in accordance with District standards.

Septic Systems

2. The two septic systems will be abandoned in accordance with the requirements of the Santa Clara County Sewage Disposal Ordinance.

Asbestos-Containing Materials

3. The structure(s) to be removed will be surveyed for the presence of asbestos-containing materials (ACM) at the demolition permit stage; and if any suspect ACM are present, they will be sampled prior to demolition in accordance with NESHAP guidelines, and all potentially friable ACM will be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with NESHAP, Cal-OSHA and BAAQMD requirements.

Lead Based Paint

4. The structure(s) to be removed will be surveyed for the presence of lead based paint (LBP) at the demolition permit stage; and if any suspect LBP is present, it will be sampled prior to demolition, and all potential LBP will be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with EPA and OSHA requirements.

General

5. Prior to issuance of a Grading Permit, a Soil Management Plan shall be developed to the satisfaction of the appropriate regulatory agencies, with a copy to the Director of Planning, Building and Code Enforcement. The Soil Management Plan shall establish practices for managing and handling buried structures, debris and/or impacted soil if these materials/ structures are encountered prior to or during demolition and/or site grading. The measures identified in the Soil Management Plan, including testing, special handling and/or disposal measures, shall be implemented as warranted.

Chemical Use and Storage

6. All onsite hazardous materials, piles of debris, and aboveground storage tanks shall be removed and properly disposed prior to development.
7. The interior of the automobile maintenance pit in the garage at 6790 San Felipe Road shall be observed for indications of hazardous material spills or staining prior to

development. If significant hazardous material spills or staining are observed, they shall be tested, handled and/or disposed in accordance with the Soil Management Plan.

Soil Contamination - Chlordane and Lead

8. Soil at the locations of the samples with the chlordane concentrations detected above the residential CHHSL (SS-2 and SS-8) shall be over-excavated for appropriate offsite disposal.
9. Soil at the location of the sample with the lead concentration detected above the residential CHHSL (SS-7) shall be over-excavated for appropriate offsite disposal.
10. An additional soil quality evaluation shall be conducted prior to over-excavating the impacted soil to further evaluate its lateral and vertical extent in an effort to minimize the quantity of soil to be removed from the site.
11. Verification samples shall be collected and analyzed for chlordane and lead to document that the impacted soil has been sufficiently removed from the site.
12. Regulatory agency oversight is required if significantly elevated levels of contaminants of concern are detected in the soil samples. Regulatory oversight can be requested prior to and during the over-excavation of impacted soil.

Hydrology and Water Quality

Water Quality - Construction

1. Prior to the commencement of any clearing, grading or excavation, the project will comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:
 - a. The applicant will develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities; and
 - b. The applicant will file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
2. The project will incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities.
3. The project applicant will 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:
 - a. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season;
 - b. Utilize onsite sediment control BMPs to retain sediment on the project site;
 - c. Utilize stabilized construction entrances and/or wash racks;
 - d. Implement damp street sweeping;

- e. Provide temporary cover of disturbed surfaces to help control erosion during construction; and
- f. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Water Quality - Post-Construction

4. Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific 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.
5. The project will comply with the Municipal Regional Stormwater NPDES Permit No. CAS612008, which provides enhanced performance standards for the management of stormwater of new development.
6. The project will comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs and numerically-sized (or hydraulically-sized) Treatment Control Measures (TCMs) for all projects; and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for hydromodification measures.

Noise

Temporary Construction Noise

1. Construction activities will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite 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.
2. The contractor will 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 will be equipped with adequate mufflers and will be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
3. Stationary noise-generating equipment will be located as far as possible from sensitive receptors. Staging areas will be located a minimum of 200 feet from noise-sensitive receptors, such as residential uses.

Transportation/Traffic

Evergreen–East Hills Development Policy

1. The Traffic Impact Fee established by the Evergreen–East Hills Development Policy shall be paid to fund and construct the transportation improvements necessary for the additional development of the Evergreen–East Hills Development Policy Area.

Xavier, Lesley

From: Michael Mace [michaelcmace@gmail.com]
Sent: Tuesday, September 11, 2012 1:16 AM
To: Xavier, Lesley
Cc: mlazzarini@dalpropertiesllc.com
Subject: RE: Initial Study and Mitigated Negative Declaration (File No. PDC11-012/PD11-029)

Dear Ms. Xavier,

I spoke to the neighbors regarding this project. No one I've spoken to has an objection to the mitigated negative declaration on this project. Our basis for this decision is that the applicant has already changed the project to avoid possible negative impacts, by preserving the large trees on the property. One home is being built within the riparian corridor, and normally we would have strong concerns about the negative impact of that, but in this case the applicant is removing an existing house, and a detached garage that is even further into the riparian zone than the proposed construction. So we see this as an environmental improvement.

We see this construction in the riparian zone as a special situation, and not a precedent to allow construction within the riparian zone in other properties in the area.

The applicant has also let us know about some of the modifications that staff has made to the work planned in this area, such as configuring the adjoining road to reduce erosion on Misery Creek, and shifting the road so that there will be adequate clearance around the trees. We want to thank you for all the work you've put into this.

Some of the neighbors will probably have some comments related to some other aspects of the project, outside the MND. We'll work with Mr. Lazzarini to discuss those issues ahead of time.

Thanks again,

Michael Mace

From: Xavier, Lesley [mailto:Lesley.Xavier@sanjoseca.gov]
Sent: Tuesday, August 28, 2012 4:52 PM
To: Xavier, Lesley
Subject: Initial Study and Mitigated Negative Declaration (File No. PDC11-012/PD11-029)

This email is to let you know that the City of San Jose has performed environmental review on the proposed project to allow for a Planned Development Rezoning from the R-1-1 Single Family Residence Zoning District to the A(PD) Planned Development Zoning District and subsequent permits to allow for the development of up to 4 single-family detached residences on an approximately 2.04 gross acre site located approximately 200 feet northeasterly of San Felipe Road on future Turturici Way, approximately 400 feet south of Meadowleaf Court.

Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented.

9/11/2012

The public comment period for this draft Mitigated Negative Declaration ends at **5:00 p.m. on September 24, 2012**. Before that time/day, any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

The draft MND, initial study, and reference documents are available online under the file number, PDC11-012/PD11-029, at:

<http://www.sanjoseca.gov/planning/eir/MND.asp>

Sincerely,

Lesley Xavier

Lesley Xavier, Planner II
Planning Division
Planning, Building and Code Enforcement
City of San José
200 E. Santa Clara Street, 3rd Flr, Tower
San Jose, CA 95113
Tel: (408) 535-7852 FAX: (408) 292-6055

If you need basic information regarding a property's zoning and land use, or information about our environmental clearance requirements please go to our website at:

<http://www.sanjoseca.gov/planning/couter/>

Interested in being informed about Planning, Development, and Land Use Issues in San Jose? You can subscribe to e-mail notifications on the issues that interest you by going to: www.sanjoseca.gov/development/subscription/email_updates.asp

Xavier, Lesley

From: Michael Mace [michaelmace@gmail.com]
Sent: Wednesday, September 14, 2011 10:43 AM
To: Xavier, Lesley
Cc: mlazzarini@dalpropertiesllc.com; 'Gary Do'; 'Tom Huff'; 'Eric Parker'; 'Kathleen Helsing'; 'Lawrence Cargnoni'; jean@ereed.com; Mace, Bonnie; kk@kozminski.com; ana_2_u@yahoo.com; Richard.Kast@hitachigst.com; 'Val Parker'; 'Jim Barrett'; lipikab@yahoo.com; 'Lisa Himawan'; maryannkempner@yahoo.com; 'jzmine hoang'; Vince@VinceWin.com; jonathan_ly777@yahoo.com
Subject: Support for PDC 11-012

Dear Ms. Xavier,

On behalf of the concerned neighbors of the Meadowlands and California Oak Creek, we wanted to express our support for PDC 11-012, DAL Properties' development proposal on the two-acre Hunt property near our homes.

When DAL's proposal was first made, we had several concerns:

--Preserving the large Eucalyptus trees on the property, which are an important wildlife and scenic resource.

--Protecting the riparian corridor on the property.

--Ensuring that the homes built on the site would be in accordance with the look of the rest of the neighborhood.

The original proposal was a big worry to us, because it called for clear-cutting of all the trees. After we raised concerns about that, the developer worked with us to modify his plan. We support the changes he has made. Specifically, he is preserving all of the Eucalyptus trees. To make room for this, he plans not to install a sidewalk on the side of the road next to the trees. We see that as a reasonable compromise, as most pedestrian traffic will be on the other side of the road due to the public pathway planned there for the riparian area. People could easily cross the road if they need to (it's not going to have much traffic, since it will not connect through to California Oak Creek). And there is already restricted sidewalk space in other parts of our neighborhood.

We also are comfortable with his plan to build one of the homes within the 100-foot riparian zone. We would not normally support this, as we feel that preservation of full riparian corridors is extremely important in a semi-rural area of the city. However, in this case the developer is removing a detached garage that is even further inside the riparian corridor, and is making other habitat improvements. We understand that city staff has been pushing to preserve as much riparian space as possible in this development, and we thank you for that.

We ask that the relatively small riparian margin on this particular property not be used as a precedent for other development in the area. We view this as a one-time exception driven by the removal of an eyesore building and the preservation of the trees, which are the most important wildlife habitat on this particular property.

We understand that the look of the homes, and their spacing, will be the same as the rest of the DAL development, so that addresses our concerns about keeping a consistent look to the neighborhood.

Thanks for your help.

Sincerely,

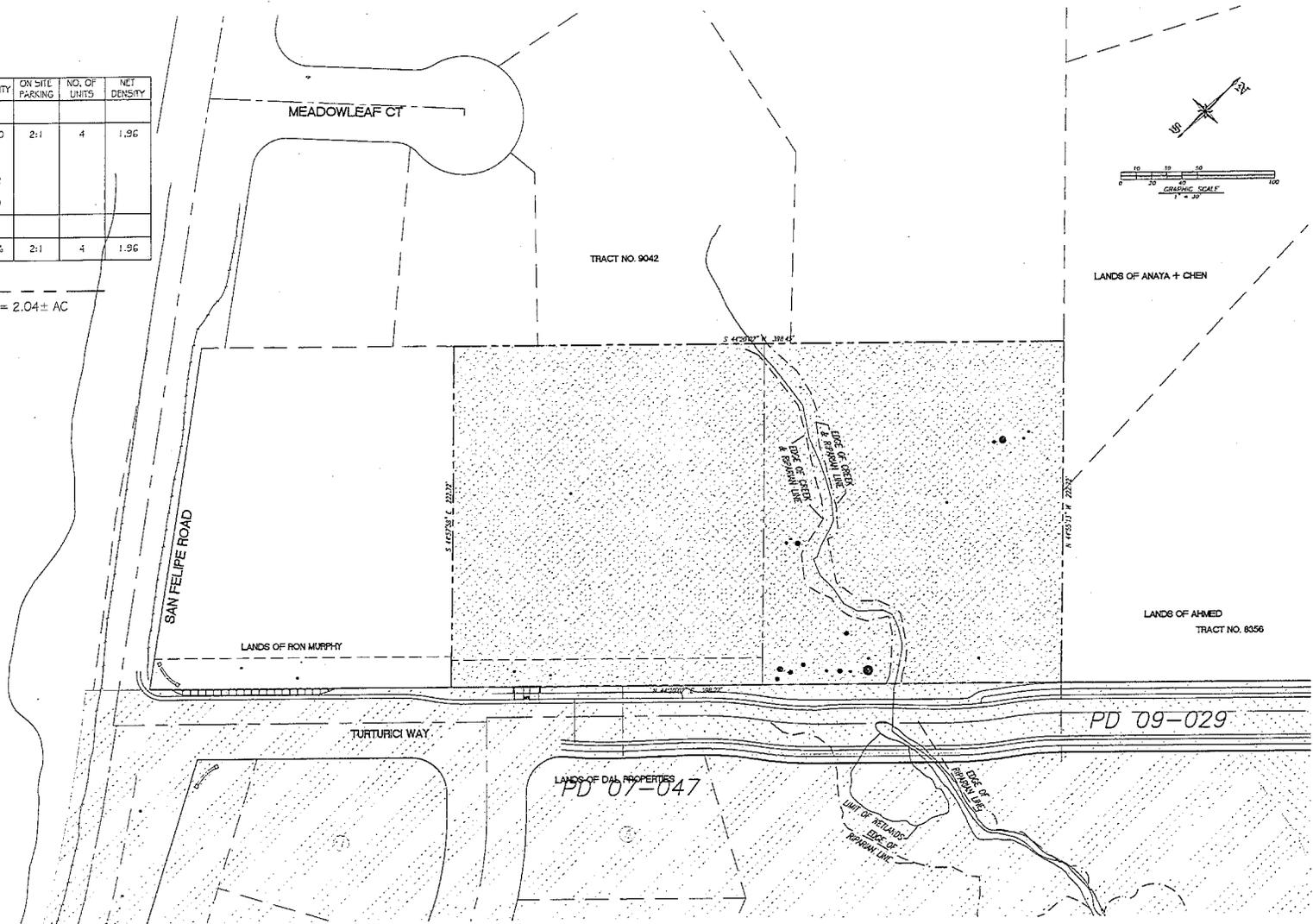
Michael Mace, on behalf of the concerned neighbors

9/11/2012

LAND USE TABLE - SINGLE FAMILY DETACHED

SYMBOL	USE	AREA	INTENSITY	ON SITE PARKING	NO. OF UNITS	NET DENSITY
	PUBLIC STREET	0.00	0.0			
	SIN FAM DET RES	2.04	100.0	2:1	4	1.96
	APRON SPACE	(0.14)	6.9			
	BUILDING	(0.31)	15.2			
	PVT OPEN SPACE	(1.59)	77.9			
	TOTAL	2.04 AC.	100%	2:1	4	1.96

BOUNDARY OF PD ZONING
 GROSS AREA = 2.04 ± AC; NET AREA = 2.04 ± AC
 APN 660-05-001 & 002



DRAWN BY: CHARLES W. DAVIDSON
 CHECKED BY: JAMES R. HARRIS
 DATE: 12-19-71

D.A.L. PROPERTIES

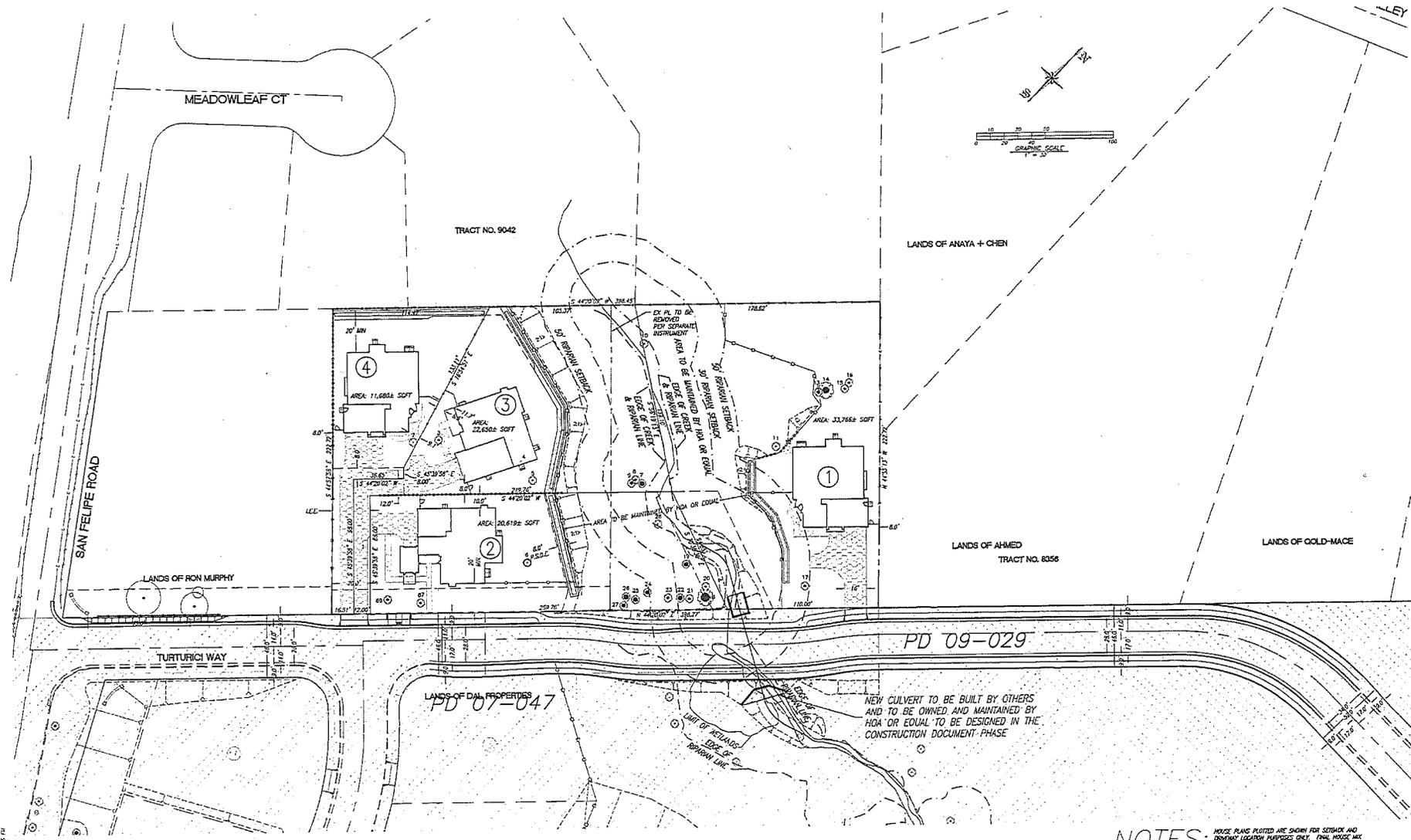
255 WEST JULIAN STREET, SUITE 502
 SAN JOSE, CA 95101
 Telephone: (408) 298-9005
 Fax: (408) 298-9006

LAND USE PLAN
LANDS OF DAL PROPERTIES, LLC
 6782 AND 6790 SAN FELIPE ROAD - APPROX 400' SOUTH OF MEADOWLEAF COURT
 SAN JOSE, CALIFORNIA

PDC 11-012

Revisions:	Date: 12-19-71	Job No.: 3842
	Scale: 1" = 30'	Drawn By: M.H.A.P.
	Sheet No.:	21
	of _____	Sheets

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 200 W. BERRY ST., F205 SAN JOSE, CA 95110-2406
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APPROVED FOR THE CITY OF SAN JOSE
 APPROVED FOR THE COUNTY OF SANTA CLARA

D.A.L. PROPERTIES
 260 WEST ALLIAN STREET, SUITE 502
 SAN JOSE, CA 95130
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CONCEPTUAL SITE PLAN
LANDS OF DAL PROPERTIES, LLC
 6782 AND 6790 SAN FELIPE ROAD - APPROX 400' SOUTH OF MEADOWLEAF COURT
 SAN JOSE, CALIFORNIA

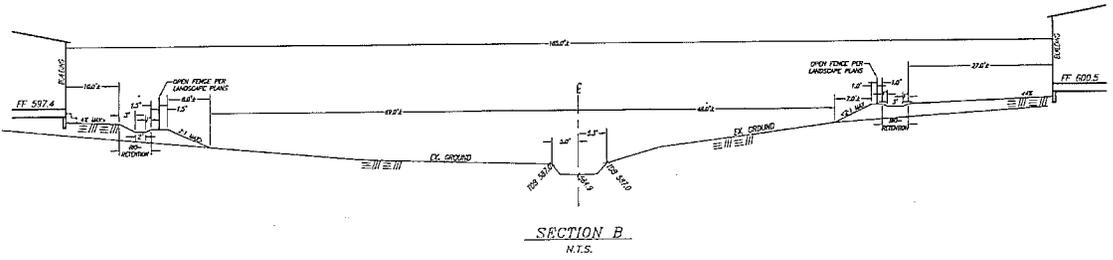
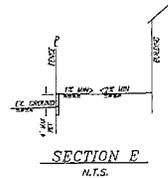
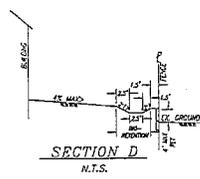
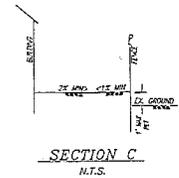
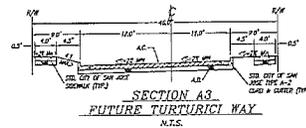
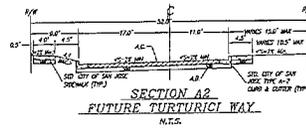
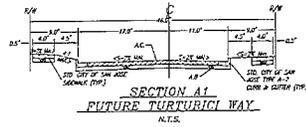
PDC 11-012

Revised:	

Date: 12-19-11 Job No: 1842
 Scale: 1" = 30' Drawn By: M.H.F.
 Sheet No: **3**
 of _____ Sheets

NOTES: HOUSE PLANS PLOTTED ARE SHOWN FOR SETBACK AND DRAINAGE LOCATION PURPOSES ONLY. FINAL HOUSE AREAS SHALL BE DETERMINED AT THE BUILDING PERMIT STAGE.

Charles W. Davidson Co.
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 TEL: (408) 295-9192 SAN JOSE, CA 95131-1511 FAX: (408) 943-1511



DATE: 12-19-11
 SCALE: AS SHOWN
 DRAWN BY: M.H.F.

D.A.L. PROPERTIES
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 SAN JOSE, CA 95130
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 Fax: (408) 298-9008

CONCEPTUAL GRADING AND DRAINAGE PLAN DETAILS
LANDS OF DAL PROPERTIES, LLC
 6782 AND 6790 SAN FELIPE ROAD - APPROX 400' SOUTH OF MEADOWLEAF COURT
 SAN JOSE, CALIFORNIA

PDC 11-012
 Revisions: _____

Date: 12-19-11 Job No.: 1842
 Scale: AS SHOWN Drawn By: M.H.F.
 Sheet No.: **4.2**
 of _____

Charles W. Davidson Co.
 A CALIFORNIA CORPORATION
 CONSULTING CIVIL ENGINEERS
 230 W. ALVARO ST., #200 SAN JOSE, CA 95110-2400
 TEL: (408) 252-2100 FAX: (408) 252-1511

SOILS INFORMATION

Soil Types: Alluvial deposits consisting of clay, sands and gravel.

Ground Water Depth: 15-20 feet below the ground surface.

Name of recovery water body: Thompson Creek

100 Year Flood Elevation: 0

POLLUTANTS AND POLLUTANT SOURCE AREAS:

SEDIMENT: rocks, parking lots and roofs

The main component of total suspended solids (TSS), and is detrimental to aquatic life. They also transport pollutants such as trace metals, nutrients, and hydrocarbons that attach to each particle.

ORGANIC COMPOUNDS: automotive fluids, pesticides and herbicides

Organic compounds often attach to soil particles

NUTRIENTS: organic wastes, fertilizers, food waste, sewage and treatment

Nutrients include nitrogen, phosphorus and other organic compounds. Excess nutrients impact overall health and impair use of water in water supply sources by promoting excessive growth of algae or vegetation.

METALS: motor vehicles, roofing and construction materials and chemicals.

Trace metals such as copper, lead, cadmium, chromium, nickel and zinc can be toxic to aquatic organisms and, in accumulated quantities, can contaminate drinking water supplies.

BACTERIA & VIRUSES: animal excrement (feces where pets are often walked), sanitary overflow, and trash handling areas (dumpsters). Bacteria & viruses may pose public health and safety concerns if they are present in a drinking water source.

Oil & Grease: motor vehicles, food service establishments and fueling stations. Oil & grease act as carriers for heavy metals and contain hydrocarbon compounds, which even at low concentrations may be toxic to aquatic organisms.

PERVIOUSNESS REQUIREMENT SUMMARY

The final site will be designed to Minimize the Directly Connected Impervious Area (DCIA). The impervious area will not be directly connected to the storm sewer system and will be located into the landscape areas. As per the SDGWD rule the "stormwater pervious areas receiving runoff (a) must be at least one half the size of impervious surface area generating runoff (b). a > b or = b."

Standard LD is allowable for this site due to the amount of landscape, impervious area & the soil type per city requirements. Therefore, the site will use Bio-Retention to limit impervious areas.

The creek area will be left at riparian area and planted with native plants. This will maximize the opportunity for the runoff to be slowed and minimize the amount of runoff before it enters the collection system. These measures will be maintained by the Home owners and/or the HOA.

LEGEND		DESCRIPTION
---	EXISTING	PROPERTY LINE
---	PROPOSED	CONCRETE CURB
---	PROPOSED	CONCRETE CURB & GUTTER
---	PROPOSED	DEPRESSURE CURB
---	PROPOSED	RETAINING WALL
---	PROPOSED	VERTICAL CURB
---	PROPOSED	W-84 CHERRY DRIVE
---	PROPOSED	STANDARD HOISTED CURB
---	PROPOSED	PERISTE RELEASE
---	PROPOSED	FINISHED FLOOR ELEVATION
---	PROPOSED	PAV ELEVATION
---	PROPOSED	TOP OF CURB ELEVATION
---	PROPOSED	FLOOR LINE ELEVATION
---	PROPOSED	GRADE
---	PROPOSED	SLOPE
---	PROPOSED	SHADE ORGAN
---	PROPOSED	TOP OF WALL
---	PROPOSED	DOWNSPOUT
---	PROPOSED	PAVERS
---	PROPOSED	SECTION MARK SHEET NUMBER TO VIEW SECTION

ICAT ID	Description	Area		Impervious Area (I)		Pervious Area (P)		Condition	SRA	SRA	Condition 2	If "No" on Condition 1 or Condition 2 Type of mitigation that will be used		
		Total Area (SF)	Permeable Area (SF)	Permeable Area (SF)	Impermeable Area (SF)	Permeable Area (SF)	Impermeable Area (SF)							
1	LD	17,104	1,482	11,653	5,421	350	12,292	3,273	1,894	Yes	314.3	470	Yes	
1A	Creek	14,000	0	14,000	0	0	14,000	0	0	Yes	0.0	0	Yes	
2	LD	12,360	701	0	7,727	3,451	430	8,420	3,041	1,074	Yes	376.4	438	Yes
2A	Creek	8,200	0	8,200	0	0	8,200	0	0	Yes	0.0	0	Yes	
3	LD	12,313	2,014	0	6,775	3,006	300	8,813	3,500	1,258	Yes	281.7	483	Yes
3A	Creek	16,337	0	16,337	0	0	16,337	0	0	Yes	0.0	0	Yes	
4	LD	11,000	2,007	0	5,922	2,821	300	7,900	3,723	1,481	Yes	315.1	500	Yes
Totals:		88,715	6,206	51,189	22,320	13,533	14,400	73,742	14,833					

1. Any Area Stormwater Management Agency Regulations (SMA) State or Source Design Guidance Manual for Stormwater Quality Protection (SDGWD) pp. 34.

2. Per SDGWD requirements, each Retention Area (SRA) to be considered at each site must meet the following:

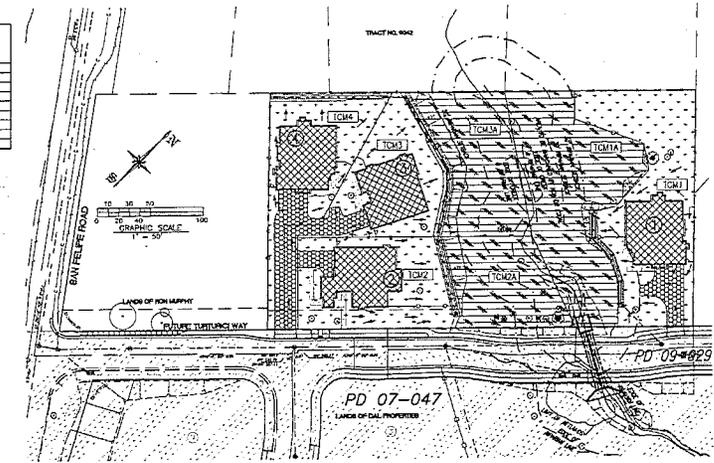
- a) The SRA should retain the first inch of rainfall without runoff.
- b) The maximum allowable rate of impervious area (I) to pervious area (P) is 2:1 or P > 2:1 (I/P) (same as BASMAA)
- c) Any area upon which the SRA should be at least 2" above grade.
- d) Slope across the SRA should not exceed 5%.
- e) The SRA should be bordered all the way around the graded contour.
- f) The entire SRA is to be landscaped, or pervious pavement.
- g) The SRA has amended with vegetation, and irrigation, on request to maintain soil stability and permeability.

Parcel Phase Number (NO. 1 - 4)	Area	Permeable Area (SF)	Impervious Area (SF)
Total Area (columns)	210	10,313	10,687
Total Area of Site (columns)	210	10,313	10,687

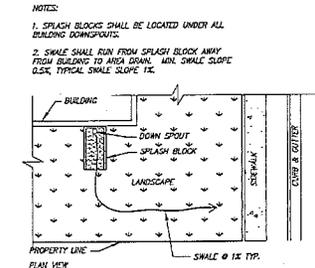
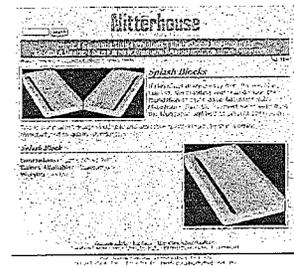
Existing Condition of Site Area (SF)	Proposed Condition of Site Area (SF)	Net Change (SF)
Impervious Surface	10,687	10,687
Permeable Surface	10,313	10,313
Landscaped Area	0	0
Other Pervious Surface (e.g., grass, etc.)	10,313	10,313
Total Proposed Pervious Surface	20,626	10,313
Total Proposed Impervious Surface	10,687	10,687
Total Proposed Pervious Surface	20,626	10,313

STORMWATER LEGEND

- LANDSCAPE
- PUBLIC AREA PD 07-047
- PUBLIC AREA PD 09-028
- ROOF TOP
- PAVERS
- SELF TREATING CREEK AREA



ID	Description	Total Area (SF)	Impervious Area (SF)	Threshold Area (SF)	Treatment Area Required (SF)	Treatment Area Provided (SF)
1	High/Landscaped Pvd Drive	17,104	13,392	3,771	151	100
2	High/Landscaped Pvd Drive	12,360	8,420	3,941	158	100
3	High/Landscaped Pvd Drive	12,313	8,813	3,500	140	140
4	High/Landscaped Pvd Drive	11,000	7,900	3,721	140	150



- NOTES:
1. SPLASH BLOCKS SHALL BE LOCATED UNDER ALL BUILDING DOWNSPOUTS.
 2. SLOPE SHALL RUN FROM SPLASH BLOCK AWAY FROM BUILDING TO ADO DRAIN. MIN. SLOPE 0.5% TYPICAL SLOPE 1%.



PLANTER: MOBILE LOG, 1/2" DIA, 1/2" HP
 1/2" DIA, 1/2" HP, 1/2" DIA, 1/2" HP

D.A.L. PROPERTIES
 255 WEST JULIAN STREET, SUITE 502
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CONCEPTUAL STORM WATER TREATMENT PLAN
LANDS OF DAL PROPERTIES, LLC
 6782 AND 6790 SAN FELIPE ROAD - APPROX 400' SOUTH OF MEADOWLEAF COURT
 SAN JOSE, CALIFORNIA

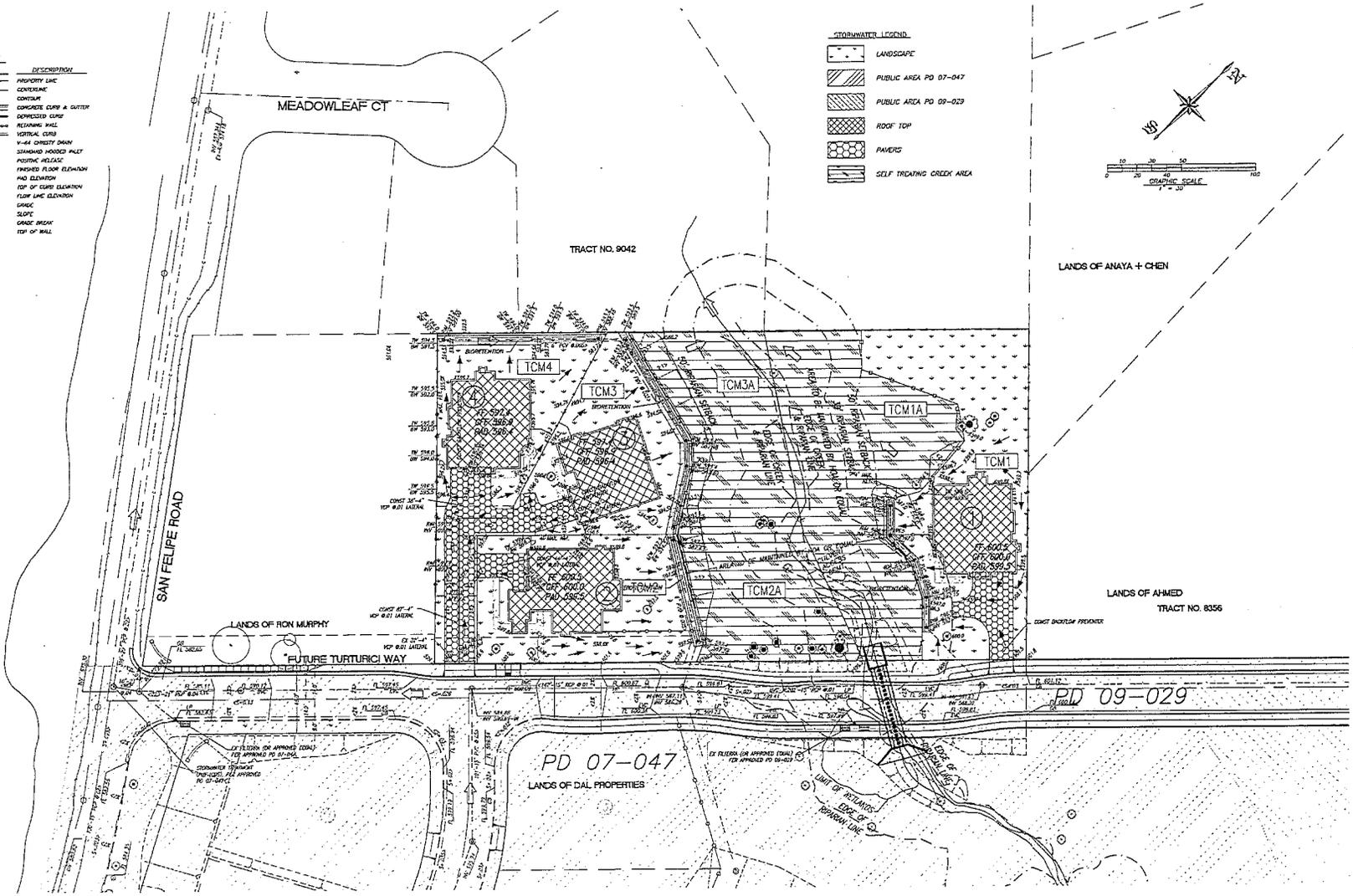
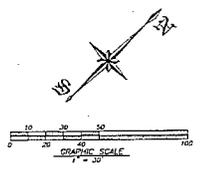
Revised: _____
 Date: 12-10-11 Job No: 1842
 Scale: AS SHOWN Drawn By: M.H.F.
 Sheet No: _____
4.3
 of _____

Charles H. Davidson Co.
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 255 W. JULIAN ST., #200 SAN JOSE, CA 95110-2406
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PDC 11-012

EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	CONTINGENT
---	---	CONULAT
---	---	CONCRETE CURB & GUTTER
---	---	DEPRESSED CURB
---	---	RECURVING WALL
---	---	VERTICAL CURB
---	---	1/4" X 1/4" GROUT DRAIN
---	---	STANDARD HOODED INLET
---	---	POSITIVE WEIRAGE
---	---	FINISHED FLOOR ELEVATION
---	---	4th ELEVATION
---	---	TOP OF CURB ELEVATION
---	---	FLOOR LINE ELEVATION
---	---	GRADE
---	---	SLOPE
---	---	GRADE BREAK
---	---	TOP OF WALL

STORMWATER LEGEND	
[Symbol]	LANDSCAPE
[Symbol]	PUBLIC AREA PD 07-047
[Symbol]	PUBLIC AREA PD 09-029
[Symbol]	ROOF TOP
[Symbol]	PAVERS
[Symbol]	SELF TREATING CREEK AREA



PLANNED BY: D.A.L. PROPERTIES
 DRAWN BY: M.H.F.
 CHECKED BY: M.H.F.
 DATE: 12-18-11

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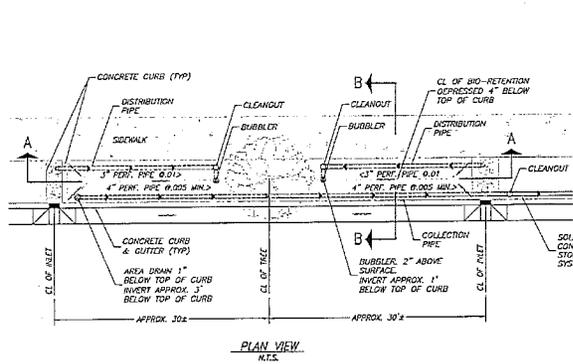
CONCEPTUAL STORM WATER TREATMENT PLAN
LANDS OF DAL PROPERTIES, LLC
 6782 AND 6790 SAN FELIPE ROAD - APPROX 400' SOUTH OF MEADOWLEAF COURT
 SAN JOSE, CALIFORNIA

PDC 11-012

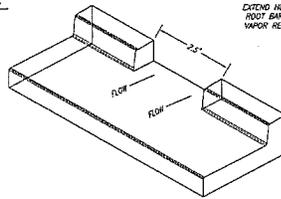
Revisions

Date: 12-18-11 Job No.: 1842
 Scale: 1" = 30' Drawn By: M.H.F.
 Sheet No.: **4.4**
 of _____ Sheets

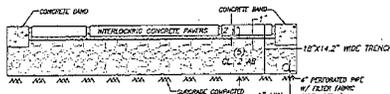
Charles W. Davidson Co.
 A CALIFORNIA CORPORATION
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 235 N. ALAMO ST. #200 SAN JOSE, CA 95110-2400
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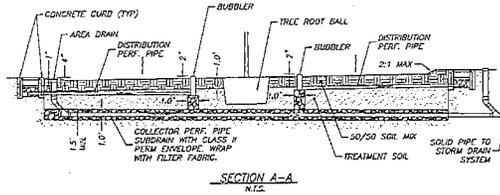
BIO-RETENTION LAYOUT DETAILS



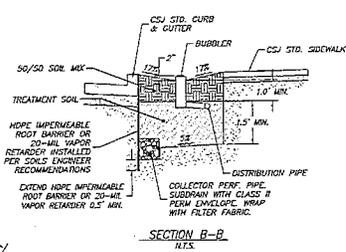
CURB OPENING
N.T.S.



CONCRETE PAVERS DETAIL
N.T.S.



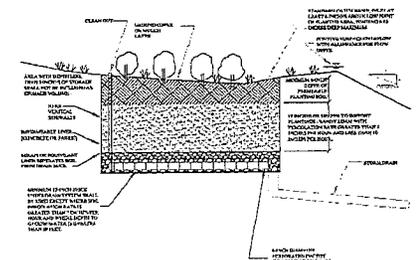
SECTION A-A
N.T.S.



SECTION B-B
N.T.S.

Bio-retention Area Maintenance Plan

- Objectives**
The primary maintenance objective is to prevent sediment buildup and clogging, which reduces pollutant removal efficiency and may result in bio-retention area failure.
- Routine Maintenance Activities**
Routine maintenance activities, and the frequency of which they will be conducted:
 - Remove obstructions, debris and trash from bio-retention area and dispose of properly. Monthly, or as needed after storm events.
 - Inspect bio-retention area to ensure that it drains between storms and within five days after rainfall. Monthly, or as needed after storm events.
 - Inspect inlet for channels, soil exposure or other evidence of erosion. Clear obstructions and remove sediment. Monthly, or as needed after storm events.
 - Remove and replace all dead and diseased vegetation. Twice a year.
 - Maintain vegetation and the irrigation system. Prune and weed to keep bio-retention area neat and orderly in appearance. Ensure soil erosion begins, or as needed.
 - Check that mulch is at appropriate depth (2 inches per soil specifications) and replenish as necessary before wet season begins. Monthly.
 - Inspect bio-retention area using the attached inspection checklist, monthly, or after large storm events, and after removal of accumulated debris or material.
- Prohibitions**
The use of pesticides and quick release fertilizers shall be minimized, and the principles of integrated pest management (IPM) followed.
 - Apply non-chemical controls (biological, physical and cultural controls) before using chemicals to treat a pest problem.
 - Prune plants properly and at the appropriate time of year.
 - Provide adequate irrigation for landscape plants. Do not over water.
 - Lime fertilizer use unless soil testing indicates a deficiency. Slow-release or organic fertilizer is preferred. Check soil chemistry for specific requirements.
 - Pest control should avoid harming non-target organisms, or negatively affecting air and water quality and public health. Apply chemical controls only when monitoring indicates that prevention and non-chemical methods are not keeping pests below acceptable levels. When pesticides are required, apply the least toxic and the least persistent pesticide that will provide adequate pest control. Do not apply pesticides on a preventative basis.
 - Swamp up spilled fertilizer and pesticides. Do not wash away or bury such spills.
 - Do not over apply pesticides. Spray only where the pest/disease exists. Follow the manufacturer's instructions for mixing and applying materials.
 - Only licensed, trained pesticide applicators shall apply pesticides.
 - Apply pesticides of the appropriate form to maximize their effectiveness and minimize the likelihood of leaching pesticides into runoff. With the exception of pre-emergent pesticides, avoid application if rain is expected.
- Wetland Control**
 - Objective: To prevent conditions which smother that stored and/or promote the growth of disease vectors, including but not limited to mosquitoes, rodents, and birds.
 - Maintenance Activities for Wetland Control
 - Inspections: Inspect bio-retention area for standing water or debris accumulation. Inspections will be conducted prior to the rainy season, after major storm events, and at least once during the dry season to ascertain that standing water does not last longer than 5 days.
 - Debris: As required, debris collection will be done by hand in the ground in and around the swale and by ensuring that there are no areas where water stands longer than 5 days following a storm.
 - Other maintenance activities: If any obstructions develop (e.g. debris accumulation, dense vegetation, clogging of outlets and/or under drains) within the swale, appropriate maintenance activities shall be implemented to correct the obstruction. Refer to Section 3 for details on routine maintenance activities.
- Correspondence**
Correspondence regarding operations, inspections and maintenance of the storm water treatment measure will be provided to the City of San Jose's Environmental Services Division as required and according to the schedule outlined in the Operations and Maintenance Agreement.



TYPICAL BIO-RETENTION DETAIL
N.T.S.

PERVIOUS PAVEMENT - DESIGN & MAINTENANCE PLAN

Pervious pavement is a permeable pavement surface with an underlying stone reservoir that temporarily stores surface runoff before allowing it into the subsoil or being collected in underlying storm pipes and being discharged off-site. There are many types of pervious pavement including plastic grids planted with grass, stone or concrete slabs with pore spaces backfilled with gravel or sand, porous asphalt, and porous concrete. Pervious pavement accepts only precipitation, not storm water runoff. All highly permeable, vegetation, and surface coatings shall be inspected for proper operation and structural stability, at a minimum, quarterly for the first 2 years from the date of installation, 2 times per year thereafter, and within 48 hours after each major storm event. The facility owner must keep a log, recording all inspection dates, observations, and maintenance activities. The following items shall be inspected and maintained as shown:

Surface: In most pervious pavement designs, the pavement itself acts as pretreatment to the stone reservoir below. The surface shall be free of trees and free of leaves, debris, and sediment. The surface shall not be overlaid with an impervious paving surface.

• Regular mowing shall be implemented for porous asphalt or concrete systems.

Overflow or Emergency Swallows are used in the event that the facility's infiltration capacity is exceeded. Overflow devices shall be inspected for obstructions or debris, which shall be removed upon discovery. Overflow or emergency swallows shall be capable of transporting high flows of storm water to an approved storm water receiving system.

• Sources of erosion damage shall be identified and controlled when routine soil is exposed near the overflow structure.

Vegetation (where applicable) shall be healthy and dense enough to provide filtering while protecting underlying soils from erosion. Infiltration, such as trees and shrubs, should not be located in or around the pervious pavement because roots from trees can penetrate the pavement, and leaves from deciduous trees and shrubs can increase the risk of clogging the surface.

• Vegetation and large shrubs/trees that limit access or interfere with porous pavement operation shall be pruned.

• Fallen leaves and debris from deciduous trees/foliage shall be raked and removed.

• Poisonous, noxious, dead or odor producing vegetation shall be removed immediately.

• Grass shall be mowed to less than four inches and grass clippings shall be bagged and removed.

• Irrigation shall be provided as needed.

Source Control measures prevent pollutants from mixing with storm water. Typical non-structural control measures include raking and removing leaves, street sweeping, vacuum sweeping, limiting and controlled application of pesticides and herbicides, and other good housekeeping practices.

Soil Prevention measures shall be executed when handling substances that can contaminate storm water. A spill prevention plan shall be implemented at all non-residential sites and at areas where there is likelihood of spills from agricultural activities. However, utility oil spills, including residential and commercial, present potential danger from tanks. All homes contain a wide variety of toxic materials including gasoline for lawn mowers, antifreeze for cars, solvents, pesticides, and cleaning oils that can adversely affect storm water. If it is important to exercise caution when handling substances that can contaminate storm water, fitness of pollutants shall be corrected or toxic as classified.

Inmate and/or visitor guidance information for operating and maintaining pervious pavement shall be provided to all property owners and tenants. A copy of the plan shall be provided to all property owners.

Access to the pervious pavement shall be safe and efficient. Egress and ingress routes shall be maintained to design standards. Footways shall be maintained to accommodate size and weight of vehicles, if applicable. Obstacles impeding maintenance personnel and/or equipment access to the pervious pavement shall be removed. Gravel or gravel cover shall be added if erosion occurs, e.g., due to vehicular or pedestrian traffic.

Debris and Litter shall be removed to prevent clogging.

Storm water Management Manual
Figure 2008

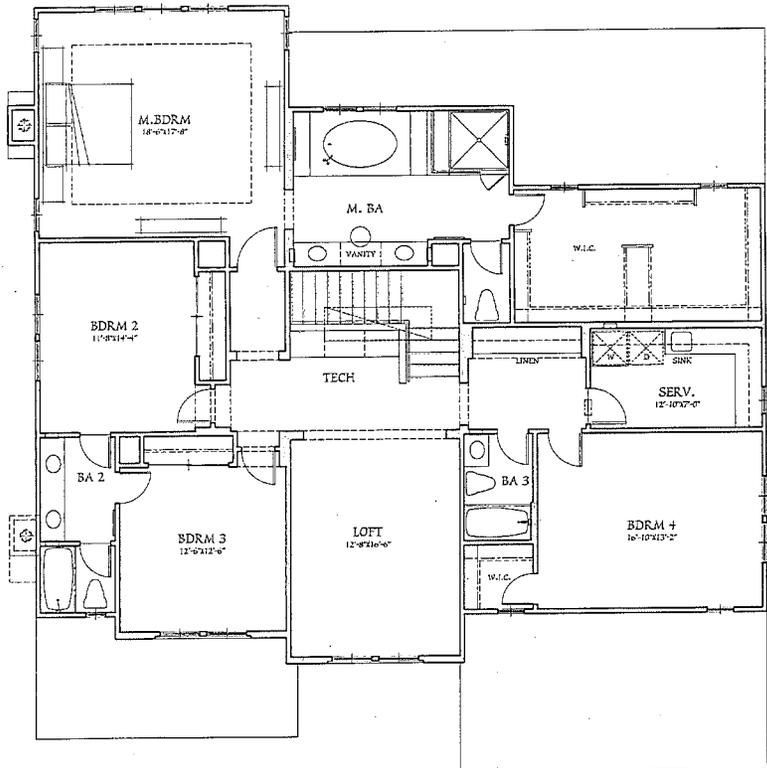
OWNER: DAL PROPERTIES, LANDS OF DAL PROPERTIES, LLC

D.A.L. PROPERTIES
255 WEST JULIAN STREET, SUITE 502
SAN JOSE, CA 95110
Telephone: (408) 298-9305
Fax: (408) 298-9306

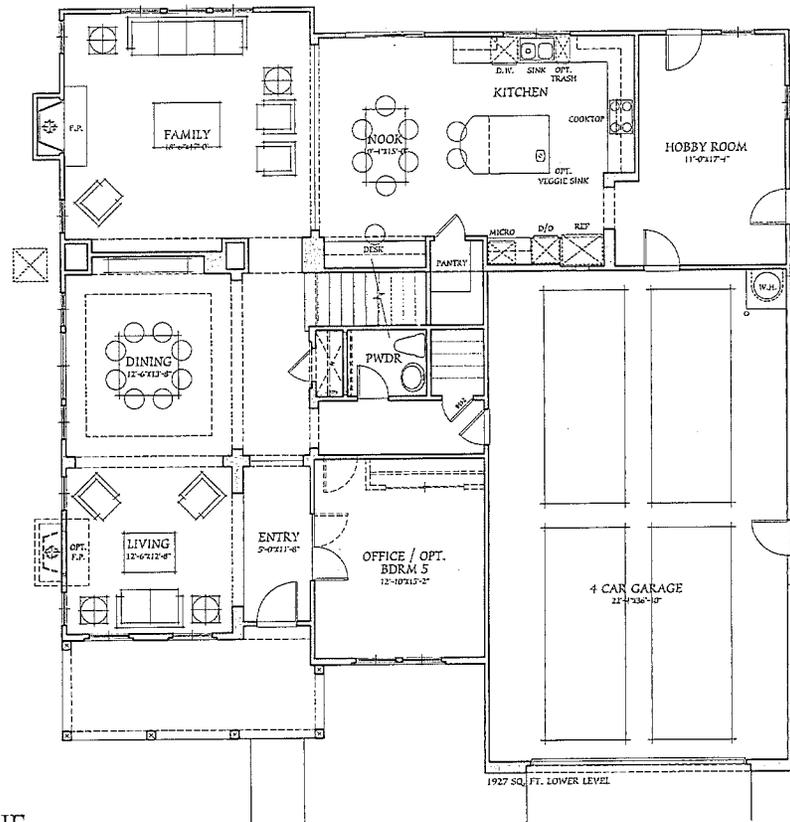
CONCEPTUAL STORM WATER TREATMENT PLAN
LANDS OF DAL PROPERTIES, LLC
6782 AND 6790 SAN FELIPE ROAD - APPROX 400' SOUTH OF MEADOWLEAF COURT
SAN JOSE, CALIFORNIA

Revised: _____ Date: 12-19-11 Job No.: 1842
Scale: 1" = 30' Drawn By: M.A.F.
Sheet No: _____
4.5
of _____ Sheets
Charles W. Davidson Co.
A CALIFORNIA CORPORATION
CONSULTING CIVIL ENGINEERS
255 W. JULIAN ST. SAN JOSE, CA 95110-2408
TEL: (408) 292-9162 FAX: (408) 292-1511

PDC 11-012



2127 SQ. FT. UPPER LEVEL



1927 SQ. FT. LOWER LEVEL

PLAN ONE
 4054 SQ.FT. TOTAL
 4 BDRM/LOFT/3.5 BA/LOFT
 OPT. BDRM 5
 4 CAR GARAGE

San Felipe Road Site
 San Jose, Ca.
 DAL PROPERTIES

Floor Plan Reflects Spanish Elevation Style
 © 2011 WILLIAM HEZMALHALCH ARCHITECTS, INC.



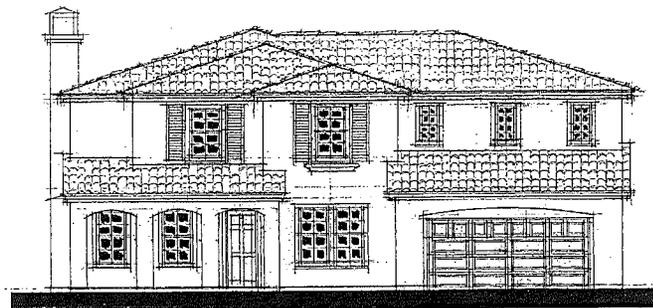
WILLIAM HEZMALHALCH ARCHITECTS, INC.
 2850 REDHILL AVENUE SUITE 200 SANTA ANA CA 92705-5543
 949 250 0807 www.wharchitects.com fax 949 250 1529

PDC 11-012



October 25, 2011
 2007124

San Felipe Road Site, 2007124



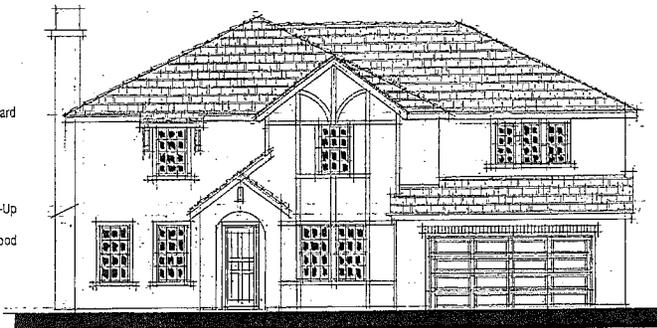
MEDITERRANEAN

Style Elements

- Roof: Concrete 'S' Tile
- Eave: Closed 2x4 with Shaped Foam Trim
- Rake: 2x4 with Shaped Foam Trim
- Exterior Wall: Sand Finish Stucco
- Window: Vinyl
- Column: Prefab
- Trim: Stucco Over Foam
- Shutters: Wood
- Garage Door: Metal Sectional Roll-Up

Style Elements

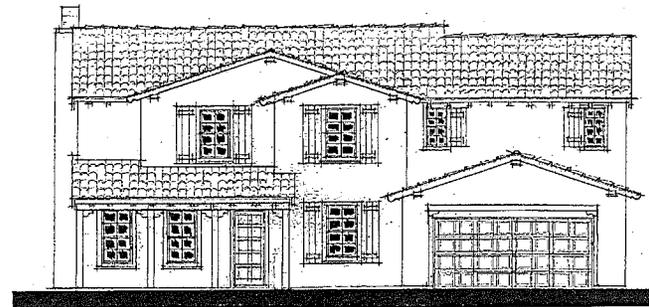
- Roof: Flat Concrete Tile
- Eave: 2x4 Wood Fascia
- Rake: 6x6 Wood Barge Board
- Gable End Detail: Louvered Vent
- Exterior Wall: Sand Finish Stucco
- Window: Vinyl
- Post/Bracket: Wood
- Shutters: Wood
- Garage Door: Metal Sectional Roll-Up
- Chimney Shroud: Metal
- Accent: Brick Veneer/2x4 Wood



TUDOR

Style Elements

- Roof: Concrete 'S' Tile
- Eave: 2x4 Wood Fascia with 6x4 Wood Rafter Tails
- Rake: 6x6 Wood Barge Board
- Gable End Detail: Wood Outlooker
- Exterior Wall: Sand Finish Stucco
- Window: Vinyl
- Post/Bracket: Wood
- Shutters: Wood
- Garage Door: Metal Sectional Roll-Up
- Accent: Wrought Iron



SPANISH



October 25, 2011
2007124

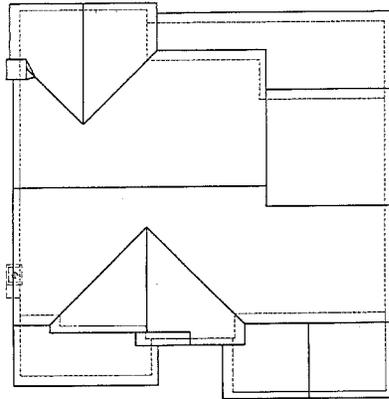
PLAN ONE
FRONT ELEVATIONS
San Felipe Road Site
SAN JOSE, CALIFORNIA
DAL PROPERTIES

PDC 11-012

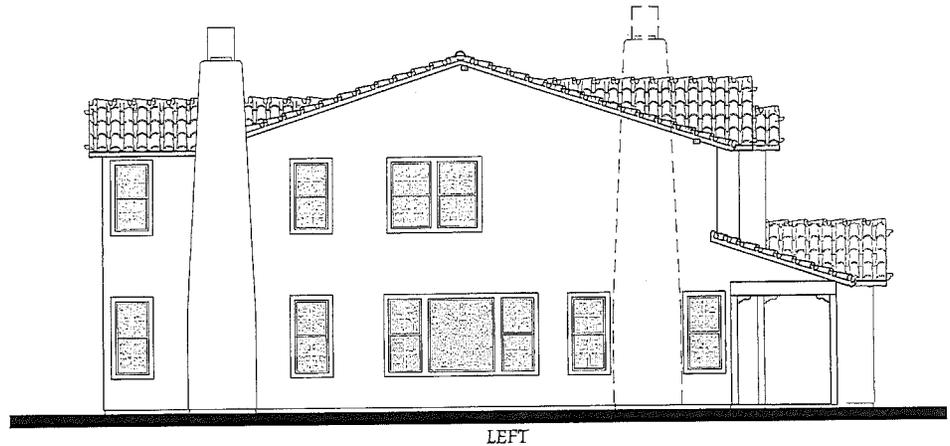


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949 250 0607 www.wharchitects.com fax 949 250 1529

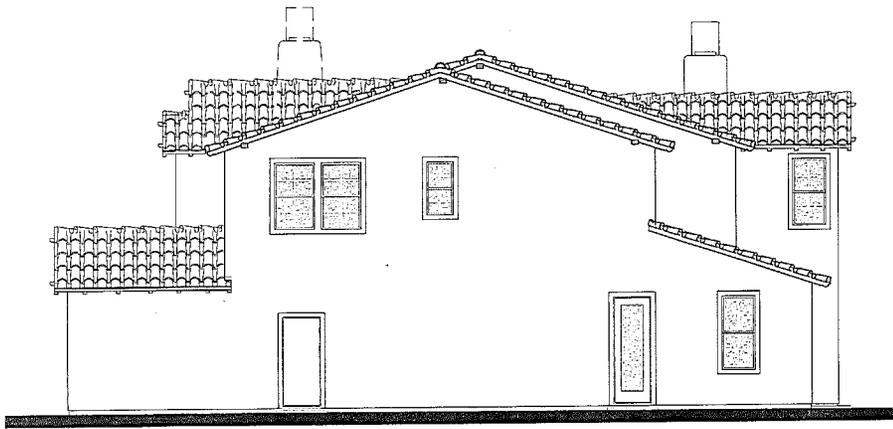
Smt. Juss. Revof. Sitr. 2007124



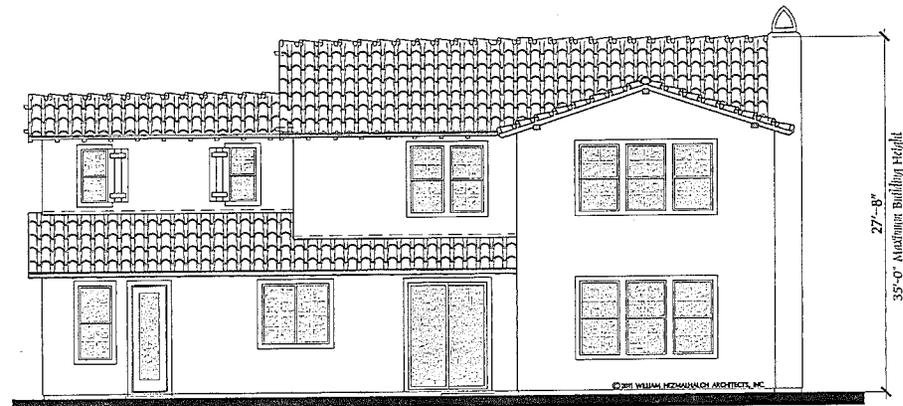
ROOF PLAN
SCALE: 1/8"=1'-0"



LEFT



RIGHT



REAR



October 25, 2011
2007124

PLAN ONE
SPANISH 'A' ELEVATIONS

San Felipe Road Site

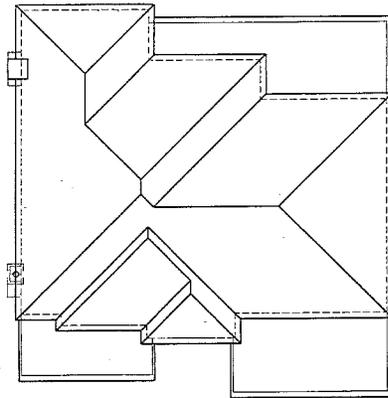
San Jose, Ca.
DAL PROPERTIES

PDC 11-012

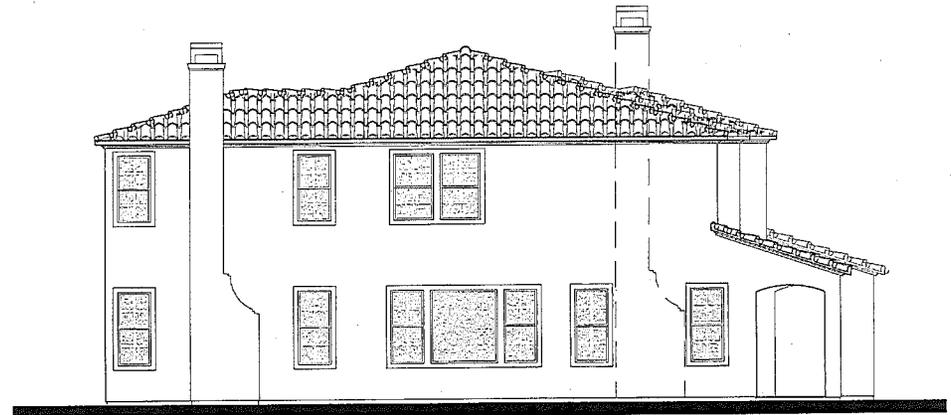


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ARCHITECTS, INC.
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949 250 0607 www.whearchitects.com fax 949 250 1529

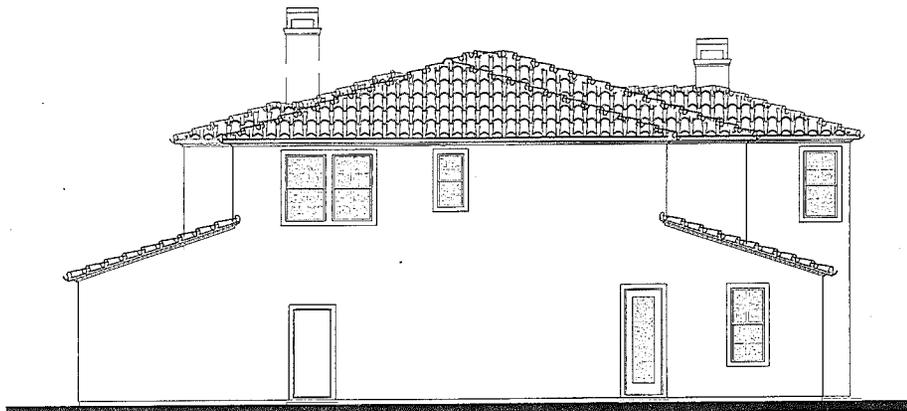
San Felipe Road Site, 2007124



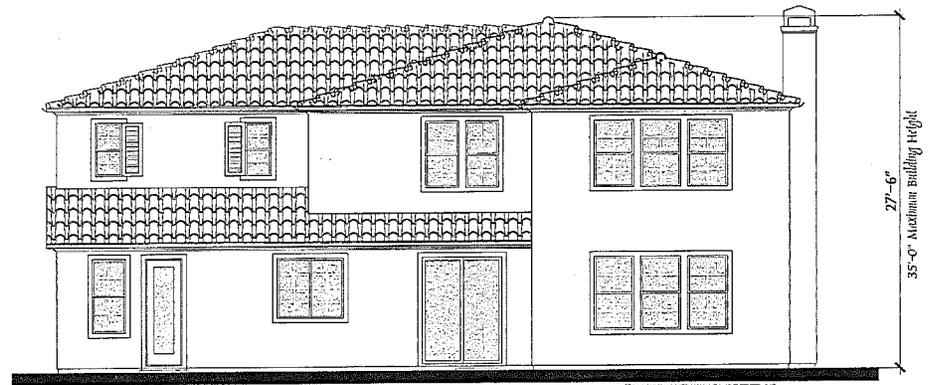
ROOF PLAN
SCALE: 1/8"=1'-0"



LEFT



RIGHT



REAR

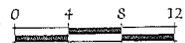
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PLAN ONE
MEDITERRANEAN 'B' ELEVATIONS

San Felipe Road Site

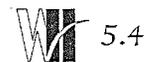
San Jose, Ca.

DAL PROPERTIES



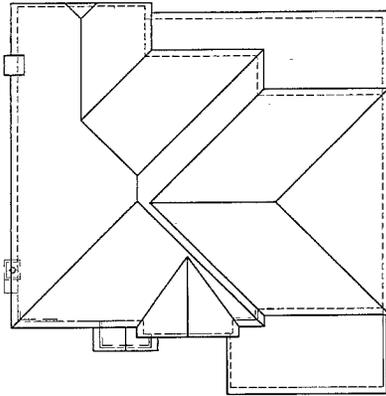
October 25, 2011
2007124

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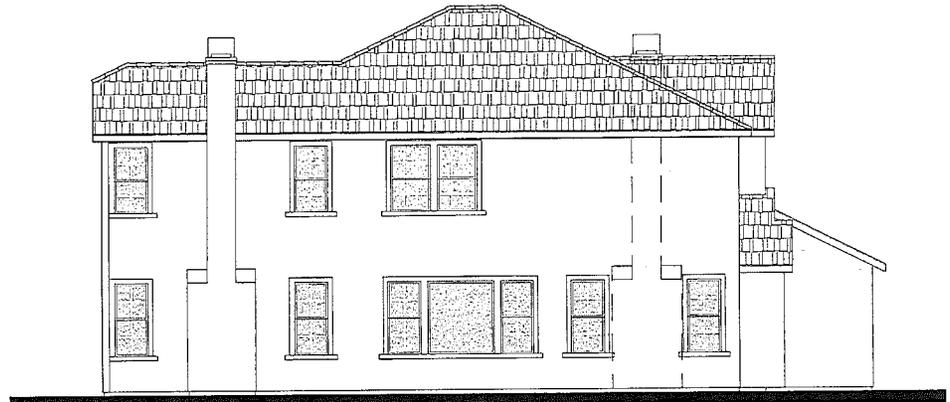


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San Felipe Road Site, 2007124



ROOF PLAN
SCALE: 1/8"=1'-0"



LEFT



RIGHT



REAR

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31'-4"
35'-0" Maximum Building Height



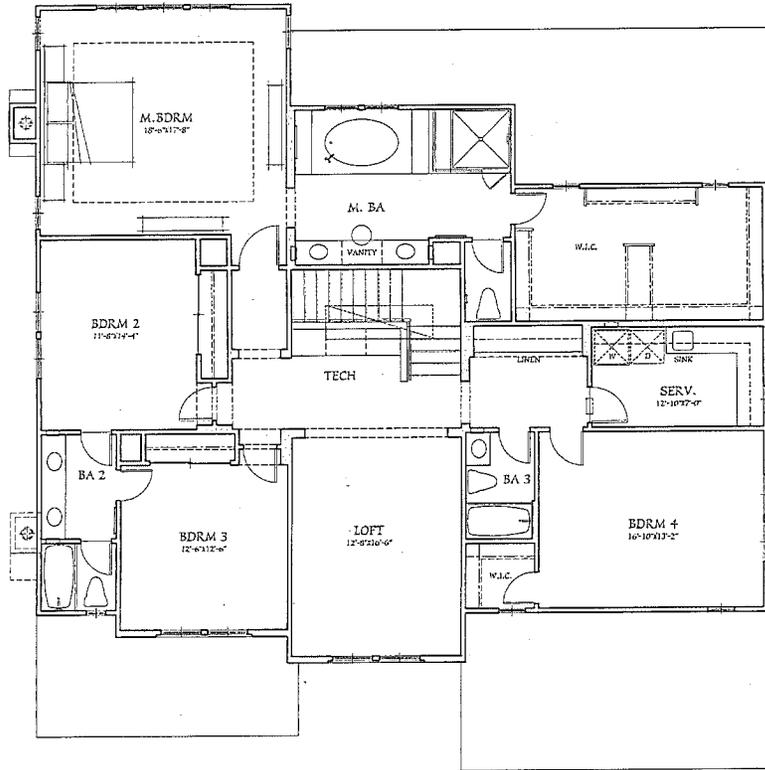
October 25, 2011
2007124

PLAN ONE
TUDOR 'C' ELEVATIONS
San Felipe Road Site
San Jose, Ca.
DAL PROPERTIES

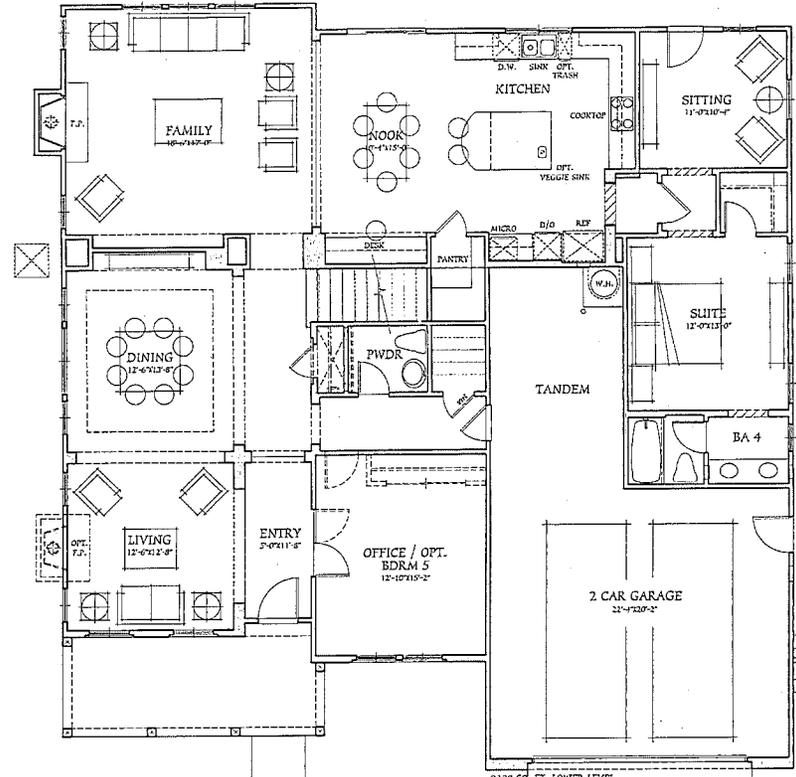
PDC 11-012

WH 5.5
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2809 REDMILL AVENUE SUITE 200 SANTA ANA CA 92705-5543
949 250 2507 www.wharchitects.com fax 949 250 1559

San Felipe Road Site, 2007124



2127 SQ. FT. UPPER LEVEL



2138 SQ. FT. LOWER LEVEL

PLAN TWO
 4265 SQ.FT. TOTAL
 4 BDRM/LOFT/3.5 BA/LOFT
 SUITE/ OPT. BDRM 5
 2 CAR GARAGE + TANDEM

San Felipe Road Site
 San Jose, Ca.
 DAL PROPERTIES



October 25, 2011
 2007124

Floor Plan Reflects Spanish Elevation Style
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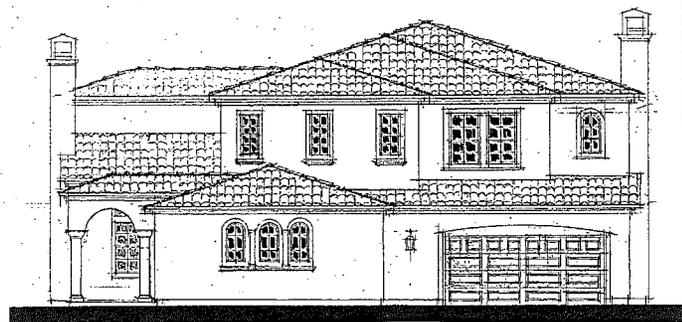
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 949 250 0607 www.ahard@wha.com fax 949 250 1529

PDC 11-012

San Felipe Road Site, 2007124

Style Elements

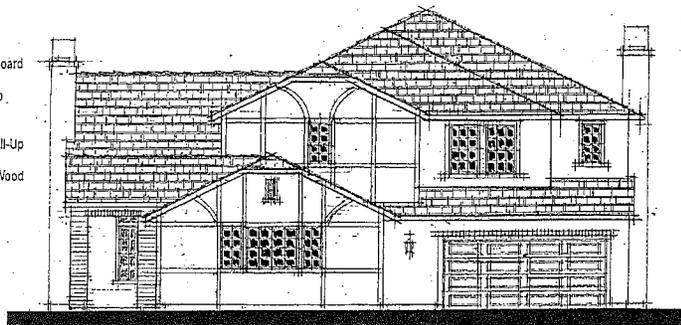
- Roof: Concrete 'S' Tile
- Eave: Closed 2x4 with Shaped Foam Trim
- Rake: 2x4 with Shaped Foam Trim
- Exterior Wall: Sand Finish Stucco
- Window: Vinyl
- Column: Pretab
- Trim: Stucco Over Foam
- Shutters: Wood
- Garage Door: Metal Sectional Roll-Up



MEDITERRANEAN

Style Elements

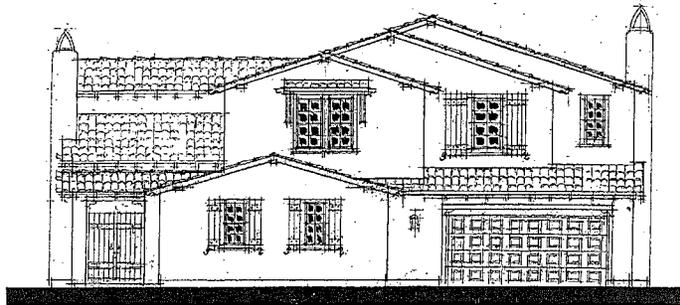
- Roof: Flat Concrete Tile
- Eave: 2x4 Wood Fascia
- Rake: 6x6 Wood Barge Board
- Gable End Detail: Louvered Vent
- Exterior Wall: Sand Finish Stucco
- Window: Vinyl
- Shutters: Wood
- Garage Door: Metal Sectional Roll-Up
- Chimney Shroud: Metal
- Accent: Brick Veneer/2x4 Wood



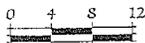
TUDOR

Style Elements

- Roof: Concrete 'S' Tile
- Eave: 2x4 Wood Fascia with 6x4 Wood Rafter Tails
- Rake: 6x6 Wood Barge Board
- Gable End Detail: Wood Outlooker
- Exterior Wall: Sand Finish Stucco
- Window: Vinyl
- Post/Bracket: Wood
- Shutters: Wood
- Garage Door: Metal Sectional Roll-Up
- Accent: Wrought Iron



SPANISH



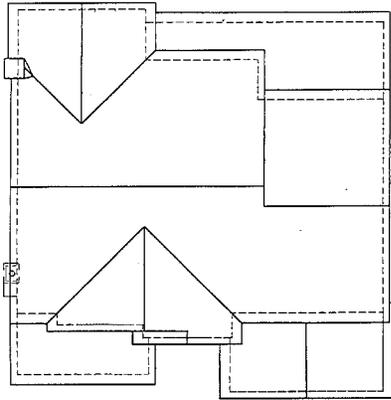
October 25, 2011
2007124

PLAN TWO
FRONT ELEVATIONS
San Felipe Road Site
SAN JOSE, CALIFORNIA
DAL PROPERTIES

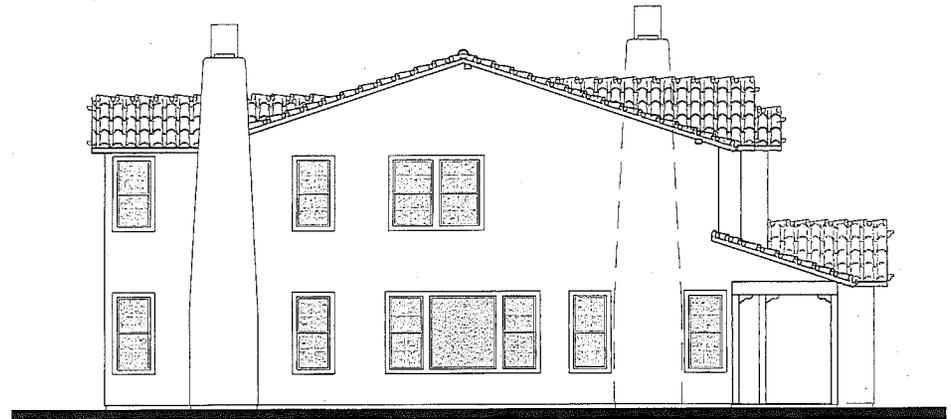
PDC 11-012



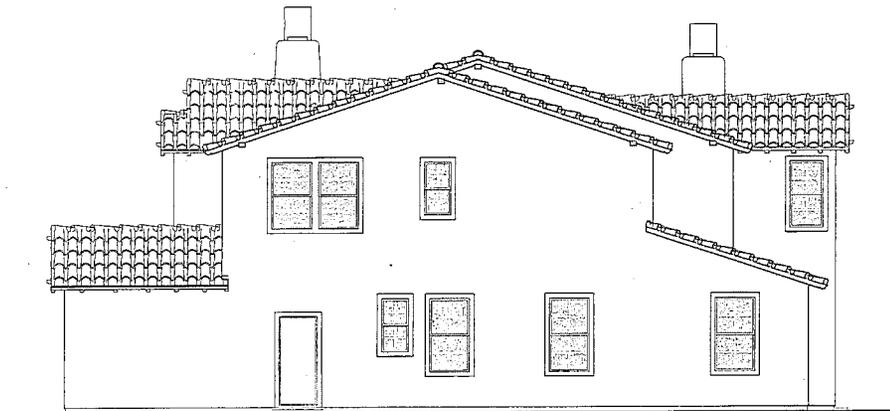
WILLIAM HEZMALHALCH
ARCHITECTS INC.
2850 REDHILL AVENUE SUITE 200 SANTA ANA CA 92705-5543
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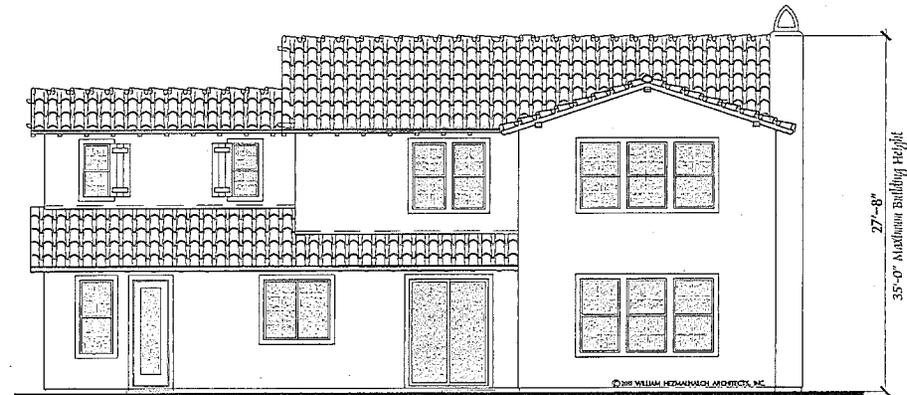
ROOF PLAN
SCALE: 1/8"=1'-0"



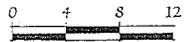
LEFT



RIGHT



REAR



October 25, 2011
2007124

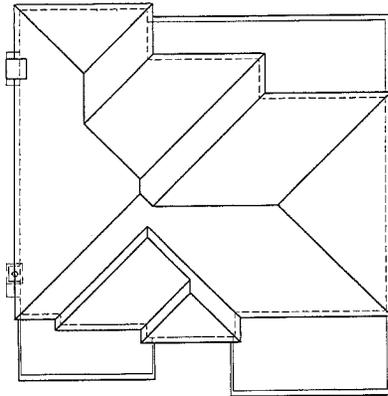
PLAN TWO
SPANISH 'A' ELEVATIONS
San Felipe Road Site
San Jose, Ca.
DAL PROPERTIES

PDC 11-012

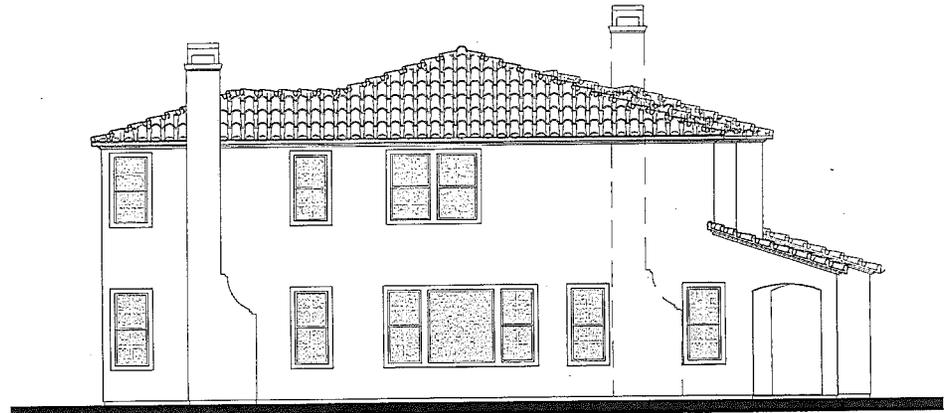


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San Felipe Road Site, 2007124



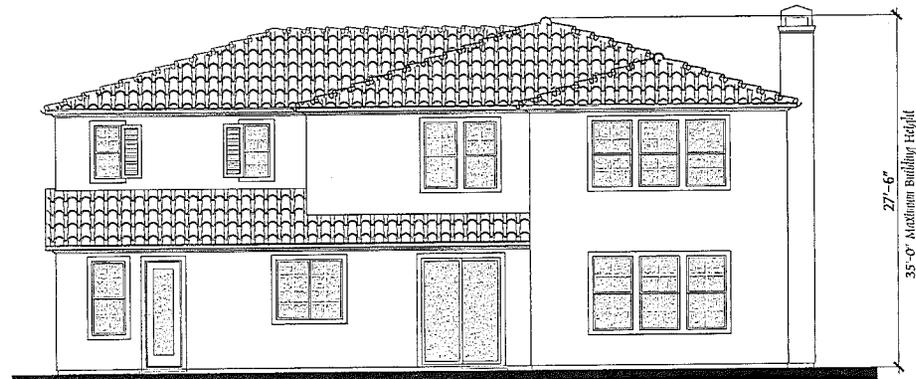
ROOF PLAN
SCALE: 1/8"=1'-0"



LEFT



RIGHT



REAR

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PLAN TWO
MEDITERRANEAN 'B' ELEVATIONS

San Felipe Road Site

San Jose, Ca.

DAL PROPERTIES

PDC 11-012

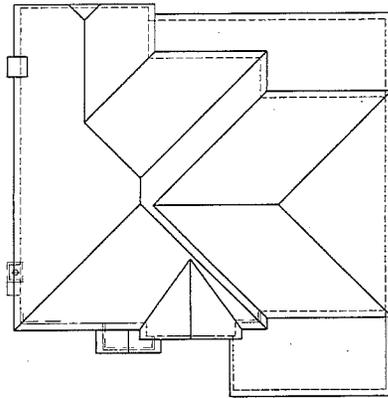


October 25, 2011
2007124

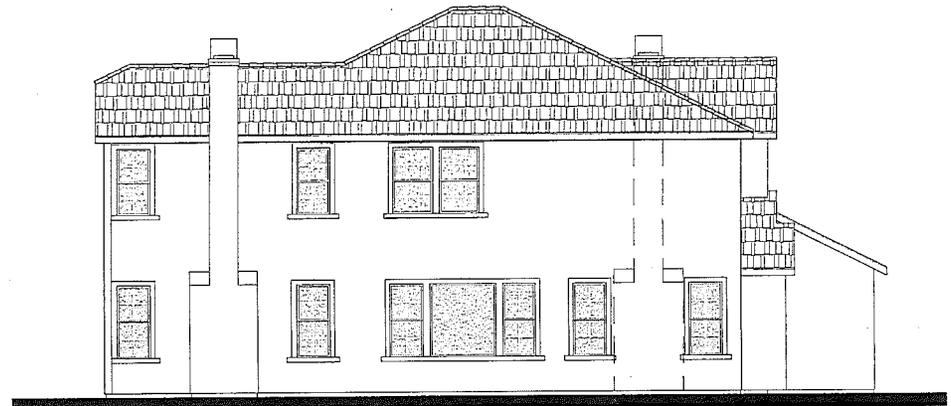


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San Felipe Road Site, 2007124



ROOF PLAN
SCALE: 1/8"=1'-0"



LEFT



RIGHT



REAR

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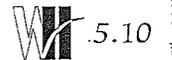
October 25, 2011
2007124

PLAN TWO
TUDOR 'C' ELEVATIONS

San Felipe Road Site

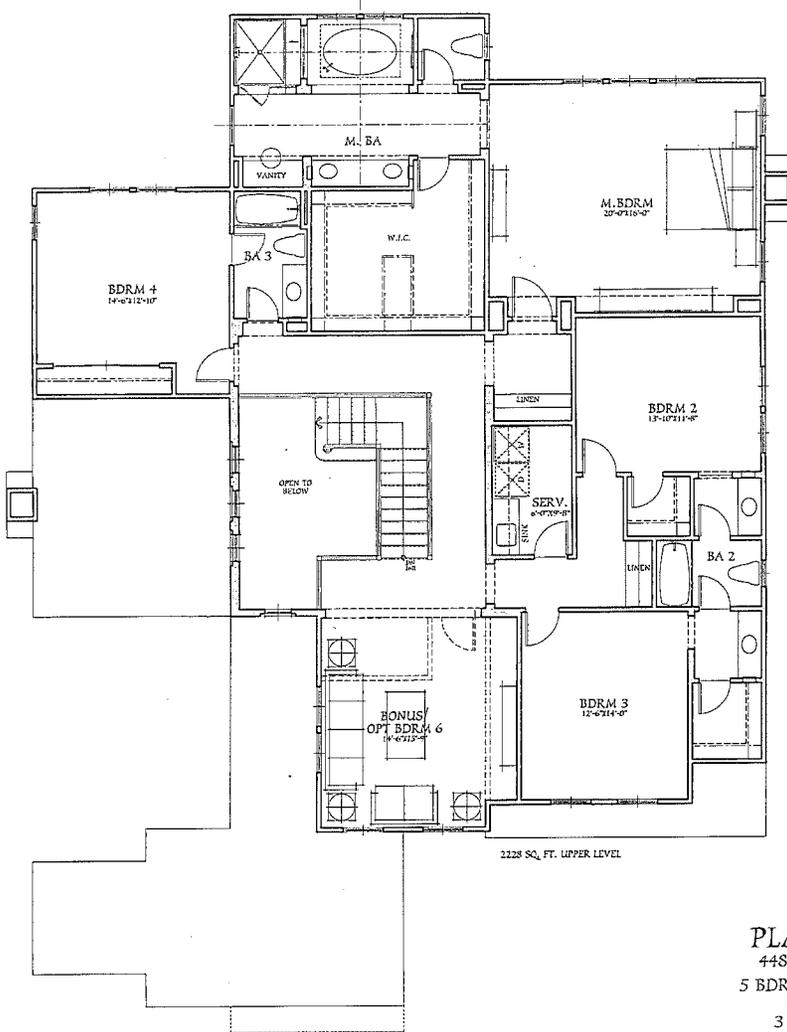
San Jose, Ca.
DAL PROPERTIES

PDC 11-012

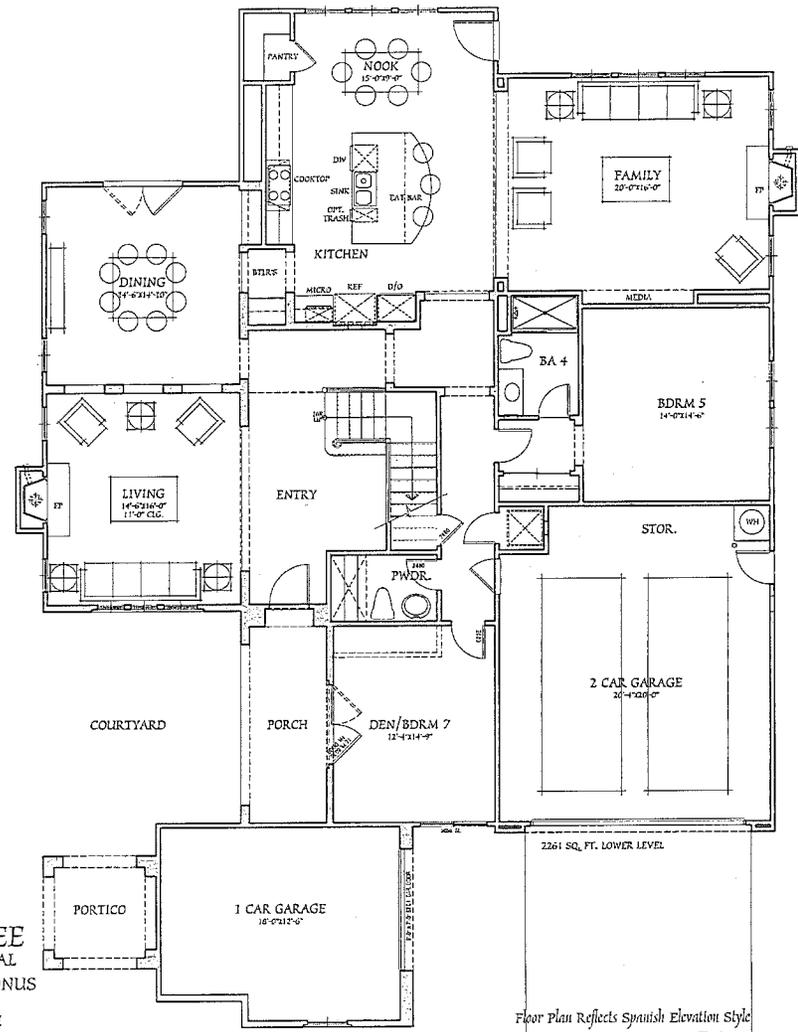


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2880 REDHILL AVENUE SUITE 200 SANTA ANA CA 92705-5543
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San Felipe Road Site, 2007124



2228 SQ. FT. UPPER LEVEL



2261 SQ. FT. LOWER LEVEL

PLAN THREE
 4489 SQ. FT. TOTAL
 5 BDRM/4.5 BA/BONUS
 OPT. OFFICE
 3 CAR GARAGE

San Felipe Road Site
 San Jose, Ca.
 DAL PROPERTIES

PDC 11-012



October 25, 2011
 2007124

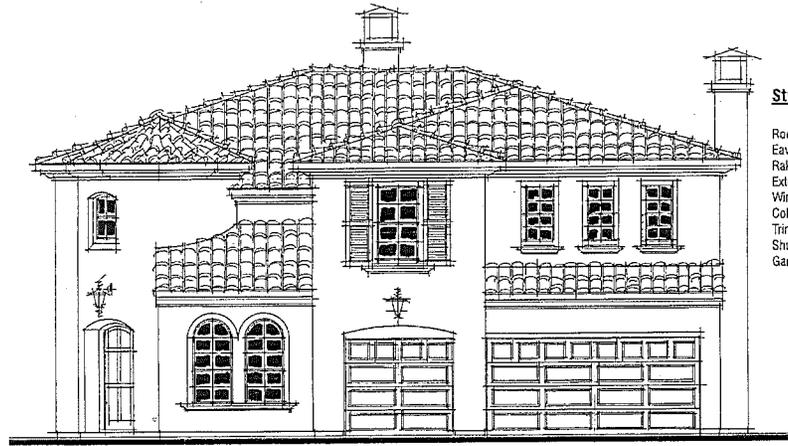
Floor Plan Reflects Spanish Elevation Style

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 2885 REDHILL AVENUE SUITE 200 SANTA ANA CA 92705-5549
 949 252 0607 www.williamhezmalhalch.com fax 949 250 1529

Site: Felipe Road Site, 2007124



Style Elements

- Roof: Concrete 'S' Tile
- Eave: Closed 2x4 with Shaped Foam Trim
- Rake: 2x4 with Shaped Foam Trim
- Exterior Wall: Sand Finish Stucco
- Window: Vinyl
- Column: Prefab
- Trim: Stucco Over Foam
- Shutters: Wood
- Garage Door: Metal Sectional Roll-Up

Style Elements

- Roof: Flat Concrete Tile
- Eave: 2x4 Wood Fascia
- Rake: 6x6 Wood Barge Board
- Gable End Detail: Louvered Vent
- Exterior Wall: Sand Finish Stucco
- Window: Vinyl
- Shutters: Wood
- Garage Door: Metal Sectional Roll-Up
- Chimney Shroud: Metal
- Accent: Brick Veneer/2x4 Wood

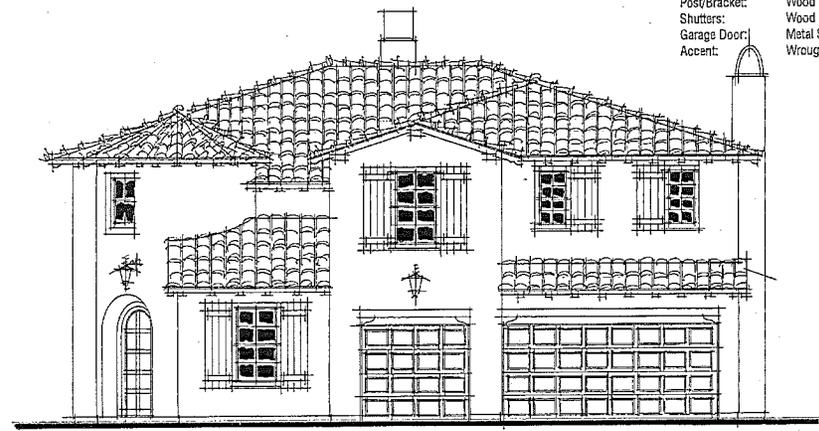
MEDITERRANEAN

Style Elements

- Roof: Concrete 'S' Tile
- Eave: 2x4 Wood Fascia with 6x4 Wood Rafter Tails
- Rake: 6x6 Wood Barge Board
- Gable End Detail: Wood Outlooker
- Exterior Wall: Sand Finish Stucco
- Window: Vinyl
- Post/Bracket: Wood
- Shutters: Wood
- Garage Door: Metal Sectional Roll-Up
- Accent: Wrought Iron



TUDOR



SPANISH

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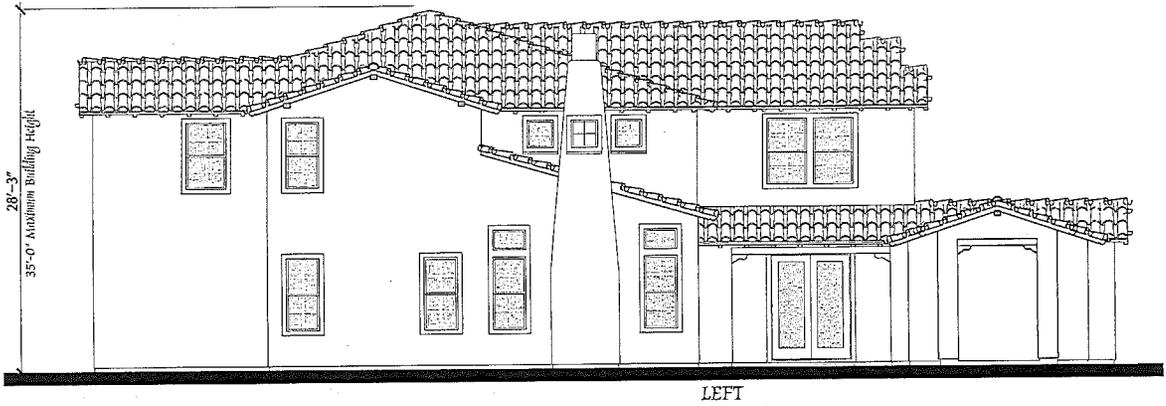
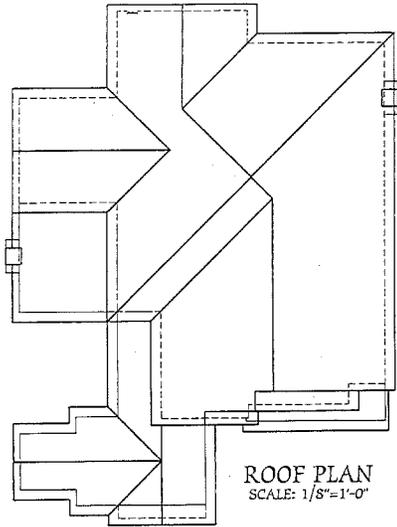
October 25, 2011
2007124

PLAN THREE
FRONT ELEVATIONS
San Felipe Road Site
SAN JOSE, CALIFORNIA
DAL PROPERTIES

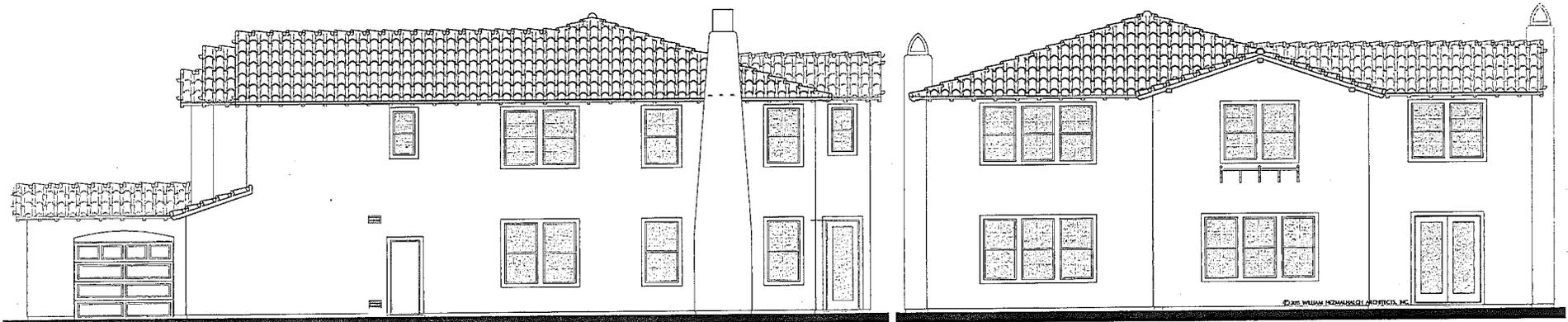
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W 5.12
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2850 RED HILL AVENUE SUITE 210 SANTA ANA, CA 92705-4543
949 253 0557 www.whezmah.com fax 949 226 1529

27290 San Felipe Road, 2011102



LEFT



RIGHT

REAR

PLAN THREE
SPANISH 'A' ELEVATIONS
San Felipe Road Site
San Jose, Ca.
DAL PROPERTIES

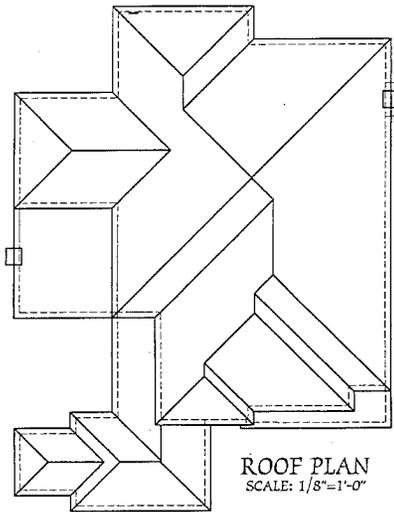


October 25, 2011
200712+

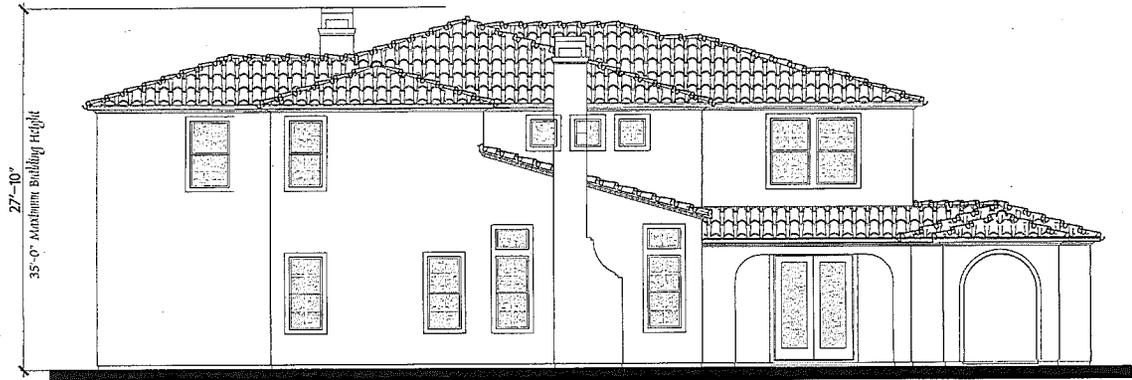
PDC 11-012

W 5.13
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ARCHITECTS, INC.
2850 REDHILL AVENUE SUITE 200 SANTA ANA CA 92705-5543
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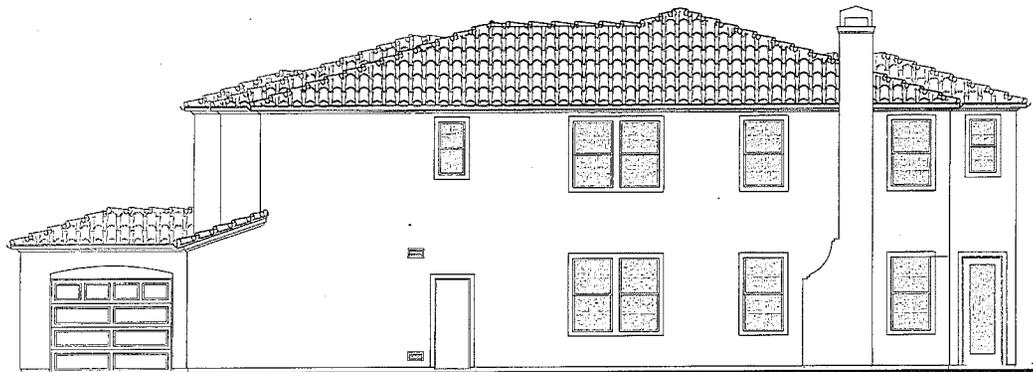
San Felipe Road Site, 2007124



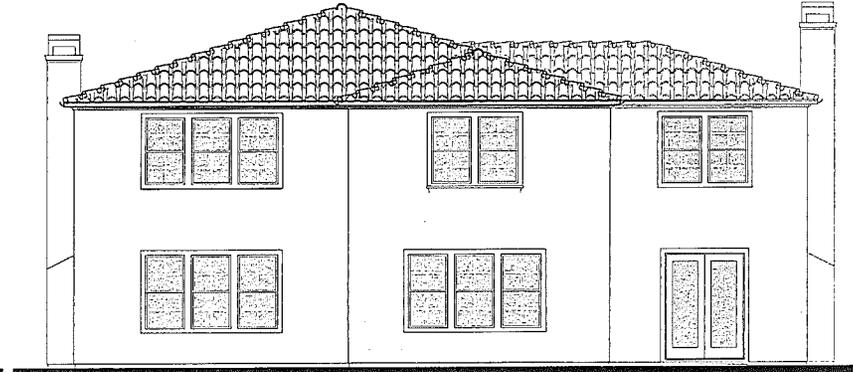
ROOF PLAN
SCALE: 1/8"=1'-0"



LEFT



RIGHT



REAR

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PLAN THREE
MEDITERRANEAN 'B' ELEVATIONS

San Felipe Road Site

San Jose, Ca.
DAL PROPERTIES



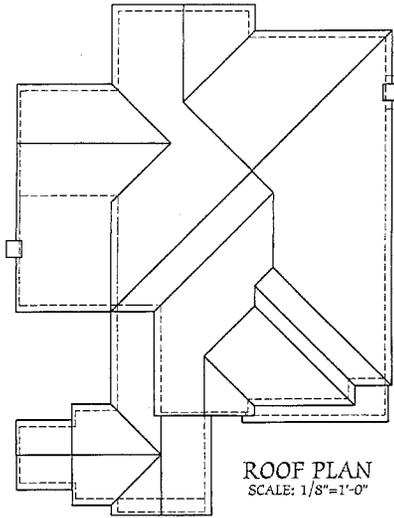
October 25, 2011
2607124

PDC 11-012

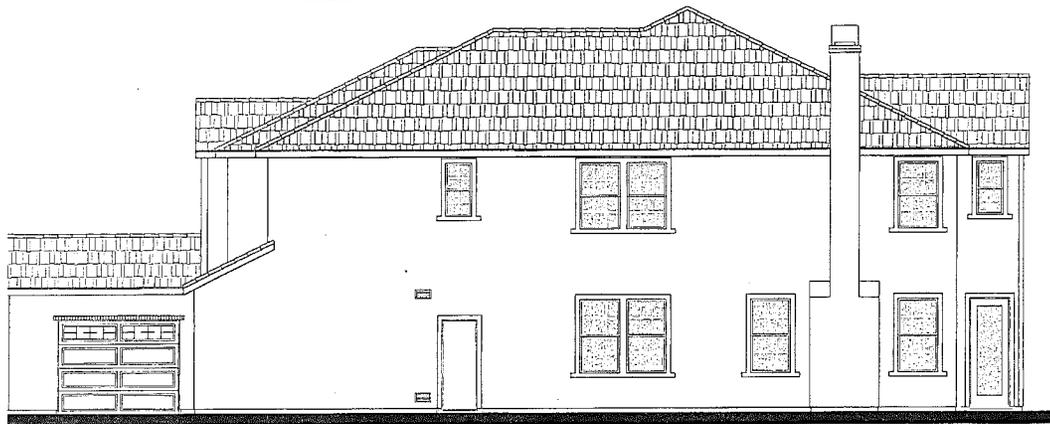


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ARCHITECTS INC.
2850 REDHILL AVENUE SUITE 200 SANTA ANA CA 92705-5543
949 250 0507 www.whearchitects.com fax 949 250 1529

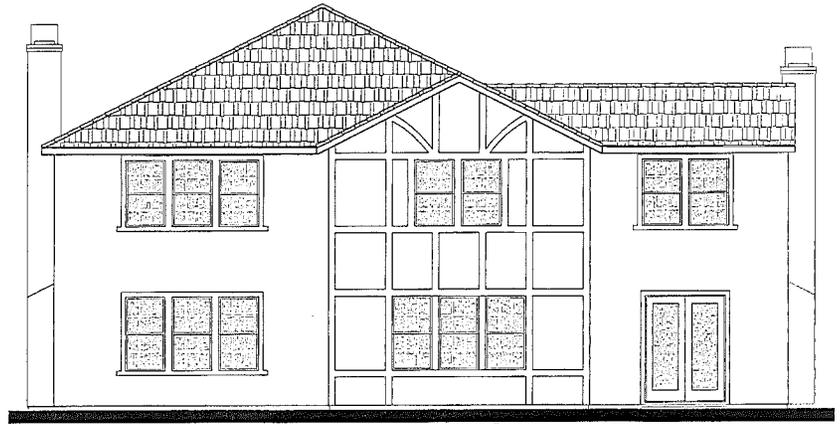
San Felipe Road Site, 2007124



LEFT



RIGHT



REAR

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October 25, 2011
2007124

PLAN THREE
TUDOR 'C' ELEVATIONS

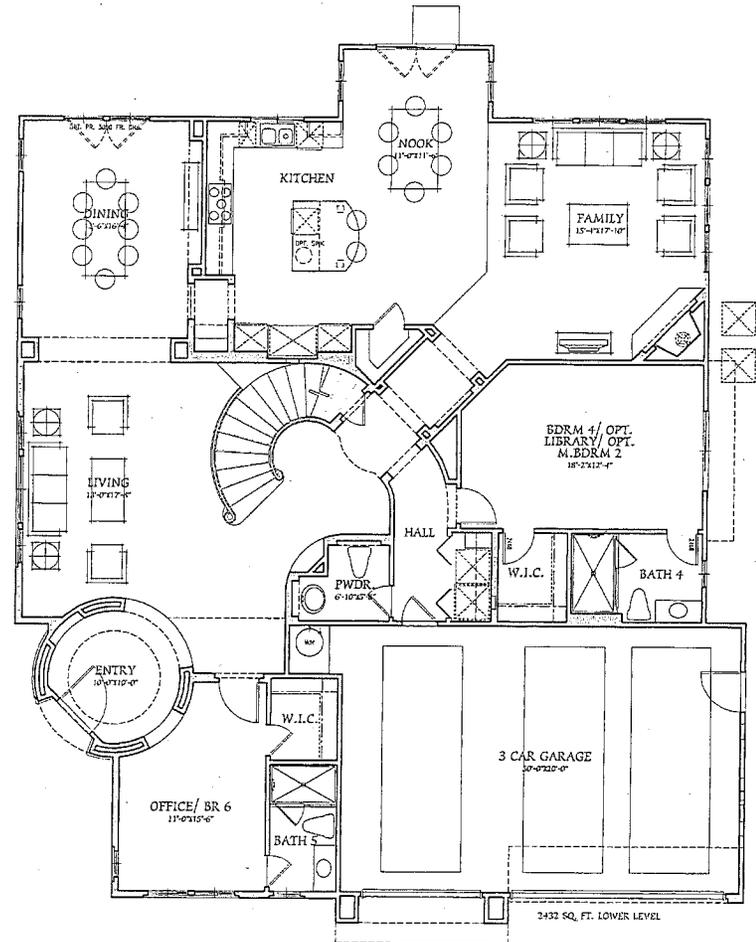
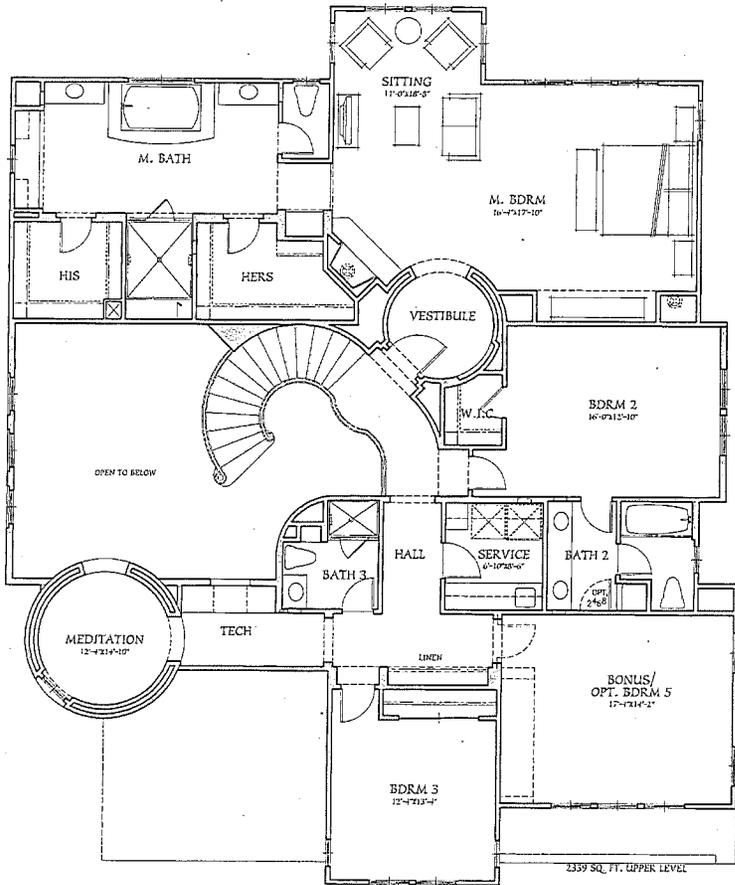
San Felipe Road Site
San Jose, Ca.
DAL PROPERTIES

PDC 11-012



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ARCHITECTS, INC.
2620 REDHILL AVENUE SUITE 200 SANTA ANA, CA 92705-5545
949 259 6507 www.williamhezmalhalch.com fax 949 259 1628

San Felipe Road Site, 2007124



PLAN FOUR
 4771 SQ. FT. TOTAL
 4 BDRM/OFFICE/4.5 BA/BONUS
 OPT. M.BDRM 2/ OPT. BDRM 5
 3 CAR GARAGE

San Felipe Road Site
 San Jose, Ca.
 DAL PROPERTIES



October 25, 2011
 2007124

PDC 11-012

Floor Plan Reflects Tindor Elevation Style
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WH 5.16
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 949 250 0607 www.wharchitects.com fax 949 250 1528

San Felipe Road Site, 2007124



MEDITERRANEAN

Style Elements

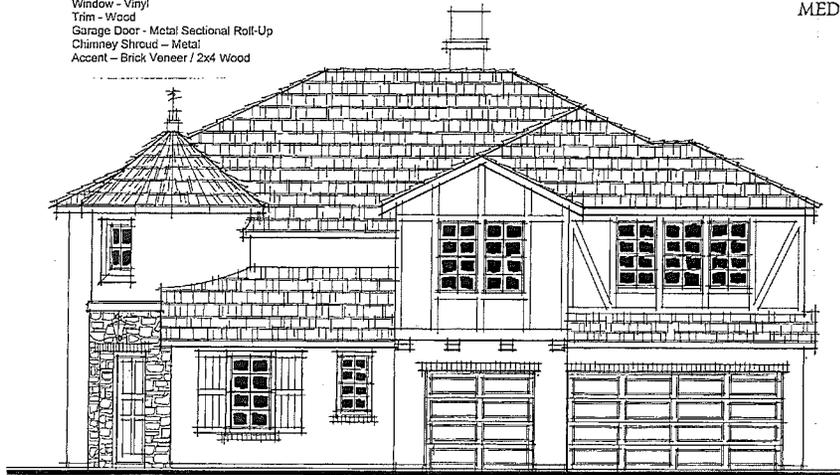
- Roof - Concrete "S" Tile
- Eave - Closed 2x4 w/ Shaped Foam Trim
- Rake - 2x4 w/ Shaped Foam Trim
- Exterior Wall - Sand Finish Stucco
- Window - Vinyl
- Column - Prefab
- Trim - Stucco Or Foam
- Shutters - Wood
- Garage Door - Metal Sectional Roll-Up

Style Elements

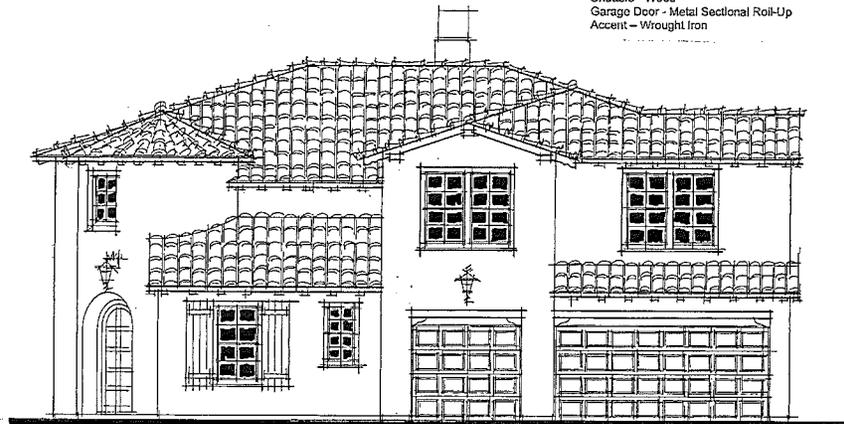
- Roof - Flat Concrete Tile
- Eave - 2x6 Wood Fascia
- Rake - 2x6 Wood Barge Board
- Gable End Detail - Louvered Vent
- Exterior Wall - Sand Finish Stucco
- Window - Vinyl
- Trim - Wood
- Garage Door - Metal Sectional Roll-Up
- Chimney Shroud - Metal
- Accent - Brick Veneer / 2x4 Wood

Style Elements

- Roof - Concrete "S" Tile
- Eave - 2x4 Wood Fascia
- W/ 6x4 Wood Rafter Tails
- Rake - 6x6 Wood Barge Board
- Gable End Detail - Wd Outlookers or
- Exterior Wall - Sand Finish Stucco
- Window - Vinyl
- Post/Bracket - Wood
- Shutters - Wood
- Garage Door - Metal Sectional Roll-Up
- Accent - Wrought Iron



TUDOR



SPANISH

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PLAN FOUR
FRONT ELEVATIONS

San Felipe Road Site
San Jose, Ca.
DAL PROPERTIES



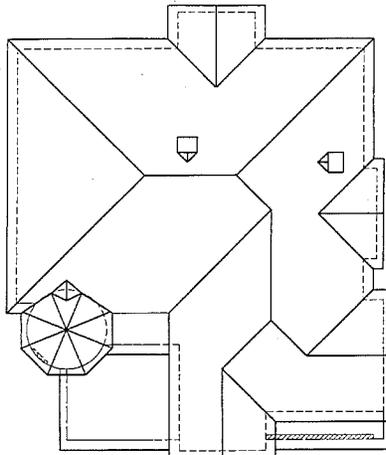
October 25, 2011
2607124

PDC 11-012

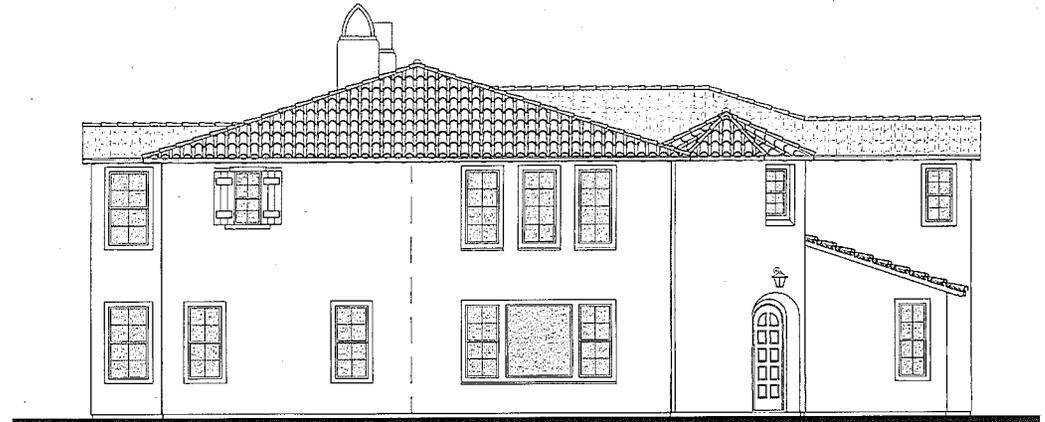


WILLIAM HEZMALHALCH
ARCHITECTS, INC.
2535 REDHILL AVENUE, SUITE 200, SANTA ANA, CA 92705-5542
949 250 9607 www.wheza.com fax 949 250 1528

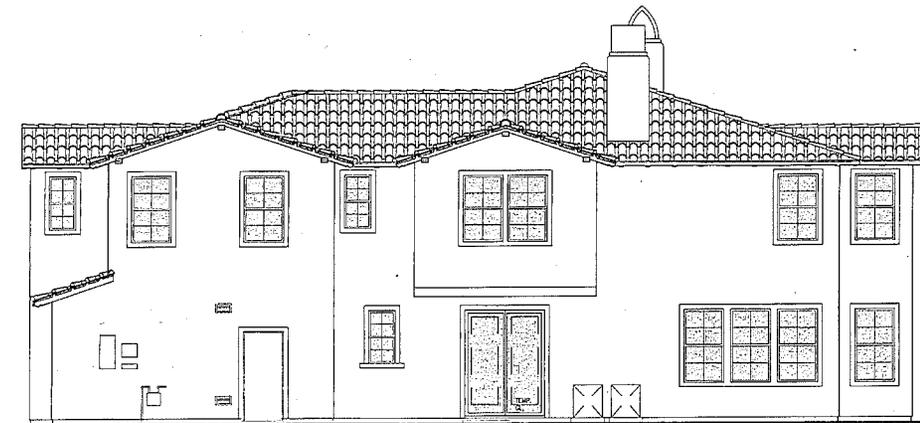
San Felipe Road Site, 2007124



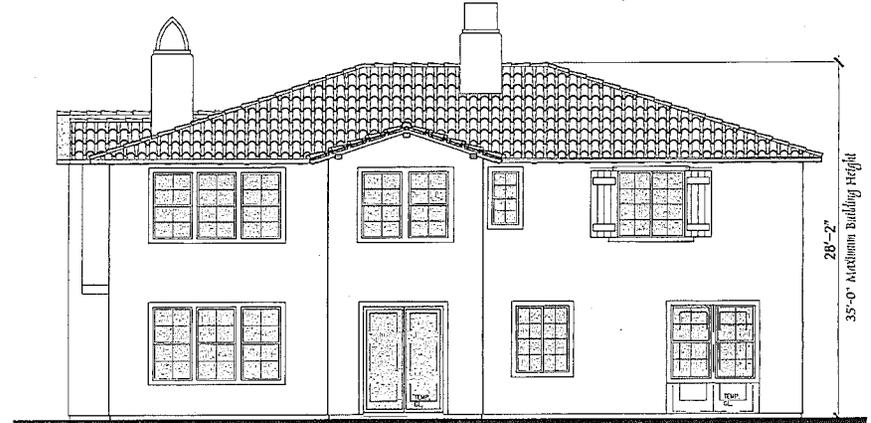
ROOF PLAN
SCALE: 1/8"=1'-0"



LEFT



RIGHT



REAR

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PLAN FOUR
SPANISH 'A' ELEVATIONS

San Felipe Road Site

San Jose, Ca.

DAL PROPERTIES



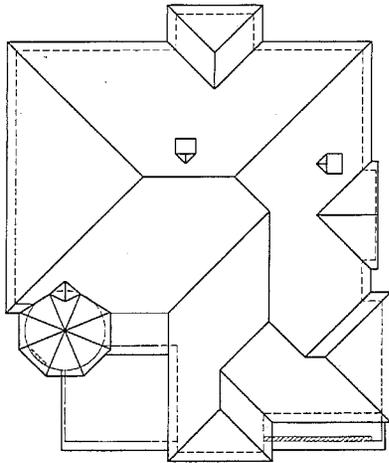
October 15, 2011
2007124

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2830 REDHILL AVENUE SUITE 200 SANTA ANA CA 92705-6343
949 250 0607 www.whoarchitects.com fax 949 250 1539

San Felipe Road Site, 2007124



ROOF PLAN
SCALE: 1/8"=1'-0"



LEFT



RIGHT



REAR

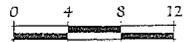
28'-2"
35'-0" Arabian Building Height

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PLAN FOUR
MEDITERRANEAN 'B' ELEVATIONS

San Felipe Road Site

San Jose, Ca.
DAL PROPERTIES



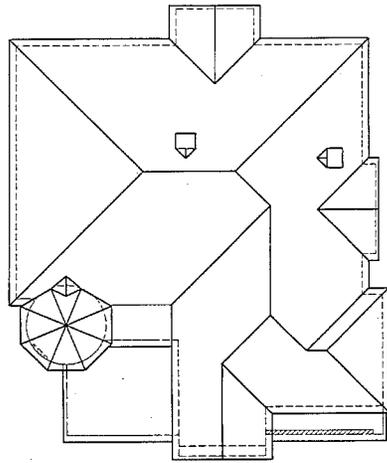
October 25, 2011
2007124

PDC 11-012

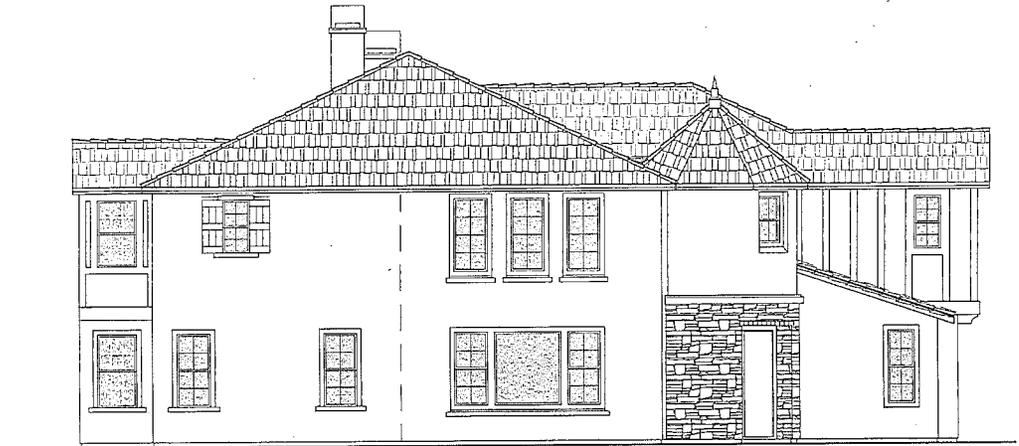


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San Felipe Road Site, 2007124



ROOF PLAN
SCALE: 1/8"=1'-0"



LEFT



RIGHT



REAR

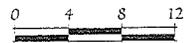
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PLAN FOUR
TUDOR 'C' ELEVATIONS

San Felipe Road Site

San Jose, Ca.

DAL PROPERTIES



October 25, 2011
2007124

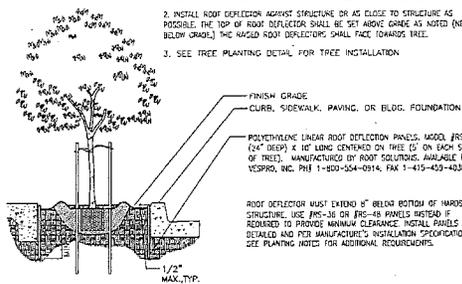
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2860 REDHILL AVENUE SUITE 200 SANTA ANA CA 92706-5543
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San Felipe Road Site, 2007124

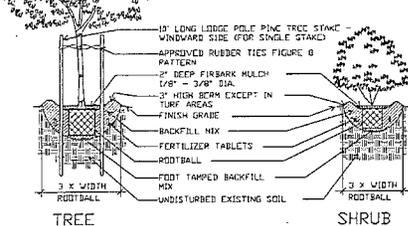
- NOTES:
1. ROOT DEFLECTORS MAY BE REQUIRED UNDER CERTAIN CONDITIONS. SEE PLANTING NOTES FOR SPECIFIC CONDITIONS WHERE ROOT DEFLECTORS ARE REQUIRED.
 2. INSTALL ROOT DEFLECTOR AGAINST STRUCTURE OR AS CLOSE TO STRUCTURE AS POSSIBLE. THE TOP OF ROOT DEFLECTOR SHALL BE SET ABOVE GRADE AS NOTED (NEVER BELOW GRADE). THE WEDGE ROOT DEFLECTORS SHALL FACE TOWARD TREE.
 3. SEE TREE PLANTING DETAIL FOR TREE INSTALLATION.



A ROOT DEFLECTOR
NTS

NOTES:

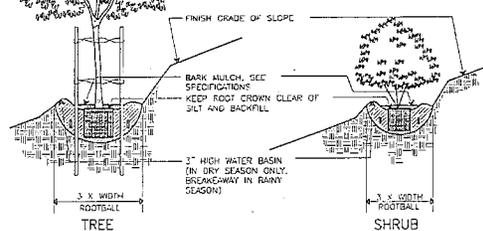
1. PLANT CROWN SHALL BE 1' ABOVE FINISH GRADE FOR SHRUBS AND 1-1/2' ABOVE FINISH GRADE FOR TREES AFTER WATERING AND SETTLING.
2. ONE STAKE FOR 5 GAL. TREES AND TWO STAKES FOR 15 GAL. AND LARGER TREES.
3. LOCATE STAKES AT OUTSIDE EDGE OF ROOTBALL.
4. SCARIFY SIDES OF PIT.



B TREE AND SHRUB PLANTING
NTS

NOTES:

1. PLANT CROWN SHALL BE 1' ABOVE FINISH GRADE FOR SHRUBS AND 1-1/2' ABOVE FINISH GRADE FOR TREES AFTER WATERING AND SETTLING.
2. ONE STAKE FOR 5 GAL. TREES AND TWO STAKES FOR 15 GAL. & LARGER TREES.
3. LOCATE STAKES AT OUTSIDE EDGE OF ROOTBALL.
4. SCARIFY SIDES OF PIT.
5. SEE TREE AND SHRUB PLANTING DETAIL FOR GENERAL PLANTING SPECIFICATIONS.



C HILLSIDE TREE AND SHRUB PLANTING
NTS

FRONTAGE & PRIVATE YARD AREA PLANT PALETTE:

STREET TREES:

STREET TREE SPECIES WILL BE SELECTED BY CITY ARBORIST. SEE "STREET TREE PLANTING NOTES," SHEET 0.1.

TREES:

CANOPY TREES:

EUROPEAN HACKBERRY	15 GAL.
CHITALPA TASHKENTENSIS	24\"/>

VERTICAL SCREEN TREES:

DELDAR CEDAR	15 GAL.
GREYHOLE NOCLUM	15 GAL.
MAIDENHAIR TREE	15 GAL.
SWEET SHADE	15 GAL.
FLORAL PINE	15 GAL.
ORIENTAL PEAR	15 GAL.
LOS ALTOS REDWOOD	15 GAL.

FLOWERING ACCENT TREES:

JAPANESE MAPLE	15 GAL. & 24\"/>
----------------	------------------

TREE STANDARDS:

CAPE MALLOW	15 GAL.
PHOTINIA	15 GAL.
PARAGUAY MOISTSHADE	15 GAL.
ROSE ICEBERG	15 GAL.

SHRUBS:

ARELIA GRANDIFLORA 'O'	15 GAL.
AGAPANTHE SPP.	15 GAL.
ACALUA HYBRID 'PINK & GREY'	15 GAL.
BURSERIA TRIMBERGII	15 GAL.
BERGONIA COROPOLIA	15 GAL.
CAMELLIA JAPONICA 'NICEO'S PEAL'	15 GAL.
CAMELLIA	15 GAL.
SMUSH GARDNER GAELELLA	15 GAL.
SRINSON SPOT ROCK ROSE	15 GAL.
SAFFIR LILY	15 GAL.
PINK BREATHER OF HEAVEN	15 GAL.
AUSTALIAN FUCHSIA	15 GAL.
LOWPAST REARBERY GOTOCASTER	15 GAL.
DIETES BICOLOR	15 GAL.
ERIGONIA KARVINGKUNJUS	15 GAL.
SANTA BARBARA DAISY	15 GAL.
COMPACT WALLFLOWER	15 GAL.
SHRUB DAISY	15 GAL.
CECALORRIA SPP.	15 GAL.
FUCHSIA HYBRIDA 'GARTENWEIBER'	15 GAL.
GREVILLEA ROSEMARINIFOLIA	15 GAL.
GREVILLEA NOCLUM	15 GAL.
HEBE 'ICEE'	15 GAL.
HEBE 'VERONA LAKE'	15 GAL.
HEMERICALLIS HYBRID	15 GAL.
HEUCHERA SARDINENSIS	15 GAL.
HEUCOSUS ROGA-SINENSIS	15 GAL.
LANTANA SPP.	15 GAL.
LAVATERA THURINGACA	15 GAL.
LAVANDULA DENTATA	15 GAL.
LEUCOSTRUM JAPONICUM	15 GAL.
JAPANESE PRIVET	15 GAL.
OREGON GRAPE	15 GAL.
HEAVENLY DAMROSE	15 GAL.
SOUTHERN DWARF FERN	15 GAL.
PHOTINIA FRAGRIS	15 GAL.
PHOTINIA 'DAZZLER'	15 GAL.
PHORADENDRUM 'NORON DUBERT'	15 GAL.
PHORADENDRUM 'TINY TIM'	15 GAL.
PITTOSPORUM TODIA 'CRIME DE MINT'	15 GAL.
PITTOSPORUM 'VINE GATA'	15 GAL.
FRAXINELLOPS INDOCA SPP.	15 GAL.
PHODODENDRON	15 GAL.
ROSA 'FUCHSIA MEDLIAND'	15 GAL.
RED SHRUB ROSE	15 GAL.
ROSA 'VALDA MEDLIAND'	15 GAL.
ROSA 'ICEBERG'	15 GAL.
ROMARNUS 'TUSCAN BLUE'	15 GAL.
SOLYTA HETEROPHYLLA	15 GAL.
TRICHOLOPISTRUM AGRIKINODES	15 GAL.
VERBENA PERUVIANA	15 GAL.
XYLEGMA CONGLOMUTUM 'COMPACTA'	15 GAL.

VINES:

BIGNONIA VIOLACEA	15 GAL.
FICUS PLUMBA	15 GAL.
MARCELENGIA MELAESEA	15 GAL.
JASMINUM PLYANTHON	15 GAL.
PANDOREA JASMINIODES	15 GAL.
ROSA BANQUINE	15 GAL.
SOLANUM JASMINODES	15 GAL.
WESTERNA SINCENSIS	15 GAL.
VIOLET TRUMPET VINE	15 GAL.
CREPPING FIG	15 GAL.
MANDARINORINIA	15 GAL.
PINK JASMINE	15 GAL.
PANDOREA	15 GAL.
LADY BANKS ROSE	15 GAL.
POTATO VINE	15 GAL.
CHINESE WISTERIA	15 GAL.

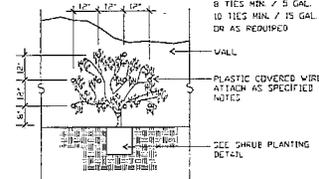
GROUNDCOVERS:

BACKGARDENS PILLULARIS 'PIGEON POINT'	15 GAL.
CHELOPSICHUM MARSITORIAM	15 GAL.
CHAMAEPSILLUM NOBILE	15 GAL.
COPROSMA KIRRI 'VERDE WISK'	15 GAL.
GOTOCASTER 'LOWPAST'	15 GAL.
FRAGARIA CHLOENSIS	15 GAL.
FRAGARIA SANTA CRUZ	15 GAL.
ROSA FLOWER CARPET	15 GAL.
SPREADING COYOTE DRUGH	15 GAL.
NEAREST CHELOPSICHUM	15 GAL.
VERVE VISTA MINORUM PLANT	15 GAL.
SPREADING GOTOCASTER	15 GAL.
ORNAMENTAL STRAWBERRY	15 GAL.
PYRACANTHA	15 GAL.
CANPET ROSES	15 GAL.

TURF:

MEDALION DWARF TALL FESCUE	15 GAL.
TURF GRASS	15 GAL.

- NOTES:
4. TIES MIN. / 1 GAL.
 8. TIES MIN. / 5 GAL.
 10. TIES MIN. / 15 GAL.
 - OR AS REQUIRED.



D VINE TYING DETAIL
NTS

RIPARIAN REVEGETATION AREA PLANT PALETTE:

TREES:

AREALIAS CALIFORNICA	15 GAL.
CELOSIS SUCCEDELLA	15 GAL.
QUERCUS AGRIFFOLIA	15 GAL.
PLATANUS RADEGODA	15 GAL.
UMBRELLA PINE CALIFORNICA	15 GAL.
BUSCKEY	15 GAL.
WESTERN REDWOOD	15 GAL.
COAST LIVE OAK	15 GAL.
WESTERN SYCAMORE	15 GAL.
CALIFORNIA BAY LAUREL	15 GAL.

SHRUBS:

ARCTOSTAPHYLLIS 'EMERALD CARPET'	15 GAL.
ANTICOSTAPHYLLIS HOOKER	15 GAL.
BACCHARIS PILLARIS	15 GAL.
GARTNERIA CALIFORNICA	15 GAL.
DIANTHUS URIBES HORIZONTALIS	15 GAL.
HELIOPSIS ARBUSTIFOLIA	15 GAL.
STICKY MONKEY FLOWER	15 GAL.
ERYTHRA CALIFORNICA	15 GAL.
PHAROS CALIFORNICA	15 GAL.
HELLSIDE GOOSEBERRY	15 GAL.
WILD ROSE	15 GAL.
CLEVELAND GAGE	15 GAL.
BLUE ELEGANCE	15 GAL.
COMMON WHITE ENCEBERRY	15 GAL.
MANDARITA	15 GAL.
NOODLES HAZANITA	15 GAL.
DWARF COYOTE BRUSH	15 GAL.
DUSH ANEMONE	15 GAL.
CARAMEL CRESSER	15 GAL.
CALIFORNIA TOYON	15 GAL.
DIRTY MONKEY FLOWER	15 GAL.
PACIFIC WAX MYRTLE	15 GAL.
COFFEEBERRY	15 GAL.
ROSA CALIFORNICA	15 GAL.
ROSA CALIFORNICA	15 GAL.
SALVIA CLEVELANDI	15 GAL.
BLUE ELEGANCE	15 GAL.
COMMON WHITE ENCEBERRY	15 GAL.

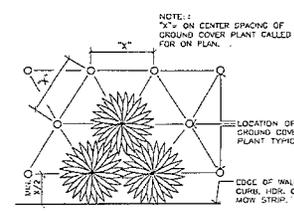
RIPARIAN PLANT PALETTE NOTES:

1. ALL RIPARIAN AREAS WILL BE REPLANTED WITH PLANT SPECIES INDICATED IN RIPARIAN REVEGETATION AREA PLANT PALETTE.
2. DETAILED RIPARIAN RESTORATION AREA PLANTING AND IRRIGATION PLANS (INCLUDING A COMPREHENSIVE RIPARIAN CORRIDOR REVEGETATION PLAN) WILL BE PRODUCED DURING THE CONSTRUCTION DOCUMENT PHASE OF THE PROJECT (AFTER THE PD PLANS HAVE BEEN APPROVED).

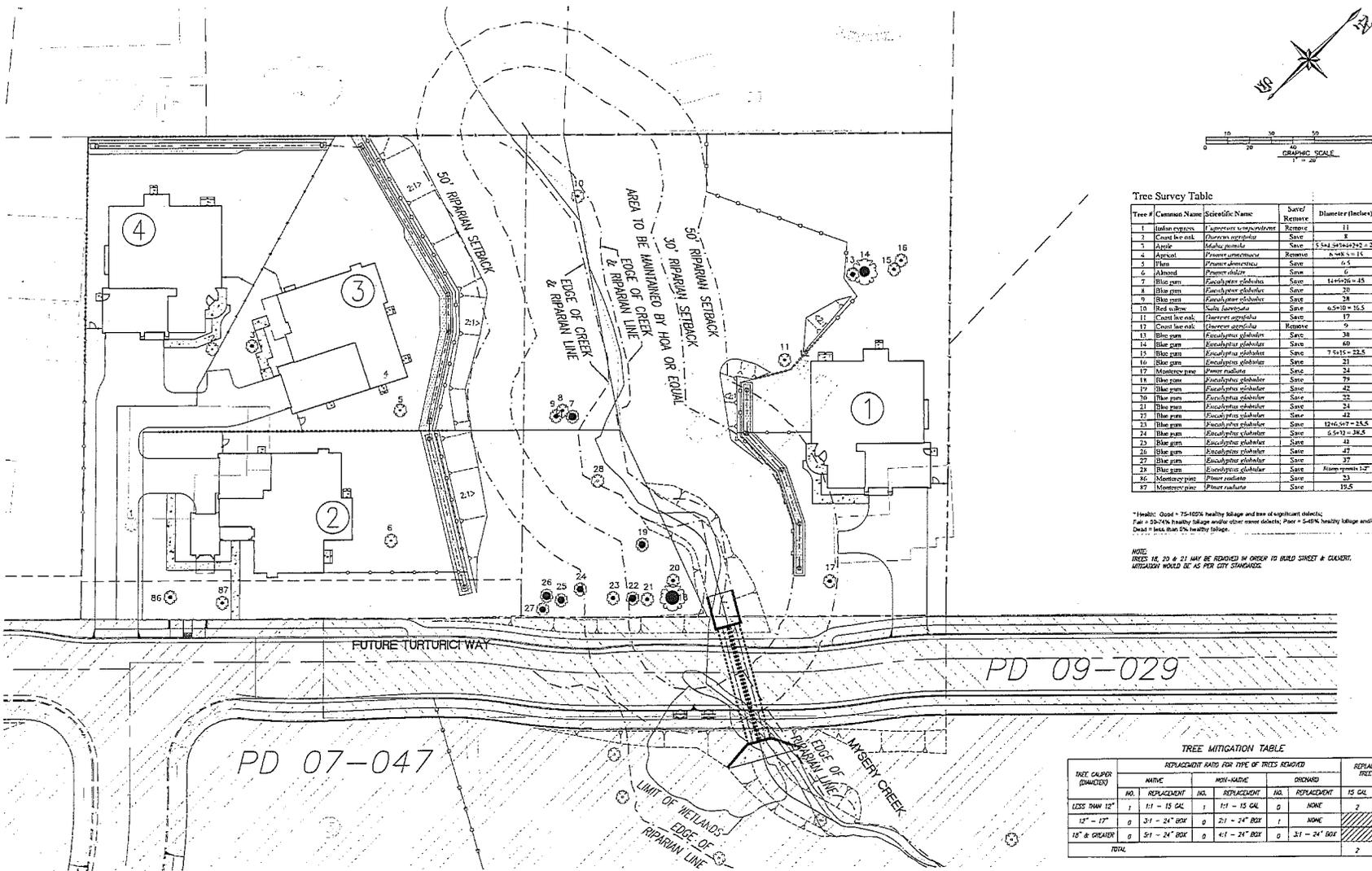
PLANT PALETTE NOTES:

1. ALL TREES, SHRUBS, VINES AND GROUND COVERS ARE WATER CONSERVING SPECIES, LISTED IN ONE OR MORE OF THE FOLLOWING PUBLICATIONS:
 - "WATER CONSERVING PLANTS & LANDSCAPES FOR THE BAY AREA," EMBUC BOOKS
 - "WATER CONSERVING PLANTS A LIST OF LOW WATER USING TREES, SHRUBS, VINES & GROUND COVERS," CITY OF PALO ALTO
 - "WALGOLF PROJECT: WATER USE CLASSIFICATION OF LANDSCAPE SPECIES," UC COOPERATIVE EXTENSION & STATE OF CALIFORNIA AB 325 MODEL WATER EFFICIENT LANDSCAPE ORDINANCE.

E GROUNDCOVER PLANTING
NTS



DATE: 12/19/11
 PROJECT NO: V1110
 SHEET NO: 6.4
 PRELIMINARY PLANT PALETTE AND DETAILS AS SHOWN
 SAN JOSE, CALIFORNIA
 VAN DORN ARBID LANDSCAPE ARCHITECTS, P.C.
 6782-6780 SAN FELIPE
 SAN JOSE, CALIFORNIA
 CONCEPTUAL LANDSCAPE PLANS
 PDC 11-012
 SCALE: 1/4" = 1'-0"
 DATE: 12/19/11
 PROJECT NO: V1110
 SHEET NO: 6.4
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 SAN JOSE, CALIFORNIA
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 6782-6780 SAN FELIPE
 SAN JOSE, CALIFORNIA
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 6782-6780 SAN FELIPE
 SAN JOSE, CALIFORNIA
 CONCEPTUAL LANDSCAPE PLANS
 PDC 11-012
 SCALE: 1/4" = 1'-0"
 DATE: 12/19/11
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Tree Survey Table

Tree #	Common Name	Scientific Name	Surv?/Remove	Diameter (Inches)	Ornament size?	Health*
1	Indian yucca	<i>Yucca brevifolia</i>	Remove	11	-	Good
2	Crested lily oak	<i>Quercus agrifolia</i>	Save	8	-	Good
3	Avocado	<i>Melicope guineensis</i>	Save	5.5+4.5+3.5+2.5 = 21	yes	Good
4	Apricot	<i>Prunus americana</i>	Remove	6.5x3.5 = 15	-	Fair
5	Flora	<i>Prunus americana</i>	Save	6.5	-	Fair
6	Almond	<i>Prunus amygdala</i>	Save	6	-	Fair
7	Blue gum	<i>Eucalyptus globulus</i>	Save	14+5+6 = 25	yes	Good
8	Blue gum	<i>Eucalyptus globulus</i>	Save	20	yes	Good
9	Blue gum	<i>Eucalyptus globulus</i>	Save	28	yes	Good
10	Red willow	<i>Salix lasiolepis</i>	Save	6.5+10 = 16.5	-	Fair
11	Crested lily oak	<i>Quercus agrifolia</i>	Save	17	-	Good
12	Crested lily oak	<i>Quercus agrifolia</i>	Remove	9	-	Good
13	Blue gum	<i>Eucalyptus globulus</i>	Save	38	yes	Fair
14	Blue gum	<i>Eucalyptus globulus</i>	Save	40	yes	Good
15	Blue gum	<i>Eucalyptus globulus</i>	Save	7.5+15 = 22.5	yes	Fair
16	Blue gum	<i>Eucalyptus globulus</i>	Save	21	yes	Good
17	Montezuma pine	<i>Pinus monophylla</i>	Save	24	yes	Good
18	Blue gum	<i>Eucalyptus globulus</i>	Save	29	yes	Good
19	Blue gum	<i>Eucalyptus globulus</i>	Save	42	yes	Fair
20	Blue gum	<i>Eucalyptus globulus</i>	Save	22	yes	Good
21	Blue gum	<i>Eucalyptus globulus</i>	Save	24	yes	Fair
22	Blue gum	<i>Eucalyptus globulus</i>	Save	42	yes	Good
23	Blue gum	<i>Eucalyptus globulus</i>	Save	24+6.5+7 = 37.5	yes	Fair
24	Blue gum	<i>Eucalyptus globulus</i>	Save	6.5+17 = 23.5	yes	Fair
25	Blue gum	<i>Eucalyptus globulus</i>	Save	13	yes	Good
26	Blue gum	<i>Eucalyptus globulus</i>	Save	47	yes	Fair
27	Blue gum	<i>Eucalyptus globulus</i>	Save	37	yes	Fair
28	Blue gum	<i>Eucalyptus globulus</i>	Save	24+11+11 = 46	yes	Fair
29	Montezuma pine	<i>Pinus monophylla</i>	Save	23	yes	Fair
30	Montezuma pine	<i>Pinus monophylla</i>	Save	19.5	yes	Fair

*Health: Good = 75-100% healthy foliage and base of significant defects; Fair = 50-74% healthy foliage and/or other minor defects; Poor = 25-49% healthy foliage and/or significant defects; Dead = less than 25% healthy foliage.

NOTE: TREES 16, 20 & 21 MAY BE REMOVED IN ORDER TO BURY STREET & CLEARLY. UTILIZATION WOULD BE AS PER CITY STANDARDS.

TREE MITIGATION TABLE

TREE CALIPER (DIAMETER)	REPLACEMENT RATIO FOR TYPE OF TREES REMOVED				REPLACEMENT TREE SIZE
	NO.	REPLACEMENT	NO.	REPLACEMENT	
LESS THAN 12"	1	15 GAL	1	15 GAL	24" BOX
12" - 17"	0	31" - 24" BOX	0	21" - 24" BOX	0
18" & GREATER	0	51" - 24" BOX	0	41" - 24" BOX	0
TOTAL					2

D.A.L. PROPERTIES

255 WEST JULIAN STREET, SUITE 502
SAN JOSE, CA 95130
Telephone: (408) 298-9005
Fax: (408) 298-9006

CONCEPTUAL TREE REMOVAL PLAN
LANDS OF DAL PROPERTIES, LLC

6782 AND 6790 SAN FELIPE ROAD - APPROX 400' SOUTH OF MEADOWLEAF COURT
SAN JOSE, CALIFORNIA

PDC 11-012

Revisions: _____
Date: 12-19-11 Job No.: 1842
Scale: 1" = 20' Drawn By: M.M.F.
Sheet No.: **7**
of _____ Sheets

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DATE PLOTTED: 12/19/11 10:41 AM