

STAFF REPORT
PLANNING COMMISSION

FILE NO.: PDC06-067

Submitted: 06/21/06

PROJECT DESCRIPTION:

Planned Development Rezoning from the IP – Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 777 multi-family attached residences and a 2.58 acre public park on a 14.3 gross acre site. (Density: 75 DU/AC).

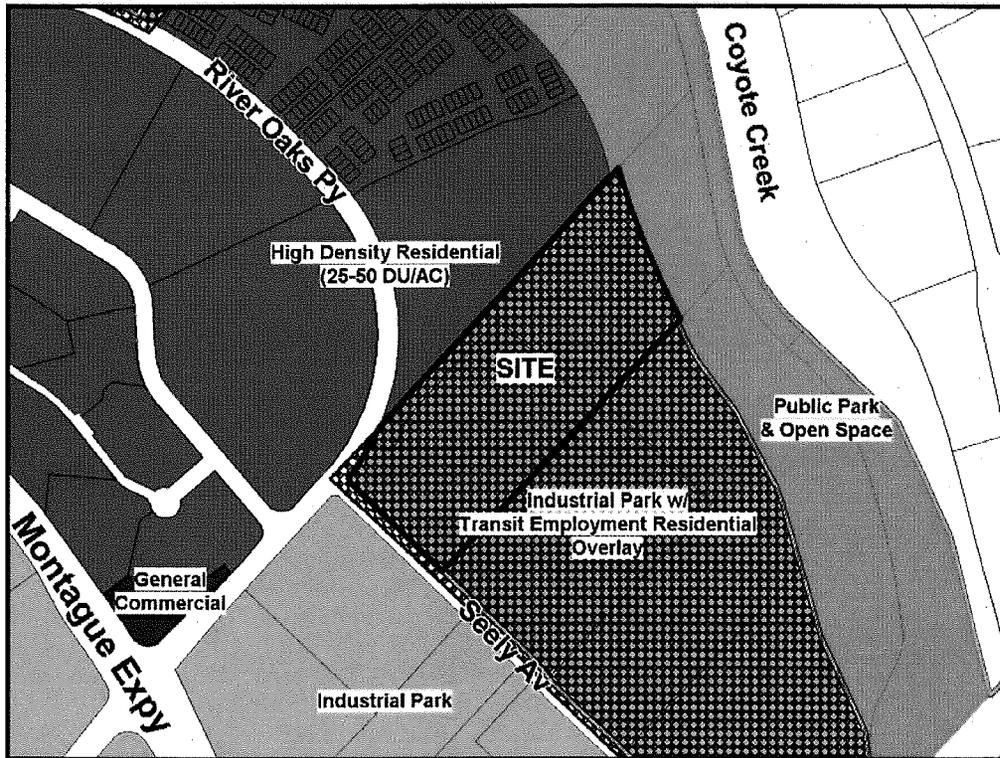
LOCATION: Southeast corner of River Oaks Parkway and Seely Avenue.

Existing Zoning	IP – Industrial Park
Proposed Zoning	A(PD) Planned Development
General Plan	IP – Industrial Park with Transit Employment Residential Overlay
Council District	4
Annexation Date	June 9, 1982
SNI	n/a
Historic Resource	n/a
Redevelopment Area	Rincon de los Esteros
Development Policy Area	North San José
Specific Plan	n/a

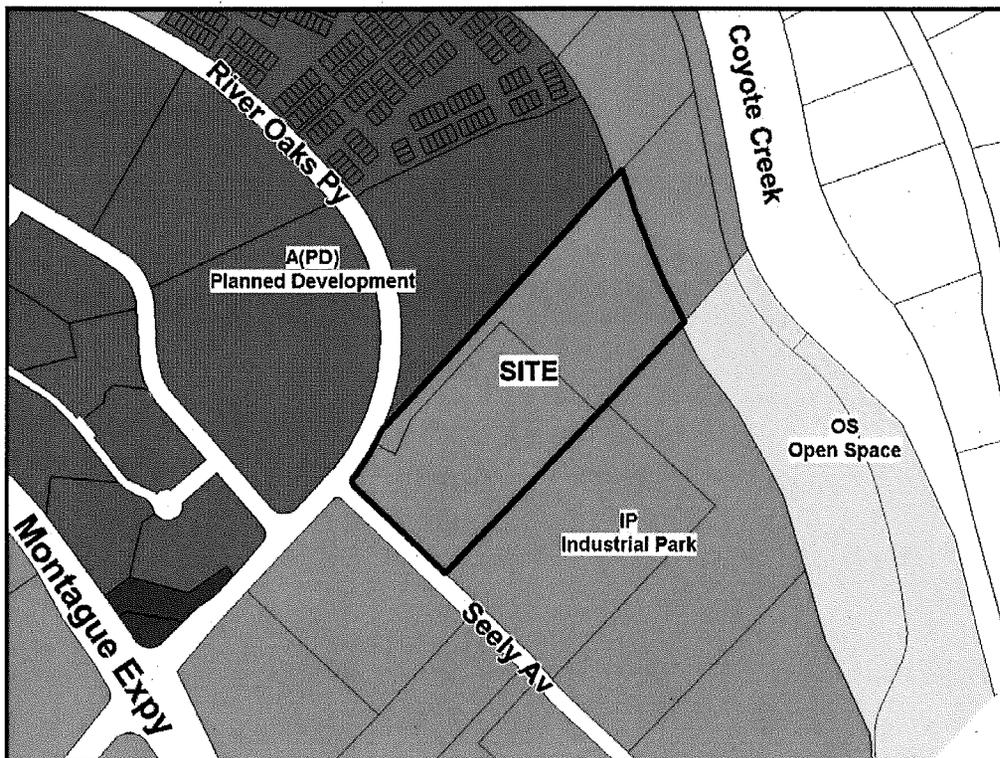
AERIAL



GENERAL PLAN



ZONING



RECOMMENDATION

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

1. The project conforms to the San José 2020 General Plan Land Use/Transportation Diagram designation of Industrial Park with Transit Employment Residential District Overlay (55+DU/A).
2. The project is consistent with the North San José Area Development Policy.
3. The project is consistent with the compatibility, parking, and open space guidelines in the Residential Design Guidelines and interim North San José Design Guidelines.
4. The project is consistent with the North San José Neighborhoods Planning Task Force Guiding Principles.
5. The project is compatible with existing and planned uses in the surrounding neighborhood.

BACKGROUND & DESCRIPTION

The applicant, Essex Property Trust, Inc., is requesting to rezone the subject site from the IP – Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 777 multi-family attached residential units, and a 2.58 acre public park on a 14.3 gross acre site (up to approximately 75 dwelling units per net acre).

Surrounding land uses include industrial park uses to the south and west, residential uses to the north, and Coyote Creek to the east.

ANALYSIS

GENERAL PLAN CONFORMANCE

The project site is designated Industrial Park, with the Transit Employment Residential overlay and Floating Park designation on the *San José 2020 General Plan Land Use/Transportation Diagram*. The Transit Employment Residential overlay allows residential development at a minimum average density of 55 units per acre as an alternate use to the underlying Industrial Park designation. The designation also allows for public park uses within the overlay areas. The proposed project is consistent with this General Plan designation.

The project is consistent with the Economic Development Major Strategy of the General Plan in that locating new residential areas at specific locations in close proximity to employment areas, and in combination with specific transportation improvements, supports the intensification of industrial development within the North San José area, the driving force behind the update of the Policy. This proposal allows for location of residential uses near industrial uses and near transit stations, and thus supports this Major Strategy.

ENVIRONMENTAL REVIEW

The project site is located within the boundaries of the *North San José Area Development Policy* (Policy). The Final Environmental Impact Report (EIR) for the North San José Area Development Policies Update was certified and the project approved by the City Council in June 2005. Santa Clara County and the Cities of Milpitas and Santa Clara subsequently legally challenged the EIR. In

December 2006, the Santa Clara County Superior Court approved a settlement over all legal challenges and deemed the EIR adequate.

An Initial Study was prepared for the proposed rezoning in accordance with an addendum to the Final EIR. The Initial Study evaluated impacts related to air quality, noise, cultural resources, geology, hydrology and hazardous materials. Based on the analysis in the Initial Study, it has been concluded that the North San José Area Development Policies Update Final EIR adequately addresses the environmental effects of the proposed project, and the project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or Negative Declaration.

RIPARIAN CORRIDOR POLICY CONSISTENCY

The proposed project is consistent with the *Riparian Corridor Policy* (RCP). The eastern edge of the site is approximately 210-feet away from the edge of the riparian corridor vegetation. A 2.58-acre public park will replace portions of two existing buildings and a surface parking lot, further enhancing the interface with the creek environment.

NORTH SAN JOSÉ AREA DEVELOPMENT POLICY CONSISTENCY

The project exhibits many of the pedestrian-oriented characteristics that are strongly promoted in the *North San José Area Development Policy* (Policy). The project is designed as two blocks with an average perimeter of approximately 1,600 linear feet. Pedestrians will be able to conveniently and comfortably walk around the site to the future public neighborhood park.

The Policy provides for the development of up to 32,000 new residential dwelling units within North San José, including the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of either 55 DU/AC (up to 200 acres) or 90 DU/AC (up to 85 acres). The Policy states that proposed conversions should be evaluated through the zoning process for conformance with City policies, and according to the following specific criteria:

Limits on Conversion

1. *A maximum of 285 acres of land may be converted to residential use within the areas designated as Transit Employment Residential District on the City's General Plan Land Use / Transportation Diagram.*

The proposed project will result in the conversion of an additional 14.3 acres of land. If approved, the subject rezoning will result in the conversion of a cumulative total of 143.51 acres of the 285 acres provided for in the Policy.

2. *New residential density must have a minimum net density of 90 DU/AC on at least 85 of those acres. The remainder must have a minimum net density of 55 DU/AC.*

The City Council has approved twelve (12) rezonings to date for high-density residential development within the North San José Policy Area totaling 7,383 units on 129.21 gross acres. There are four approved projects consisting of 2,740 units on 41.83 acres that meet or exceed the minimum net density of 90 DU/AC. The proposed rezoning will meet or exceed the minimum net density requirement of 55 DU/AC, but does not achieve the minimum net density of 90 DU/AC.

Compatibility with Industrial Uses

3. *The site must not contain an existing important vital or 'driving' industrial use.*

The subject site is currently occupied by Cadence Design Systems, which is considered a driving industrial use. Cadence recently completed construction of their research and development center located at 2655 Seely Avenue, southeast of the subject site. As per their lease agreement with Essex, the Cadence employees will move from the existing River Oaks campus to the new facility on or before January 23, 2009. (see attached Cadence letter)

4. *The site must not be adjacent to an industrial use that would be significantly adversely impacted by the residential conversion.*

The development of the proposed project requires approximately 0.5 acres of right-of-way dedication from the adjacent industrial property to the south. This dedication results in the loss of an existing 15-foot wide landscaping buffer and approximately 65 parking spaces. The remaining parking spaces meet the City's parking requirement for the industrial user.

5. *The site must not be in proximity to an industrial or hazardous use that would create hazardous conditions for the proposed residential development (e.g., an adequate buffer must be provided for new residential uses from existing industrial uses) in order to protect all occupants of the sites and enhance preservation of land use compatibility among sites within the Policy area. A risk assessment may be required to address compatibility issues for any proposed industrial to residential conversions.*

A risk assessment completed as part of the Initial Study for the project concluded that surrounding businesses do not appear to represent a credible threat to the project, assuming worst-case release of hazardous materials.

Services and Amenities, Including Parks

6. *New parks, schools, community facilities and other supporting uses should be built within the Transit Employment Residential District overlay area to the extent feasible, but location of public facilities on land outside of the overlay area may be allowable to comply with other laws, policies and regulations. Suitable locations for these uses should be identified and included within a project when appropriate.*
7. *The site should be within 1,000 feet of an existing neighborhood or community park (at least 3 acres in size) or the proposed development through participation in the provisions of the City's Parkland Dedication Ordinance or voluntary donation would establish or contribute toward the establishment of a new park (at least 3 acres in size) within 1,000 feet of the project site. Staff will determine the most suitable site for a new park within the contiguous overlay area with the intent of identifying a centrally located and accessible park site. In some cases the most suitable site to provide a centrally located park site or to support a joint school-park use within a particular overlay area may be more than 1,000 feet from some properties within that overlay area. All residential projects are subject to the Parkland Dedication Ordinance and land dedication requirements will be consistent with the Ordinance in addition to the proximity requirement established here.*
8. *Master planning to identify sites for parks, schools and other public facilities as necessary must be completed within each of the seven new residential areas prior to any proposed conversion within that area.*

The project is proposing to dedicate 2.58 acres of public park at the eastern end of the site adjacent to the Coyote Creek trail. The North San José Policy requires that a feasible site or sites for at least 5 acres of new neighborhood parklands be identified within each overlay area of 20 acres or larger prior to approval of any project within that overlay. In addition, the San José Parkland Dedication Ordinance (PDO) requires the dedication of land (or payment of fees in-lieu of dedication) for projects of 50 or more units. Five acres of public park were approved on the Sony-Irvine site (PDC06-038), which is in the same neighborhood as the subject rezoning.

The subject site has not been identified as a potential school site.

INTERIM NORTH SAN JOSÉ DESIGN GUIDELINE CONSISTENCY

The City has hired a consultant to prepare design guidelines for use in review of development proposals in North San José to further the goals of the Vision North San José policies. The City Council approved a contract that included an accelerated schedule for preparation of "interim design guidelines" (Guidelines) with the express intention that the Guidelines be used for the review of pipeline projects. These Guidelines were presented to the community at a workshop held on April 21, 2007. Community members expressed support for the principles set forth in the Guidelines and strongly requested that staff adhere to the Guidelines for the review of pipeline projects. The key principles and concepts of the draft Guidelines were also reviewed and accepted by the Task Force. Because the Guidelines are still in a preliminary draft format and being updated to reflect the work of the North San José Task Force, the following evaluation is based on consistency with the most important principles set forth in the Task Force Guidelines.

Setbacks

Because the subject site shares its northern property line with an existing residential development with existing buildings of 2 stories or less, a primary concern with this project is ensuring an appropriate interface between the existing and the proposed development.

As shown on the conceptual plans the distance from the northerly property line to the face of the proposed buildings varies in width from 56-feet to 70-feet, and the proposed height of the buildings is approximately 56-feet to the roof. This meets or exceeds the standard in the Guidelines, which call for a one-to-one building setback to height ratio when a multi-story development is proposed adjacent to an existing residential development with buildings 35-feet in height or less. The draft Development Standards (see attached) reflect a one-to-one setback from the northerly property line.

Also consistent with the Guidelines, the project will provide ample setbacks behind the back of sidewalks (generally 10-feet or greater) from streets (existing and proposed) and pedestrian paseos, to ensure that ground-floor residential units have individual entrances with steps, stoops, or porches.

Street Blocks

As illustrated on the attached conceptual plans, the site is divided into smaller blocks with public streets and publicly accessible pedestrian paseos providing access into and throughout the site, as well as to the future public park.

New Public Street Design

The proposed project includes new public streets and would provide additional public street parking.

Garage Screening

The Guidelines require that parking included within a residential podium project be either depressed halfway below grade with landscape screening or, if built at or above grade, be fully screened behind commercial uses or residential units located at grade. The conceptual project design is consistent with this standard in that the parking will be “wrapped” by residential units and other residential-serving uses.

Streetscape Design

As described above, and consistent with the Guidelines, staff is recommending a General Development Plan Standard to require that residential units have “front doors” (stoops) along all street facades and along the pedestrian paseos. Individual unit entries or multiple building entries promote pedestrian activity, establish an attractive residential streetscape, and suggest a more urban character.

Project Architecture

The Policy and Guidelines strongly encourage the incorporation of green building techniques and the use of innovative architectural styles consistent with the focus on technology, industry, and innovation for the North San José area. Staff will work with the applicant at the Planned Development Permit stage to enhance the quality and design character from that depicted in the conceptual building elevations and encourage the incorporation of green building measures.

NORTH SAN JOSÉ NEIGHBORHOODS PLANNING TASK FORCE GUIDING PRINCIPLES CONSISTENCY

The proposed project furthers many of the Guiding Principles adopted by the North San José Neighborhoods Planning Task Force at their final meeting on March 6, 2008 (see attached). The intent of these principles is to help guide future planning and development activity in the North San José Policy Area. The Guiding Principles are grouped into elements that are “cross cutting”, and into general categories such as transportation, retail, and urban design. The following is an evaluation of the project’s consistency with the applicable sections of the Guiding Principles.

Cross Cutting Guiding Principles

- A. *Urban Form* – At up to 75 DU/AC the project exceeds the minimum density of 55 DU/AC.
- B. *Secure Public Site Early* – The project is proposing to dedicate 2.58 gross acres of public parkland.
- C. *Creative Financing* – n/a
- D. *Green Building* – All recently approved residential projects in North San José have been required to implement green building techniques to achieve credits sufficient for a LEED Silver or equivalent certification.
- E. *Transit Oriented Development* – The site is within one mile of three light rail transit stations, and is served by bus/shuttle stops that connect to light rail stations and the ACE train. As described above, tree-lined streets and paseos divide the site into a scale and environment that is pedestrian and bicycle friendly.
- F. *Industrial Growth* – By providing additional housing opportunities the project is indirectly encouraging job growth in North San José.

Parks and Recreation

1. The proposal includes a future connection through the proposed public park to the Coyote Creek trail. The park is of a size and configuration such that it will likely be programmed for passive recreation. The park in its proposed location and configuration is consistent with the neighborhood master plan, which shows a neighborhood park at the proposed location.

Transportation

4. The network of public streets and paseos will provide a connection to the proposed public park and creek trail. The project exceeds its minimum required parking for automobiles, and includes additional parking for bicycles on-site. The project furthers the grid street system of walkable and bikeable blocks.

Water Supply

5. The project is required to connect to the recycled water system, "purple pipe" for on-site landscaping.

PUBLIC OUTREACH/INTEREST

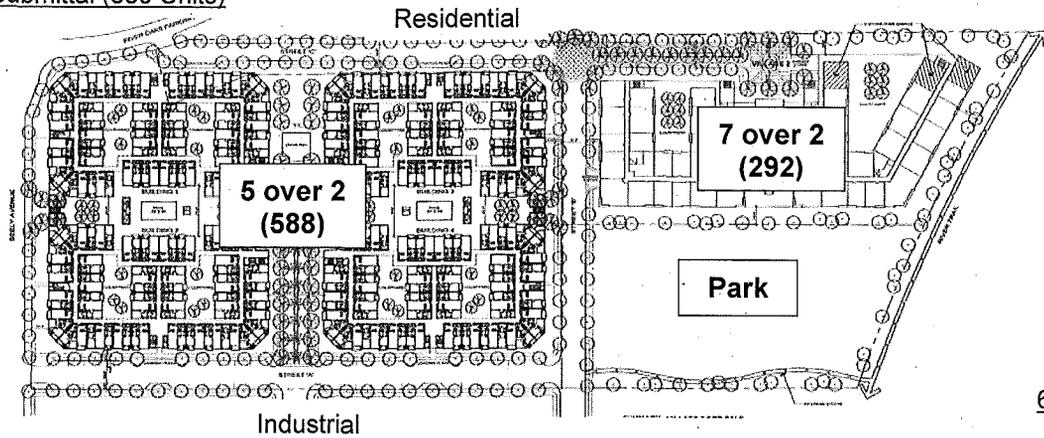
Community meetings (with public notification of a 1,000-foot radius) were held on November 30, 2006, February 22, 2007, and January 7, 2008, with 114, 27, and 34 members of the community in attendance, respectively. An additional meeting with the River Oaks Neighborhood Association (RONA) was held on December 29, 2006, with 101 members of the public in attendance.

The primary concerns raised by the community were: the awkwardness of the proposed street intersection with River Oaks Parkway; building height and relationship to existing adjacent residential development; shade/shadow impacts; possible riparian impacts; number of units/density; parking; equitable distribution of affordable housing; providing connection to a creek trail; and lack of local retail and services.

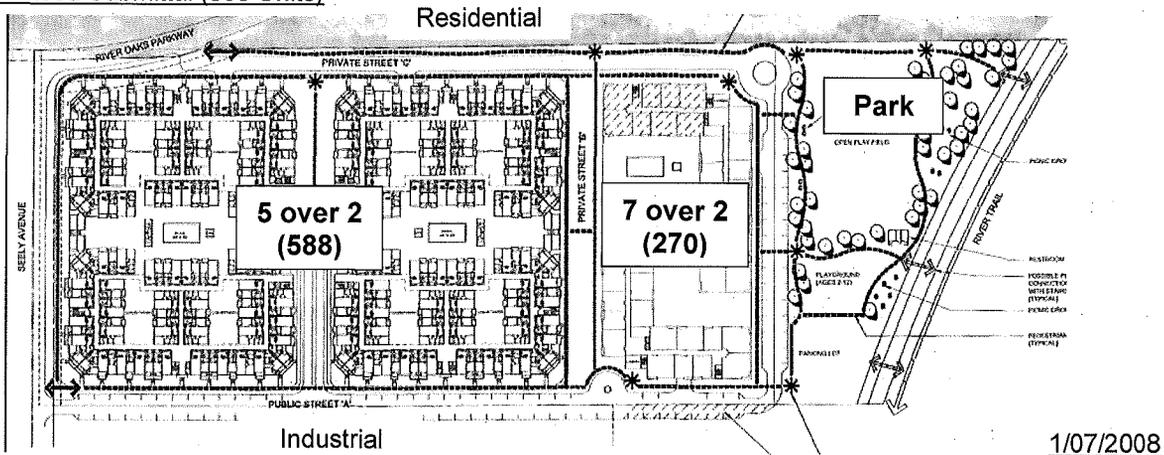
The following graphics illustrate how the project has changed in response to staff's comments and neighborhood concerns. The changes include:

- Reorienting the easterly most building to improve the interface with the existing development to the north.
- Reducing the number of units (density) from 880 units (84 DU/AC) to the current proposal for 777 units (75 DU/AC).
- Reducing the number of stories from 7 stories with 2 levels of parking to 5 stories with 2 levels of parking on the easternmost building.
- Increasing the setback from the adjacent residential property line to the proposed buildings to ensure at least a one-to-one setback to height relationship;
- Changing the proposed private street adjacent to the existing residential to a pedestrian paseo eliminates the awkward intersection with River Oaks, while still providing emergency vehicle access; and
- Reducing potential impacts to the creek by lowering the height and moving the proposed residential building further from the creek trail.

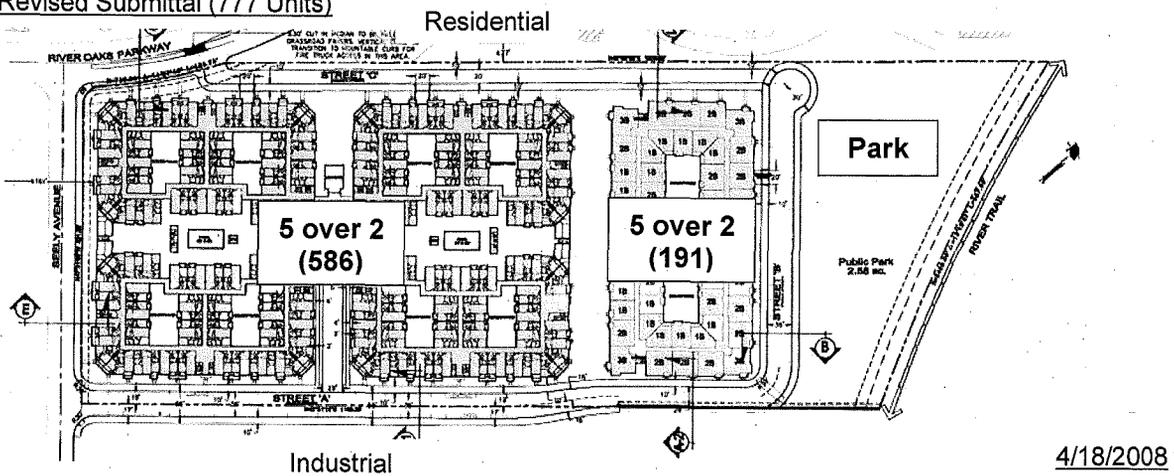
1. Initial Submittal (880 Units)



2. First Revised Submittal (858 Units)



3. Last Revised Submittal (777 Units)



A Traffic Operational Analysis was prepared for the project to evaluate the existing street system to ensure that there will be adequate access to the site. The report focused on the ability of the Montague/River Oaks and Seely/River Oaks intersections as well as the new streets to accommodate the estimated net 329 AM peak-hour trips and net 289 PM peak-hour trips. (The estimated existing peak-hour trips were subtracted from the estimated proposed project's peak-hour trips to obtain the project's net trips.)

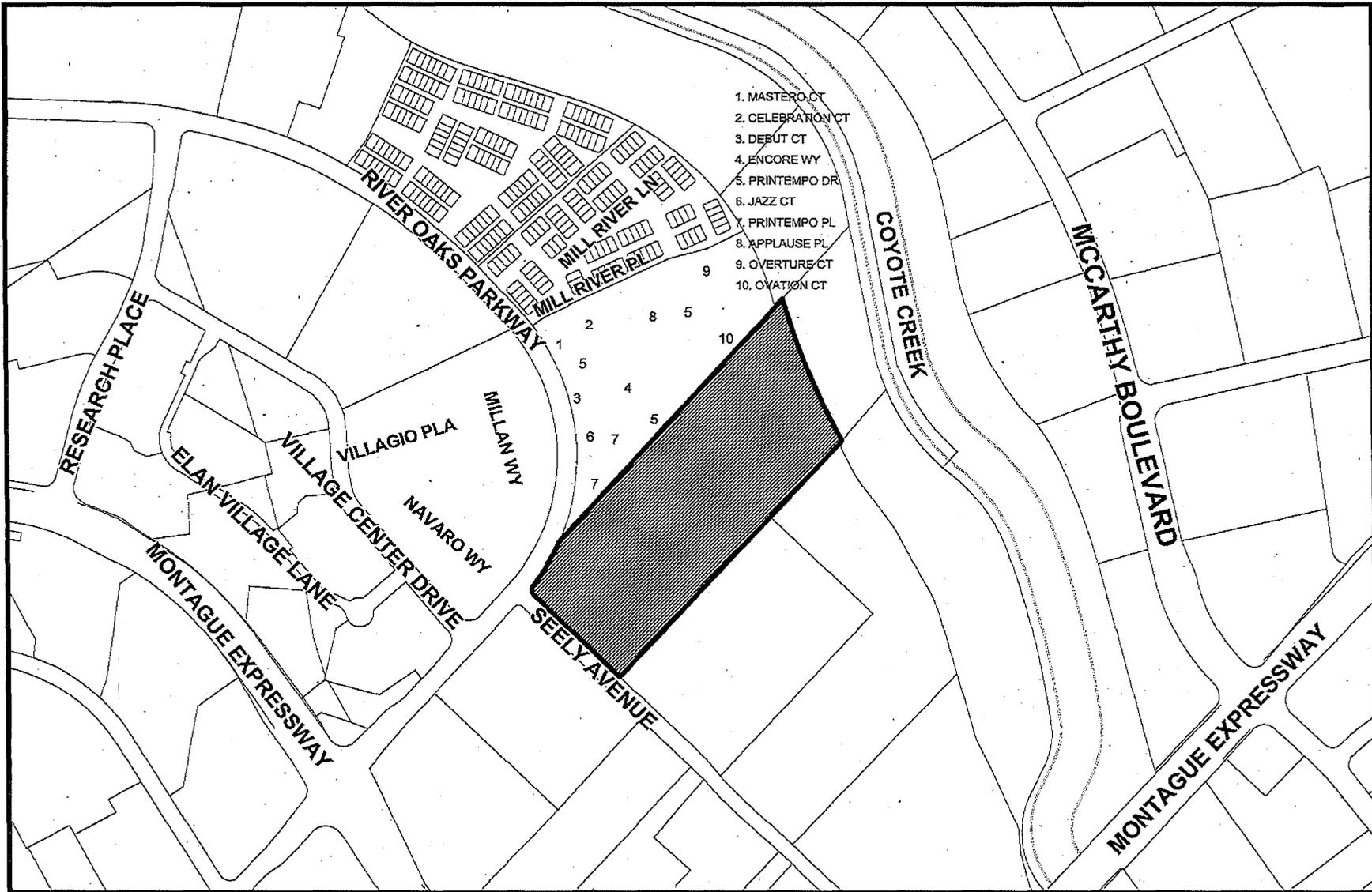
The main conclusions of the Traffic Operational Analysis are as follows:

- All intersections and roadways were observed to be functioning adequately with no observed backups.
- The Montague Expressway at River Oaks Parkway intersection currently operates at an acceptable level of service (LOS D or better) during both the AM and PM peak hours of traffic.
- The existing left-turn pocket at the Montague Expressway and River Oaks Parkway intersection are adequate to serve the estimated vehicle queue lengths that will result from the project.
- The peak hour volume signal warrant was met under project conditions at the intersection of River Oaks and Seely Avenue.

Notices for the Planning Commission and City Council public hearings were distributed to the owners and tenants of all properties located within 1,000 feet of the project site. An on-site sign was placed on the site to provide information on the pending proposal. The Planning Department website contains information regarding the North San José area, including the Policy, development applications, staff reports, and hearing schedules. This website is available with the most current information regarding the status of the rezoning applications. Staff has also been available to discuss the project with members of the public.

Project Manager: John W. Baty **Approved by:** *Susan Walton* **Date:** 05/21/2008

Owner/Applicant:	Attachments:
Essex Portfolio LP 535 River Oaks Py San José, CA 95134	Essex Property Trust, Inc 925 E. Meadow Dr Palo Alto, CA 94303 Location Map, Addendum to the North San José Development Policies Update EIR (Reso. 72768), Cadence Letter, Draft Development Standards, Memo from the Department of Public Works, North San José Neighborhoods Planning Task Force Guiding Principles, Plan Set



Scale: 1"= 500'

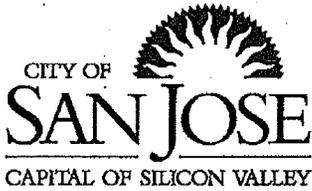
Map Created On: 06/21/2006

Noticing Radius: 1000 feet

File No: PDC06-067

District: 4

Quad No: 35



**ADDENDUM TO AN EIR
USE OF A FINAL EIR PREPARED FOR A PREVIOUS PROJECT**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to an Environmental Impact Report (EIR) because minor changes made to the project that are described below do not raise important new issues about the significant impacts on the environment.

PROJECT DESCRIPTION AND LOCATION

Planned Development Rezoning (File No. PDC06-067) from the IP - Industrial Park Zoning District to the A(PD) - Planned Development Zoning District to allow up to 777 residential units and a 2.58 acre public park on a 14.3 gross acre site located at the southeast corner of River Oaks Parkway and Seely Avenue (545-575 River Oaks Parkway).

Council District 4

County Assessor's Parcel Numbers 097-15-026; -027

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Development Policies Update EIR," and findings were adopted by City Council Resolution No. 72768 on June 21, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Hazardous Materials | <input checked="" type="checkbox"/> Land Use |
| <input checked="" type="checkbox"/> Urban Services | <input checked="" type="checkbox"/> Biotics | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Airport Considerations | <input checked="" type="checkbox"/> Microclimate |
| <input checked="" type="checkbox"/> Energy | <input checked="" type="checkbox"/> Relocation Issues | <input checked="" type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Facilities and Services |
| <input checked="" type="checkbox"/> Water Quality | <input type="checkbox"/> _____ | |

ANALYSIS

See Attached Initial Study, "545-575 River Oaks Parkway, PDC06-067" May 2008.

Also available for review on the Vision North San José website environmental documents page:
<http://www.sanjoseca.gov/planning/nsj/environment.asp>

John W. Baty
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

5/21/08
Date

Atami Samson
Deputy

- DRAFT -

EXHIBIT C: LAND USE PLAN AND DEVELOPMENT STANDARDS

PLANNED DEVELOPMENT ZONING PDC06-067

The following Development Standards are to be placed on the Land Use Plan for this Planned Development Zoning once the Zoning is approved by the City Council. Where these standards conflict with the information on the plan set, these development standards take precedence.

PERMITTED USES

Residential. Attached residential uses including resident-serving support uses such as offices, clubhouses, fitness rooms, meeting rooms, and other residential amenities. The use of these amenities shall be restricted to the residents and their guests. Home occupations in conformance with the Zoning Ordinance, as amended, are permitted by right.

Public Park. A minimum 2.58 acre public park.

Until such time that the property redevelops, the existing structures shall have the use allowances of the Industrial Park (IP) Zoning District, as amended. Special and Conditional uses in that district shall require issuance of a Planned Development Permit. Small additions or changes to existing or new structures shall be subject to separate review and approval by the Director of Planning, Building, and Code Enforcement. Upon demolition and/or redevelopment of the site(s), the new development shall conform to the residential densities and development standards specified herein.

DEVELOPMENT STANDARDS

Residential Units:	55 dwelling units per net acre minimum 777 dwelling units maximum
Maximum Height:	65 feet**
Perimeter Setbacks:	
River Oaks Parkway	20 feet*
Seely Avenue	20 feet*
Street 'A' (across from industrial)	20 feet*
Street 'A' (across from orchard)	15 feet*
Street 'B'	20 feet*
Paseo (building fact to building face)	60 feet
Adjacent to Existing Residential	56 feet**

- * Setbacks are minimum dimensions as measured from face of curb to face of building
- ** Building height shall not exceed a one-to-one setback to height ratio from the property line shared with the existing residential development to the north.

Setback Encroachments. Minor architectural projections, such as minor building faces, landscape retaining walls, chimneys, sills, eaves, canopies, bay windows, stoops, porches, balconies, and stairs may project into all setbacks as follows:

Porches, stoops, stairs, and landscape retaining walls may project to a maximum of 10 feet into the required setback. Encroachments may not extend onto or over a required sidewalk.

Canopies and awnings may project into any setback area by a maximum of seven feet, but in no case shall canopies or awnings be allowed to project into or over the public right-of-way.

All other allowed projections may project to a maximum of 5 feet into the setback, by no more than 10 feet in width, for no more than 20% of the building elevation length.

Parking:

Vehicular Parking

Residential: Per the Zoning Ordinance, as amended, and the Residential Design Guidelines.

Tandem parking is permitted within an open parking garage configuration to satisfy the total required parking for residential uses.

Bicycle Parking

Per the Zoning Ordinance, as amended

Motorcycle Parking

One (1) motorcycle space shall be provided for every 40 required automobile spaces.

Open Space:

A combination of common and private open space at a ratio of at least 160 square feet per unit.

Building Design:

The building and site design shall comply with the City of San José design guidelines, as amended, to the satisfaction of the City Council and the Director of Planning, Building, and Code Enforcement. The Director of Planning, Building, and Code Enforcement maintains the discretion to approve and implement minor exceptions to the City Council approved development standards with respect to heights, building locations, setbacks, open space, and parking through issuance of Planned Development Permit.

The development should contribute to the overall spatial organization and cohesiveness of the community through compliance with the Residential Design Guidelines for building design/articulation of podium and mixed-use building types. Building facades should be well articulated with offsets, changes of plane, step-backs, and other architectural devices (e.g., deep

reveals to get shadow lines) to avoid a “blocky” or linear appearance and should maintain a pedestrian/neighborhood scale.

- The development shall include a variety of architectural styles with variations in height and building materials.
- Podium garages must be “wrapped” with residential development.
- Residential units at grade should have individual entrances with steps, porches, or stoops when facing streets or paseos and should be raised at least 2-feet above grade for privacy.
- Double height residential lobbies are encouraged.

Landscaping:

The Property Owner and/or Home Owner’s Association shall maintain on-site landscaping areas and landscaping areas along the public right-of-way areas/streets to the satisfaction of the Director of Public Works.

Signage:

All signage shall comply with the Sign Ordinance, as amended.

Homeowners’ Association:

A Home Owners’ Association shall be established for all owners of all ownership residential units. The Association will be responsible for maintenance of all common areas including but not limited to parking, vehicular and pedestrian circulation, and all common landscaping.

Performance Standards:

Per Zoning Ordinance for residential, as amended.

New Public Streets:

Street ‘B’ shall be a minimum 56-foot wide public right-of-way. Street ‘A’ shall be a minimum 40-foot “half-street” with an ultimate right-of-way width of 56-feet.

GENERAL NOTES

Inclusionary Housing:

The City shall consider and provide pursuant to California Government Code Section 65915 and local requirements those density bonuses and incentives required under such State and local laws, as applicable.

Applicant shall comply with the City of San José Policy on Implementation of the Inclusionary Housing Requirement of Health and Safety Code Section 33413 (b) (2), as amended in connection with any and all portions of the Project involving the construction or substantial rehabilitation of residential units that will be located in a redevelopment project area to the satisfaction of the Director of Planning, Building and Code Enforcement.

Parkland Dedication Ordinance and Park Impact Ordinance:

Development of the site shall conform to the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO).

The developer shall also coordinate with the City Trails Manager and the Santa Clara Valley Water District for an access point from the proposed park to the City's Coyote Creek Trail.

Public Improvements:

All public off-site improvements shall be implemented to the satisfaction of the Director of Public Works. Prior to the issuance of Building Permit(s), the applicant shall be required to obtain a Public Works Clearance. Said Clearance shall require execution of a construction agreement that guarantees the completion of the public improvements.

Street Trees:

The Public right-of-way shall be planted with street trees as directed by the City Arborist.

Water Pollution Control Plant Notice

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

Post-Construction Storm Water Treatment Controls:

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

Public Works Conditions:

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:** Consistent with North San José EIR, this project is required to pay a traffic impact fee. The 2007 fee is \$7,463.00 per single-family unit and \$5,971 per multi-family unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance. Credits for existing structures on site will be applied to the residential traffic impact fee consistent with the policy and will be prorated with each building permit issued.
3. **Street Vacation:** A street vacation is required in order to accomplish the land use plan as shown. The street vacation process requires further discretionary approval by the City Council and the project will be subject to this process prior to Public Works Clearance. The preliminary title report indicates the applicant owns the street in fee. Therefore, upon vacation no further action by the City is required.
4. **Grading/Geology:**
 - a) A grading permit is required prior to the issuance of a Public Works Clearance.
 - b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - d) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.
5. **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.
 - b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
 - c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
6. **Flood: Zone X**
- a) The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone X is an area of moderate or minimal flood hazard. Zone X is used on a new and revised map in place of Zones B and C. There are no City floodplain requirements for zone X.
 - b) Based on the draft flood blockage study, the project site is in an ineffective flow area (100% blockage allowed).
7. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
8. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
9. **Parks:** In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.
10. **Assessments:** This project abuts Maintenance District 19 that maintains the enhanced median island landscaping and special pavers at certain intersections within the adjacent development. Properties within the district pay for the maintenance through annual assessments placed on the property tax bills which are adjusted annually by the Consumer Price Index. A change in zoning to residential, matching the adjacent special district land use by which assessments are based, creates a corresponding change in benefit. This property may be required to annex into the district because of the benefit received by the special district amenities. For consideration, the current assessment for single-family homes is \$14.62 per unit, multiple family units have a reduced rate based on the number of units per parcel. Contact Thomas Borden at (408) 535-6831 for additional information.
11. **Street Improvements:**
- a) Construct new sidewalk along River Oaks Parkway and Seeley Avenue to provide a 9' detached sidewalk with park strips along project frontage. Remove and replace any broken or uplifted curb and gutter.

- b) Construct curb, gutter, and sidewalk and pavement section along new public street frontage.
 - c) Proposed driveway width to be 26'.
 - d) Install handicap ramps (2) at opposite returns across Seeley Avenue at River Oaks Parkway.
 - e) Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.
 - f) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans. (To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.)
12. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project. Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.
13. **Sanitary:** Submit a sanitary sewer study with flow-monitoring data of the existing system. The project will be required to upgrade/rehabilitate the surrounding sanitary sewer system to serve the site. Additionally, as part of the sanitary sewer improvements, the project may be required to upgrade the existing system to serve potential development in the area.
14. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
15. **Street Trees:**
- a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
 - b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
 - c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.
16. **Private Streets:**
- a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.

- b) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.
17. **Reclaimed Water:** This project is required to use reclaimed water for all outdoor irrigation, which includes both public and private landscape. Contact Tim Town at (408) 277-3671 for further information.
18. **Referrals:** This project should be referred to the Valley Transportation Authority (VTA).

ENVIRONMENTAL MITIGATION

The environmental Mitigation Measures listed as part of the “545-575 River Oaks Parkway” Initial Study, File No. PDC06-067, which was certified for the subject project, are required and shall be included in the project at the Planned Development Permit stage. The project environmental mitigation is included in the findings adopted for the project in City Council Resolution Number 72768. Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

Additionally, the project shall comply with the following mitigation measures. Alternative mitigation may be approved by the Director of Planning through a Planned Development Permit.

Aesthetics

- The proposed project shall comply with the City of San José Residential Design Guidelines to reduce visual impacts.
- To reduce light and glare impacts the project shall comply with the City’s Outdoor Lighting Policy (Policy 4-3).

Air Quality - Regional and Local Air Quality

The project shall implement measures identified by BAAQMD to reduce long-term contributions to regional and local emissions, which may include, but are not limited to, the following:

- Providing bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas;
- Providing a satellite telecommute center within or near the development;
- Providing secure and conveniently placed bicycle parking and storage facilities at parks and other facilities;
- Allowing only natural gas fireplaces, pellet stoves, or EPA-Certified wood-burning fireplaces or stoves in residences. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source;
- Using electric lawn and garden equipment for landscaping maintenance;

- Constructing transit amenities such as bus turnouts/bus bulbs, benches, and shelters;
- Providing direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development; and
- Utilizing reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand; and
- Providing transit passes to new residents.

Air Quality – Construction-Related Impacts

- Water all active construction areas at least twice daily.
- Water or cover stockpiles of debris, soil, sand, or other material that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Biology – Nesting Raptors

- If possible, construction shall be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

Biology – Tree Removal

- The proposed project shall replace trees removed at the following ratios:

City Standard Tree Replacement Requirements			
Diameter of Tree to be Removed	Native	Non-Native	Minimum Size of Each Replacement Tree
19 inches or greater	5:1	4:1	24-inch box
12 – 18 inches	3:1	2:1	24-inch box
Less than 12 inches	1:1	1:1	15-gallon container

Notes:
 X:X = Tree replacement to tree loss ratio
 Trees greater than 18-inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

- The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.
- Replacement trees are to be above and beyond standard landscaping; required street trees do no count as replacement trees.
- In the event that the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, prior to removal of the subject trees:
 - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
 - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include neighborhood streets, local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
 - A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to removal of the subject trees.

Biology – Tree Preservation

To avoid potential damage to retained trees, the trees proposed for preservation shall be safeguarded during construction through the implementation of the following measures (Municipal Code 13.32.130, Ords. 21362,26595):

- Prior to the issuance of any approval or permit (including a grading permit), a then-current inventory of all trees on the site shall be prepared by a certified arborist as to size, species, and location on the lot and the inventory shall be submitted on a topographical map to the Environmental Principal Planner. Prior to approval of a PD permit, the applicant shall submit a site plan showing all trees to be preserved. The applicant shall also submit a tree preservation report that details how the existing trees will be preserved during and after construction, including but not limited to the measures below. The tree preservation report shall be completed to the satisfaction of the Environmental Principal Planner and the Director of Planning, Building, and Code Enforcement.

- Damage to any tree during construction shall be reported to the City's Environmental Principal Planner, and the contractor or owner shall treat the tree for damage in the manner specified by the Environmental Principal Planner.
- No construction equipment, vehicles, or materials shall be stored, parked, or standing within the tree dripline.
- Drains shall be installed according to City specifications so as to avoid harm to trees due to excess watering.
- Wires, signs, and other similar items shall not be attached to trees.
- Cutting and filling around the base of trees shall be done only after consultation with the City arborist and then only to the extent authorized by the City arborist.
- No paint thinner, paint, plaster, or other liquid or solid excess or waste construction materials or wastewater shall be dumped at any time.
- Barricades shall be constructed around the trunks of trees as specified by a qualified arborist so as to prevent injury to trees making them susceptible to disease causing organisms.
- Whenever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.

Cultural Resources – Prehistoric Resources

- A qualified professional archaeologist shall monitor all construction excavation activities into native soils.
- Should evidence of prehistoric or historic era cultural resources¹ be discovered during construction work, work within 35 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City's Environmental Principal Planner.
- Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the

¹ Significant prehistoric cultural materials may include: human bone – either isolated or intact burials; habitation (occupation or ceremonial structures as interpreted from rock rings/features, distinct ground depressions, differences in compaction); artifacts including chipping stone objects such as projectile points and bifaces; groundstone artifacts such as manos, metates, mortars, pestles, grinding stones, pitted hammerstones, and shell and bone artifacts including ornaments and beads; various features and samples including hearths (fire-cracked rock, baked and vitrified clay), artifact caches, faunal and shellfish remains (which permit dietary reconstruction), distinctive changes in soil stratigraphy indicative of prehistoric activities; and isolated artifacts.

Significant historic cultural materials may include finds from the late 19th through early 20th centuries. Objects and features associated with the Historic Period can include: structural remains or portions of foundations (bricks, cobbles/boulders, stacked field stone, postholes, etc.); trash pits, privies, wells, and associated artifacts; isolated artifacts or isolated clusters of manufactured artifacts (e.g., glass bottles, metal cans, manufactured wood items, etc); and human remains. In addition, cultural materials including both artifacts and structures that can be attributed to Hispanic, Asian, and other ethnic or racial groups are potentially significant. Such features or clusters of artifacts and samples include remains of structures, trash pits, and privies.

remains are Native American. If the Coroner determines that the remains are not subject to his/her authority, the Native American Heritage Commission shall be notified to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location no subject to further subsurface disturbance. If the Director of Planning, Building, and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report shall include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.

Geology and Soils – On-site Soils

- Design and construct buildings in accordance with the design-level geotechnical investigation prepared for the project site, which identifies the specific design features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for the project.
- Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.
- Below grade structures shall be designed to permanently dewater or resist hydrostatic groundwater pressures.

Geology and Soils – Seismicity and Seismic Hazards

- The project shall 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 and seismic-related hazards on the site.

Hazards and Hazardous Materials – Possible On-Site Contamination

- Prior to building permit issuance, the project applicant shall have a qualified hazardous materials consultant prepare a soil management plan (SMP) in coordination with the City of San José Environmental Services Department Municipal Compliance Officer and the Department of Toxic Substances Control (DTSC) or the Santa Clara County Department of Environmental Health, as applicable. The SMP shall address the prospect of residual pesticides on the site and shall outline how risks would be managed during site redevelopment. The SMP shall require an analysis to determine the presence, and vertical and horizontal extent of soil possibly contaminated with organochlorine pesticides (e.g., aldrin, chlordane, heptachlor, heptachlor epoxide, hexachlorobenzene, and toxaphene). Once the presence and extent of impact is defined, impacted soil that contains residual contaminants above residential PRG, ESL, and/or CHHSL concentrations shall either be:
 - removed from the site and taken to an appropriate disposal facility, consistent with local and state regulations. Confirmation soil sampling shall be completed from the

- bottom and sidewalls of excavations to ensure that all soils containing pesticides in excess of their respective PRG, ESL, and/or CHHSL have been removed; or
- capped with building foundations (concrete slabs), street and parking lot pavements, and/or several feet of clean landscaping fill to limit exposure to future residents and park users.
- The SMP shall also include a health and safety plan addressing worker safety.
- All transformers shall be appropriately disposed prior to building demolition.

Hydrology and Water Quality – Water Quality Construction

- The proposed project shall comply with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading for project with land disturbance of one acre or more, applicants shall be required to file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works. The following best management practices (BMPs) are proposed by the project:
 - Restrict grading to the dry season (April 15 through October 15);
 - Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods;
 - Utilize stabilized construction entrances and/or wash racks;
 - Implement damp street sweeping;
 - Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
- The proposed project shall comply with the City’s Grading Ordinance.

Hydrology and Water Quality – Water Quality Post-Construction

- The proposed project shall incorporate mechanical filters and planter boxes/landscape filters around the perimeter of the proposed buildings.
- The proposed project shall comply with City Policies 6-29 and 8-14.

Land Use Compatibility

- The proposed project shall comply with the City of San José Residential Design Guidelines.
- At the Planned Development stage, the project applicant shall work with the City on alternative screening solutions between the project site and the adjacent industrial property to the south.

Noise – Short-term Construction Impacts

- Limit all construction-related activities to the hours of 7 AM to 7 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- Use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices.
- Equip all internal combustion engines used on the project site with adequate mufflers and ensure all internal combustion engines are in good mechanical condition.
- Stage construction equipment a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- Avoid unnecessary idling of equipment within 200 feet of noise sensitive receptors, such as residential uses.
- Prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.
- Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

Noise – Interior Noise Levels

- Prior to issuance of building permits, complete project-specific acoustical analysis, by a qualified acoustical consultant, to ensure that the design of the proposed residential buildings and units reduce interior noise levels to 45 dBA L_{dn} or lower. Building sound insulation requirements could include the application of proper wall construction techniques, installation of proper windows and doors, and the incorporation of forced-air mechanical ventilation for units. Preliminary calculations indicate that the units nearest River Oaks Parkway and Seely Avenue (where exterior noise levels are the highest) would require windows and doors with a minimum Sound Transmission Class rating of 28 STC. The windows and doors of these units would be required to be shut to control noise, therefore, a form of forced-air mechanical ventilation, satisfactory to the local building official, would be required to maintain a habitable interior environment. The specific determination of what treatments are necessary shall be determined on a unit-by-unit basis. Results of the project-specific acoustical analyses shall be submitted to the City along with the building plans prior to issuance of building permits.

Utilities and Service Systems – Water Use

The project shall implement the following measures to reduce water use:

- Install dual plumbing and connect to the recycled water system for landscape irrigation.
- Incorporate water conservation programs, which may include, but are not limited to, the following:
 - dual plumbing for exterior recycled water use (e.g., use of recycled water in landscape irrigation);
 - construction standards that require high-efficiency fixtures (e.g., high-efficiency 1.2 gallons per flush toilets);

- construction standards that require high-efficiency devices for outdoor water uses (e.g., self-adjusting weather-based irrigation controllers);
- the use of fully advanced treated recycled water for irrigation of large landscaped areas (including the park);
- enforcement of the City's Model Water Efficient Landscape Ordinance (per AB325 1990); and
- promotion and use of drought tolerant and native plantings in landscaping.



May 20, 2008

John Baty, Senior Planner
City of San Jose Planning Department
200 East Santa Clara Street, Third Floor

Re: River Oaks Campus

John:

Essex Property Trust has applied for the redevelopment of their property on River Oaks Parkway where we currently occupy the existing office buildings. Cadence Design Systems, Inc. is actively building a new 5 story building on Seely Avenue to house 100% of the employees from the Essex site. As per our lease agreement, Cadence will move out from the River Oaks Campus on or before January 23, 2009.

If you have any questions, please feel free to contact me at my direct extension, 408-944-7565 or e-mail address tricaso@cadence.com.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Tricaso", written over a horizontal line.

David Tricaso
Vice President Workplace Resources

**NORTH SAN JOSE NEIGHBORHOODS PLANNING TASKFORCE
GUIDING PRINCIPLES FINAL UNANIMOUSLY ADOPTED
MARCH 6, 2008**

This document sets forth the Guiding Principles as unanimously adopted by the North San Jose Neighborhoods Planning Taskforce at their final March 6, 2008 meeting.

BACKGROUND

The City Council directed purpose of the North San José Neighborhoods Planning Taskforce was to actively engage the North San José (NSJ) residential and business communities in a Taskforce to contribute to the preparation of an Implementation Strategy for the North San José Area Development Policy. The Taskforce was a forum for the residents and stakeholders of the Rincon de Los Esteros Redevelopment Project Area and surrounding neighborhoods to develop recommended Guiding Principles for the City Council and Redevelopment Agency Board consideration.

VISION STATEMENT

The San Jose of the future is found in North San Jose. Connecting the historic downtown to the refuge afforded by the San Francisco bay and Alviso, North Jose forms a crucible of talent and innovation, and opportunity.

This new urban uptown responds to the changing nature of work, creating a place like no other in the City where home, work, and community can be integrated.

- ❑ *A world class network of parks and trails that connect to the natural rivers and creeks.*
- ❑ *Schools that nurture students, preparing them all to lead in the future.*
- ❑ *Vibrant, interesting and creative places to gather, shop, meet,*
- ❑ *Opportunities to work outside of the confines of an office, or commute to the office next door on your bicycle.*
- ❑ *Creative businesses that redefine our daily life with new products and services that we haven't even dreamed of,*
- ❑ *Neighborhoods that residents are proud to call home.*

CROSS CUTTING GUIDING PRINCIPLES

- A. Urban Form – Maintain an Urban design approach to realize the recommended densities and increase available land for economic and public open space uses*
- B. Secure public sites early – Prioritize purchase of Public use sites (Parks, Schools, Community Centers, and Library) in early phases of the plan*
- C. Creative financing – Apply creative financial strategies to ensure timely development of public use facilities consistent with growth in private sector development (e.g. create mechanisms for making funds available when needed)*
- D. Green Building – Emphasize (or encourage) the use of sustainable design principles in new and existing private and public developments.*
- E. Transit Oriented Development- Encourage transit oriented development including pedestrian and bicycle friendly design*
- F. Industrial Growth - Encourage industrial and job growth in North San Jose*

**NORTH SAN JOSE NEIGHBORHOODS PLANNING TASKFORCE
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MARCH 6, 2008**

1. PARKS AND RECREATION

Higher Priority

1.1. Provide a center park/plaza location to create a there – there for North San José

1.2. Explore the opportunities for creating a larger central park/central place

1.3. Provide trails and connections to trails

1.4. Provide recreational facilities for area

Lower Priority

1.5. Provide sport fields to serve area

1.6. Provide for a mixture of park facilities

1.7. Provide recreational facilities for employees

1.8. Provide passive areas into park system

2. LIBRARIES

Higher Priority

2.1. Combine library space with community space/rooms/places

2.2. Library should be urban in form

2.3. Identify priority sites now

2.3.1. Think like a retailer, look at opportunities related to larger retail centers

2.3.2. Close to transit desirable (especially light rail)

2.3.3. “main street” location with visibility and traffic (e.g. VTA, Motitozo, Agnews)

2.4. Think creatively about financing, i.e. look at multiples sources of funding for multiple uses of library site such as parks and community center funds.

Lower Priority

2.5. The library should help create place - Consider Joint Use/synergy as park of Place Making

2.6. Explore creating a “retail” library space with first floor location, integrated in with retail, and the ability to expand over time

2.7. Should relate to high tech environment

3. SCHOOLS

3.1. Schools should be multi-purpose facilities for school and community use

3.1.1. Parks and green space

3.1.2. Community Center, homework center, after-school care

3.1.3. Libraries

3.2. Schools in North San Jose should be Urban Schools

3.2.1. Multi level

3.2.2. Smaller footprint

3.2.3. Integrated into community

3.3. Take into consideration both existing and new residents

3.3.1. Avoid bussing

3.4. School design to be flexible to meet changing needs

**NORTH SAN JOSE NEIGHBORHOODS PLANNING TASKFORCE
GUIDING PRINCIPLES FINAL UNANIMOUSLY ADOPTED
MARCH 6, 2008**

- 3.4.1. Should serve multiple audiences and be able to grow and shrink as the population of children fluctuates
- 3.4.2. School design should adapt and respond to the needs of current and future students and the surrounding neighborhood.
- 3.4.3. Environmentally healthy and sustainable design standards
- 3.4.4. Look at renovation/upgrade of existing sites
- 3.4.5. Provide for college prep.
- 3.5. *Look at all methods for financing school construction*
 - 3.5.1. Resources must be spent on school construction (not on operations or programs)
 - 3.5.2. Have a funding plan in place
 - 3.5.3. Purchase sites prior to need/development

4. TRANSPORTATION

- 4.1. *Plan for retail and other land uses that minimize trips out of the area*
 - 4.1.1. Create a retail places to shop for daily needs
- 4.2. *Create multiple ways in and out of neighborhoods*
 - 4.2.1. For emergencies
 - 4.2.2. Design small walkable blocks
 - 4.2.3. Develop a grid system
- 4.3. *Create connection to trails in new and existing neighborhoods*
 - 4.3.1. Create connections
 - 4.3.2. Create a mix of streets and paseos that connect to public uses (such as trails and parks)
- 4.4. *Reconsider parking requirements on residential parking*
- 4.5. *Consider the impact on Alviso*
- 4.6. *Design flexible, aesthetically pleasing new streets*
- 4.7. *Ensure funding is in place before development begins*

5. WATER SUPPLY

- 5.1. *Find ways to increase the use of recycled water from the "purple pipe", as required by the State water code.*

6. RETAIL

6.1. Design Guidelines Criteria

- 6.1.1. Adopt specific Design Guidelines for Amenity, Neighborhood and Regional Retail Projects
- 6.1.2. Encourage the use of design professionals with significant experience in retail development
- 6.1.3. Adopted Design Guidelines should ensure flexible, multi-tenant space that can be refreshed and re-leased over time.
- 6.1.4. Design Guidelines should incorporate retail industry standards related to height, configuration, trash enclosures, grease interceptors, loading zones, signage and other key elements necessary for successful retail spaces

**NORTH SAN JOSE NEIGHBORHOODS PLANNING TASKFORCE
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- 6.1.5. Encourage well designed, quality community gathering spots and outdoor spaces in conjunction with retail spaces
- 6.1.6. Encourage quality landscaping, site design and building materials
- 6.1.7. Encourage walkability and pedestrian activity
- 6.1.8. Promote range of retail offerings
- 6.1.9. Create a sense of place with retail design

6.2. Retail Site Criteria

- 6.2.1. Preserve Site Opportunities for Neighborhood and Regional Retail that promote market viability
- 6.2.2. Location – highly visible, prominent, gateway orientation, immediately adjacent to parking
- 6.2.3. Visibility - visible from pedestrian corridors and roadways when possible
- 6.2.4. Accessibility – ease of pedestrian and traffic movement in and out of the site
- 6.2.5. Accessible by public transit whenever possible

6.3. Crosscutting Key Elements For All Retail Uses

- 6.3.1. Encourage walkability and access to public transit
- 6.3.2. Encourage quality site design and landscaping solutions
- 6.3.3. Encourage well designed outdoor gathering spaces
- 6.3.4. Encourage quality architecture and material use

6.4. Key Elements of Amenity Retail

- 6.4.1. Encourage well integrated mixed use development
- 6.4.2. Encourage access to adequate parking within close proximity to retail

6.5. Key Elements of Neighborhood Retail

- 6.5.1. Encourage neighborhood retail according to main street retail concepts
- 6.5.2. Create parking solutions that provide adequate stalls and close proximity but discourages excessive parking near storefronts to promote a pedestrian friendly experience.

6.6. Key Elements of Regional Retail

- 6.6.1. Highway/Freeway Visibility and Access
- 6.6.2. Draws from surrounding communities
- 6.6.3. Healthy parking capacity
- 6.6.4. Multi-modal hub (public transit)
- 6.6.5. Minimal Site Opportunity in North San Jose due to size and location needs

6.7. Promote small business programs to developers and prospective tenants that can assist in small business formulation and support the on-going health of the small business community.

- 6.7.1. Encourage non-franchise and family owned businesses as well as national credit tenants
- 6.7.2. Small Business Ambassador Program
- 6.7.3. Financial Assistance Programs
- 6.7.4. Entrepreneur Center

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- 6.7.5. Retail Recruitment
- 6.7.6. Permit Assistance

7. CENTRAL PLACE AND PLACE MAKING

- 7.1. *Key sites should be explored as a central place for North San Jose.*
- 7.2. *The appropriate site should be centrally located and near existing/future residential neighborhoods*
- 7.3. *The City should explore creating incentives for the property owner to develop the site appropriately.*
- 7.4. *The site should have a mix of community and neighborhood serving retail stores.*
- 7.5. *Community uses could include an*
 - 7.5.1. elementary school,
 - 7.5.2. a park,
 - 7.5.3. a square,
 - 7.5.4. a community center and
 - 7.5.5. a library.
- 7.6. *Retail stores could include a mixture of shops, stores, cafes and restaurants.*
- 7.7. *The Moitozo site should be explored as one of the potential central places, but the Moitozo property should be allowed to remain agricultural as long as the property owners desire.*

8. URBAN DESIGN GUIDING PRINCIPLES

8.1. General Guiding Principles

- 8.1.1. **Walkability** – Strive to make North San Jose districts and neighborhoods walkable.
- 8.1.2. **Pedestrian-Friendly Environment** – Create an urban environment that is visually attractive, pedestrian- and bike-friendly and designed to the human scale.
- 8.1.3. **Connectivity** – Encourage design and development within North San Jose that increases connectivity of uses, transportation and public facilities.
- 8.1.4. **Mix of Uses** – Foster a mix of uses within developments and individual buildings (both horizontal and vertical mixed-use).
- 8.1.5. **Design Guidelines** – Develop a clear set of design guidelines for buildings that support the vision for North San Jose (e.g. building heights and buildings at street edges).
- 8.1.6. **Identity** – Ensure that public development in North San Jose contributes to the strengthening of its identity.

8.2. Public Realm - Blocks

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- 8.2.1. Establish an interconnected system of streets, in a modified grid pattern, that generates small, walkable and bike able blocks, particularly in residential areas.
- 8.2.2. Implement the current street plan developed for the Core Area, and continue development of the same street plan throughout North San Jose.

8.3. Public Realm - Streets

- 8.3.1. Develop a set of street typologies that reflects a distinct character for each typology, and that balances vehicular and pedestrian needs.
- 8.3.2. For each typology determine the elements of streetscapes, such as sidewalk width, bike lanes, travel lanes, public transit, planting strips, tree species, easements, setbacks and build-to lines.
- 8.3.3. Develop guidelines for streetscape elements such as trees, street furniture (bus shelters, bike racks, lights, benches, etc.), pavement materials, signage and public art.

8.4. Public Realm - Parks

- 8.4.1. Ensure that new parks are part of a larger system, and when possible are connected to plazas and trails being developed in North San Jose.
- 8.4.2. Create new parks in new housing opportunity areas that are at least three acres in size.
- 8.4.3. Place parks within walking distance of new and existing residences.
- 8.4.4. In housing areas, encourage park facilities such as children's playgrounds, game courts, and picnic facilities.

8.5. Public Realm - Plazas

- 8.5.1. Develop a system of central gathering places and plazas.
- 8.5.2. Integrate plazas into the urban fabric.
- 8.5.3. Ensure that plazas are highly visible and accessible.

8.6. Public Realm - Trails

- 8.6.1. Connect trails to the existing trail system, including, but not limited to, Coyote Creek Trail, Guadalupe River Trail, Highway 237 Bikeway, and the River Oaks Trail.
- 8.6.2. Wherever possible, trails and public spaces should relate to access points along the two rivers: Guadalupe River and Coyote Creek.
- 8.6.3. Create design guidelines for proposed "Greenways" (street and trail combinations).

8.7. Private Realm – Connectivity and Block Size

- 8.7.1. Connect new developments to the existing and planned public realm.

8.8. Private Realm – Block Layout and Mix of Uses

- 8.8.1. Encourage mixed-use development.

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8.8.2. Allow for flexibility in site configurations and in building use over time.

8.9. Private Realm – Building Placement

8.9.1. Concentrate higher buildings along North First Street and require build-to lines to emphasize North First Street's role as the signature boulevard for the area and to make use of existing public transit.

8.9.2. Locate the tallest buildings at intersections to create a memorable sequence along the street and to take advantage of pedestrian activity at corners.

8.9.3. Orient buildings to the street to encourage and support pedestrian activity.

8.10. Private Realm – Transitions

8.10.1. Carefully design transitions between different heights, scales, and uses of buildings and developments.

8.10.2. In places where a park is adjacent to buildings, orient buildings towards the park and separate the two with a street or public pathway.

8.11. Private Realm – Sustainability

8.11.1. Encourage sustainable design practices

8.12. Encourage Significant Design in Architecture

9. HEALTH CARE

9.1. Health Care – Develop plans for health care needs and facilities in North San Jose

9.1.1. Include the provision of health care services and facilities in North San Jose in the Envision San Jose 2040 General Plan Update

9.1.2. Recommend the establishment of a Joint City-County Taskforce (including all major health care providers) to work collaboratively on health care facilities and hospital services issues that relate to North San Jose and Downtown

10. PUBLIC ART

Higher Priority

10.1. Create landmarks

10.2. Public art should foster community interaction

10.3. Showcase the highest level of artistic excellence and creative energy

10.4. Explore the creation of a North San Jose Art Trail/Iconic System, that would use public art to help create a North San Jose identity (Great Idea)

Lower Priority

10.5. Define and enhance the public realm

10.6. Respond to North San Jose's broad geographic diversity

10.7. Priority Locations

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- 10.7.1. Edges and Transitions
- 10.7.2. Connecting Places
- 10.7.3. Gathering Places
- 10.7.4. Places where different Uses and activities overlap

- 10.8. Create artwork at a variety of scales and sizes*
- 10.9. Exist in a range of timeframes (art that changes over time)*
- 10.10. Encourage dynamic large scale art in the core*
- 10.11. Art should reinforce and create identity in North San Jose*
- 10.12. Encourage architecture that is public art*

11. RINCON SOUTH/ROSEMARY GARDENS

- 11.1. Develop and implement a strategy to build out parks in Rincon South
(As envisioned in the Specific Plan)*
- 11.2. Engage the Rincon South/Rosemary Garden's neighborhood in the
development of an Action Agenda to address key issues and concerns.*