

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: September 11, 2008

COUNCIL DISTRICT: 6
SNI AREA: Burbank/Del Monte

SUBJECT: PDC07-096. PLANNED DEVELOPMENT REZONING/PREZONING FROM CP COMMERCIAL PEDESTRIAN ZONING DISTRICT AND COUNTY TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 218 ATTACHED SINGLE-FAMILY RESIDENCES AND 22,600 SQUARE FEET FOR COMMERCIAL USES ON A 3.59 GROSS ACRES SITE LOCATED ON THE SOUTHWEST CORNER OF MERIDIAN AVENUE AND WEST SAN CARLOS STREET.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed rezoning/prezoning from CP Commercial Pedestrian Zoning District and County to A(PD) Planned Development Zoning District to allow up to 218 attached single-family residences and 22,600 square feet for commercial uses on a 3.59 gross acres site, with the minor amendments to the development standards proposed by the applicant and agreed to by staff.

OUTCOME

Should the City Council approve the Planned Development Rezoning, the applicant would be able to file and secure a subsequent Planned Development Permit to facilitate the build-out of the project as described above.

BACKGROUND

On September 10, 2008, the Planning Commission held a public hearing to consider the proposed Planned Development Prezoning/Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. Staff emphasized a concern raised in the staff report regarding a setback requirement for the project along Page Street and cited the Cahill Park project at The Alameda and Wilson as a good example of a similar project that includes adequate setbacks. Public Works staff presented a brief summary of the traffic concerns related to the project and stated that the project met existing traffic level of service policies.

The applicant, represented by Michael Van Every, spoke on behalf of the project and highlighted his concerns about the setbacks proposed in the draft development standards. The staff proposed

development standards required a 10-foot setback for two-story and a 15-foot setback for three-story elements. The applicant proposed a 5-foot setback, as it would allow for the project to include more parking and open space.

Eight different members of the public, representatives of various neighborhood associations, spoke on the project. While the neighbors expressed general support for the project, they raised a number of concerns including the additional traffic the project would generate, the safety of the dedicated left turn lane onto the project from Meridian, the adequacy of existing infrastructure (water, sewer, sanitary, etc.), a shortage of parking, the adequacy of space for bike lanes and expanded sidewalks and the availability of open space. They also indicated some concerns with the Public Outreach Policy and ways it could be improved. Earlier in the day they submitted a letter to the Planning Commission summarizing these issues (see attached).

Michael Van Every spoke again for the applicant and raised two other concerns with the draft development standards. First the applicant asked that the draft development standards be revised to list all open space requirements as an average, since there was a concern that balconies should not be required for units that fronted onto West San Carlos because of noise issues. The applicant also asked that the sidewalk along West San Carlos be reduced from twelve feet to ten feet in width. Staff indicated that they were supportive of both these amendments to the development standards.

Commissioner Do commented on the importance of the project to properly integrate with existing and potential future development in the area and indicated that he supported the staff recommended setbacks along Page Street. Commissioners Jensen and Kamkar questioned the applicant about various green aspects of the project such as solar and stormwater treatment. The applicant indicated that the intended to aim for LEED Silver accreditation or its equivalent. In response to Commissioner Jensen's question, the applicant also noted that the units would likely be rental but would be mapped for the potential to be sold as condominiums if the housing market were to rebound. At this point, the public hearing was closed.

Commissioner Kalra confirmed with staff that they supported the proposed changes to the draft development standards regarding sidewalk width and open space requirements. Commissioner Jensen noted some inconsistencies on the plans provided and staff noted that the development standards would supersede anything shown elsewhere in the plan set.

Commissioner Platten moved to recommend approval of the project as per staff's recommendation with the agreed upon modifications to the open space requirements and sidewalk width along West San Carlos. This motion was seconded. Commissioners Platten, Kalra and Campos all encouraged the applicant to continue to work with staff and the neighborhood during the PD Permit phase of the project.

As a point of clarification, Commissioner Zito asked PRNS staff about issues that had been raised by the neighborhood. Staff indicated that the City would not be looking for Public Park dedication from the project, but that the project would receive recreation credits for some of the open space that was provided by the project.

The Planning Commission then voted 7-0-0, Commissioner Zito absent, to approve the project as recommended by staff, with the minor modifications to the draft development standards proposed by the applicant and agreed to by staff.

ANALYSIS

An analysis of the issues raised at the hearing, including General Plan conformance and consistency with the Residential Design Guidelines is contained in the attached staff report.

EVALUATION AND FOLLOW-UP

The applicant will be required to secure a Planned Development Permit from the Planning Director in order to implement the subject rezoning.

POLICY ALTERNATIVES

Not Applicable

PUBLIC OUTREACH/INTEREST

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

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A community meeting was held for the project at the Rose Garden Library on March 19, 2008. Approximately 40 members of the community were present. Another meeting was held with the Buena Vista Neighborhood Association (BVNA) on May 27, 2008 with about 20 people in attendance.

Community members expressed a number of concerns in regard to the project, with the most significant being related to the traffic impacts of the project. Some community members noted that it would be impossible to determine that the project would not have a significant impact on traffic since there were already a number of other projects under construction that would have additional impacts on the area's traffic. Some concerns were also raised in regard to the height of the project, as community members felt that the project was far taller than anything else in the immediate vicinity. A few comments were also made on the architecture of the proposed buildings, noting a "Jetsons" type look that was inappropriate for the area. A few people did

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support the project in concept, stating that more density and orienting projects towards transit could provide more green space.

A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

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

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Mitigated Negative Declaration- PDC07-096


JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Ed Schreiner at 408-535-7845.

Attachment:

Draft Development Standards revised September 11, 2008

Letter to Planning Commission dated September 8, 2008

PDC07-096

WEST SAN CARLOS/MERIDIAN MIXED USE

GENERAL PLAN NOTES

The following notes are to be incorporated on the final General Development Plan upon City Council Approval. These notes shall replace all other notes currently identified on said plan(s).

ALLOWED USES:

Residential development range: 62 to 218 attached dwelling units (17-65 DU/AC as allowed under the General Plan Discretionary Alternate Use Policies)

Commercial development range: 15,000 – 22,600 square feet

Allowed Commercial uses shall include all those allowed by right in the CN-Commercial Neighborhood Zoning District. Conditional uses as identified in the CN-Commercial Neighborhood Zoning District shall require the approval of a Planned Development Permit or Amendment.

DEVELOPMENT STANDARDS:

Setback requirements:

Front setback along West San Carlos Street (Commercial/Mixed Use) - 0'

Front setback along Meridian Avenue (Commercial/Mixed Use) – 0'

Front setback along Meridian Avenue (Ground Floor Residential) – 10'

Front setback along Page Street (within 100' of West San Carlos) – 0'

Front setback along Page Street (more than 100' from West San Carlos) –

Two stories – 10'

Three stories – 15'

Setback from south perimeter property line – 30'

Height Requirements:

Maximum height: 70 feet, with the following exceptions:

Within 40 feet of the Page Street right-of-way and more than 100 feet south of West San Carlos – 35'

Within 100 feet of the south property line – 50'

PARKING REQUIREMENTS:

RESIDENTIAL:*

Unit Size	All Open Parking	1-Car Garage	2-Car Garage	2-Car Tandem Garage
Studio	1.4	1.3	2.2	2.4
1 Bedroom	1.5	1.7	2.3	2.5
2 Bedroom	1.8	2.0	2.5	2.7
3 Bedroom	2.0	2.2	2.6	2.8
Add. Bedroom	0.15	0.15	0.15	0.15

RETAIL/COMMERCIAL: Parking shall be provided at a rate of one space per 400 net square feet of tenant space for ground floor commercial uses, as per Title 20. For any other commercial use, parking is to be provided in accordance with the standards identified in the Zoning Ordinance, as amended.

Alternating use of parking facilities may be allowed subject to a PD Permit

* A 10% parking reduction may be approved at the PD Permit stage due to the project's location in a designated Neighborhood Business District.

RESIDENTIAL OPEN SPACE REQUIREMENTS

Cluster units & units within mixed-use component:

- Private open space - 60 square feet average per unit,
- Common Open Space - 100 square feet average per unit.

Townhouse units:

- Private open space - 100 square average feet per unit,
- Common open space - 200 square feet average per unit.

Linear Common Open Space/Paseo: Minimum dimension of 30 feet in width. Shall extend from Page Street to Meridian Avenue.

ENVIRONMENTAL MITIGATION

Air Quality: The following controls shall be implemented during all construction phases of the project:

- Water all active construction sites at least twice daily, and more often during windy periods;
- Cover all trucks hauling soil, sand and other loose materials *or* require all trucks to maintain at least two feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;

- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more);
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) Sufficient to prevent visible airborne dust;
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- Replant vegetation in disturbed areas as quickly as possible.

Tree Replacement: City policy requires the replacement of the removed trees consistent with the following ratios:

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

x:x = tree replacement to tree loss ratio

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

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 City's Environmental Principal Planner, at the development permit stage:

- 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) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.

- A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

Hydrology and Water Quality: The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 East San Carlos, San Jose, California 95110-1795. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.

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

Stormwater: Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:

- The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
- The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

Dust Control: The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

- Restriction of grading to the dry season (April 15 through October 15);
- Utilize on-site sediment control BMPs to retain sediment on the project site;

- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction;
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Noise Mitigation: The project shall be constructed in conformance with the STC rating recommendations for windows and doors as contained in the report entitled *West San Carlos Mixed-Use Project, San Jose, California, Environmental Noise Assessment* by Charles M. Salter Associates Inc.

The project shall be constructed using sound rated windows with ratings between STC 28 and 43. The lower ratings would apply to the windows in dwelling units facing the interior and most units along the western edge of the site. The highest ratings would apply to corner rooms at the intersection of West San Carlos Street and Meridian Avenue.

A detailed analysis shall be prepared during design to select appropriate windows. Since windows must be closed to achieve the interior noise criteria, an alternate means of providing outside air to habitable space is required for facades exposed to an interior DNL of 60dB, or greater..

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 the 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 that all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.

SANITARY: The existing sanitary sewer mains within Meridian Avenue and Page Street do not have adequate capacity to serve the development. Therefore, the project should connect to the 12" sanitary main located at West San Carlos Street only.

UNDERGROUNDING:

1. The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Meridian Avenue prior to issuance of a Public Works clearance. 100 percent of the base fee in place at the time of payment will be due.
2. The Director of Public Works may, at their discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to Meridian Avenue. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

REIMBURSEMENT: The developer will be required to reimburse the City for costs advanced for the construction of street improvements along West San Carlos Street in accordance with City Ordinance #19663.

TRANSPORTATION: This project proposes two driveways along the Meridian Avenue frontage. Access and turning movements at these driveways shall require further review at the PD Permit stage. Appropriate adjustments to the location shall be made as required to the satisfaction of the Director of Public Works.

STREET IMPROVEMENTS:

- a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- b) Remove and replace broken or uplifted curb, gutter, and construct 10' new attached sidewalk along W. San Carlos Street frontage. A 2' street dedication is required.
- c) Remove and replace broken or uplifted curb, gutter, and construct 10' new attached sidewalk along Meridian Avenue frontage. A 6' street dedication is required.
- d) Construct new curb, gutter and 10' attached sidewalk along Page Street frontage. An 11' street dedication is required.
- e) Close unused driveway cut(s).
- f) Install handicap ramps at all project corners. The new handicap ramps shall include detectable warnings to meet current ADA and City standards.
- g) 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.

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.

PRIVATE STREETS: Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.

SIGNS. All signs shall be upgraded to conform to current City of San Jose sign regulations to the satisfaction of the Director of Planning.

CONFORMANCE TO THE FRAMEWORK FOR THE PRESERVATION OF EMPLOYMENT LANDS. This project shall conform to the Framework for the Preservation of Employment Lands.

HISTORIC PRESERVATION. This project shall provide documentation of the existing Structure of Merit prior to any potential demolition to the satisfaction of the Director of Planning. The building shall be offered up for relocation and/or salvage and the existing sign shall be incorporated into any new project to the satisfaction of the Director of Planning.

September 8, 2008

City of San Jose Planning Commission
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

RE: PDC07-096
Agenda Item 3.b 09/10/08

Chair Zito and Members of the Planning Commission;

Residents of the Burbank/Del Monte Neighborhood Advisory Committee (B/DM NAC), along with the constituent neighborhood organizations of Buena Vista Neighborhood Association (BVNA), Shasta Hanchett/Park Neighborhood Association (SHPNA), and Sherman Oaks Neighborhood Association (SONA) and the West San Carlos Street Neighborhood Business Association (WSCSNBA) previously recommended delay of this project until another public meeting could be held. This request was made in May of 2008. This request was made due to the fact there were changes made to the project since the one public meeting months earlier and all parties wanted to have the same information.

The project is within the boundaries of B/DM NAC, is part of BVNA, across the street from SHPNA, within the West San Carlos Street Bascom Avenue Economic Development Strategy (WSCSBAEDS) plan (Redevelopment Agency May 2003), adjacent to the Midtown Specific Plan (MSP) and a key part of redeveloping the entire area. The housing brought forward with **this project represents a 17% increase in BVNA housing stock.**

While the developer has outreached to BVNA and WSCSNBA individually, these were not public meetings. In addition, representatives have met individually and as small groups with the developer. While we are in general agreement and support of the project, there are still some outstanding questions that we would like clarified at the Planning Commission meeting. We recognize that this is a zoning issue at the moment, but some of these concerns outside the zoning must be brought forward prior to further development of the project to ensure the developer, staff and residents are all moving in the same direction. We have created a list of questions and comments.

Zoning from CP to CN

- What would the impact be in changing the overall zoning during this process? We bring this up because the communities worked for several years to implement the WSC economic strategy and only recently had the area rezoned to CP.
- Can we put a minimum square footage of retail space on the project and ensure that the retail wrap on Meridian stays in place? We feel that the retail wrap is a key component to maintain the vitality of the business district and would recommend establishing a minimum of 22-25k sq ft of ground floor retail.
- Transit Oriented Development (TOD) standards in North San Jose have larger set back requirements and we would support staff in maintaining the minimum 15' set backs.

Traffic, Parking and Pedestrian/Bike Issues

- We support the original design presented by the developer of right-in/right-out vehicle access for this project on Meridian. We do not support the proposed left turn lane as this will simply cause an unacceptable delay for vehicles and create chaos with the interface of the driveways across the street (Safeway and Parkview Apartments). In addition, adding left turns to the equation makes it more hazardous to pedestrians and bicyclists putting it in direct opposition to the development of a pedestrian friendly corridor per the B/DM NAC, Midtown and WSCSBAEDS plans.
- The interface of the driveways on both West San Carlos and Meridian should be enhanced visually to alert drivers and wide enough to protect pedestrians.
- Moving forward, all construction and post construction commercial vehicles must be kept off of Douglas and Page with significant penalties for violations. This includes staging and on-site workers. A plan for parking construction related vehicles should be part of public review.
- We support the use of the Meridian driveway for commercial and future garbage traffic but would note that moving forward care needs to be given to assure the project is not impeding commute traffic in the area and that respect for adjacent housing is given.
- We support maintaining maximum parking ratios per development standards without including any on street parking.
- Residential guest parking and commercial parking must not serve dual purposes unless regulated. In an area with significant parking shortages we have already established that commercial parking across the street at the Safeway lot is being used for residential purposes. While the site includes adequate parking, we want to ensure there is control over the situation.
- We suggest that the 100' strip of Page that extends along the commercial side from WSC include a number of ADA spaces. This will enhance the parking for both residents and the commercial establishments by providing easy and safe access.
- The paseo between Page and Douglas serves as emergency access but also includes additional space that can and should be dedicated per City policies. Because this site will affect a protected intersection under the City of San Jose's Level of Service (LOS) policy, we would suggest that the property in excess of the requirement for fire access be counted as mitigation per the LOS policy and any additional funding due from the project go towards establishing a signalized intersection at Meridian and Douglas per the B/DM NAC priorities which the City's Department of Transportation has previously indicated is warranted. No credit for LOS should be given without establishment of a public easement.

Public/Private Open Space and Parkland Dedication

- This is one of the most park/open space deficient areas of the city with minimal opportunity to acquire park space. Because of this we would request that all on site private and public open space meet or exceed the maximum per city ordinances.
- There may be opportunity for expansion of the paseo and use of this area for public open space per ordinance. While our first preference is for all credit to be in the form of in lieu fees, we cannot determine from the staff report what options are on the table and would request clarification of this matter since no record of Parks, Recreation and Neighborhood Services (PRNS) objectives was noted in the staff report. Again, any credit for open space should come with an established public easement. With few areas to simply sit and read or enjoy an al fresco lunch, this area could serve the commercial

establishments and residences, but care should be taken to establish early on who will be responsible for continued maintenance of the area.

- Captured in lieu fees should be directed in accordance with the B/DM NAC, BVNA and SHPNA priorities and we would ask that you attach a recommendation statement accordingly.

Design Guidelines

- While design guidelines are not part of the PD permit process, we want to establish our desire for the project to blend with surrounding architecture per the WSCSBAEDS criteria and the requests of BVNA and B/DM NAC. It is important that we not degrade the historic value of the area.
- To protect the historical integrity of the surrounding area, we would ask that all frontages adjacent to existing structures be no higher than two stories and step back to higher levels.
- The staff report does not indicate that any survey has been done to determine the historic value of two homes currently on the site. We have heard that the developer has been willing to relocate these units. The first preference for BVNA is to retain the integrity of the units by incorporation into the new site. If not possible, and if the units are not to be preserved through relocation, then we would ask that they be disassembled for salvage and that the materials be offered first to local property owners to allow them to restore other existing homes. As a final measure, we would ask that the materials be salvaged through local businesses that specialize in whole house historical salvage.
- We support maximum effort to utilize green building techniques and minimization of waste generation with this project.

Infrastructure

- We have concerns about the water and sewer capabilities of the area. Local car lots must use water tankers to wash cars because of the lack of water pressure. Are we in compliance with recent Supreme Court rulings that indicate communities must have available water sources?
- In addition, a study done by the County of Santa Clara several years ago identified deficiencies in storm water drainage capability. It has been pointed out that the sanitary sewer system in this area is very old and in need of repair or upgrade due to ongoing flow or capacity problems.
- We request that staff be thorough and open in addressing all of these issues.

Outreach

- While the developer has been accommodating to meeting with individuals and representatives, we must again state that public outreach must be done in public. There was sufficient time to meet requests for a public meeting this summer. Staff from this project at no time addressed the B/DM NAC directly. While our liaison did an admirable job, this process would have benefited from another public meeting to allow all parties to participate with equal impact. We believe for a truly great project, the neighborhoods, business district, planners, Council office and developers must work in conjunction as a team.
- Had the requested public meeting taken place, you would be receiving this letter from all of our constituent groups as opposed to us as individuals. There is a greater impact when a neighborhood votes on an issue than when a "neighborhood gadfly" signs off on a statement as an individual. We are elected by our groups to gather information, act when necessary, and always bring forward items for approval. While we are secure in

our communities' support for our statements, it would have been more appropriate to have had this ratified by our communities.

Midtown Specific Housing

- Because this project is across the street from the boundaries of the Midtown Specific Plan, the housing will not be counted in the "cap" for that plan. In addition, small infill developments and larger ones like the Sobrato/Race Street units have not been counted against this "cap", resulting in almost 1000 units of housing against zero new commercial (other than mixed use) development. We are concerned that we will overstate the intention of the MSP of balanced development and would like your assistance in developing a way to adjust the ongoing tally of housing units.

Annexation and Re-Zoning

- We would request clarification about the two-year moratorium on rezoning that is in the staff report. Many of our residents have worked for almost a decade to have this area annexed and this is the first we have heard about rezoning moratoriums. We are concerned that this moratorium will inhibit further positive improvements in the district.

We respectfully submit this for inclusion in the Planning Commission's meeting of September 10, 2008 and will be available for any questions you may have.

Sincerely,

Deborah Arant

Board Member, Shasta Hanchett/Park Neighborhood Association

Terri Balandra

Fiesta Lanes Action Group

Helen Chapman

Vice Chair, Shasta Hanchett/Park Neighborhood Association

Past Chair, City of San Jose Parks and Recreation Commission

Linda Dittes

Rose Garden Resident

Ken Henning

Past President, Buena Vista Neighborhood Association

Vice Chair, Burbank/Del Monte NAC

Randi Kinman

President, Sherman Oaks Neighborhood Association

Burbank/Del Monte NAC Board Member

Michael LaRocca

Past President, Sherman Oaks Neighborhood Association

Chair, Burbank/Del Monte Neighborhood Services Subcommittee

Chet Lockwood

Fiesta Lanes Action Group

Jeff Rogers

Chair, Burbank/Del Monte NAC Planning and Land Use Subcommittee

Robert Solis

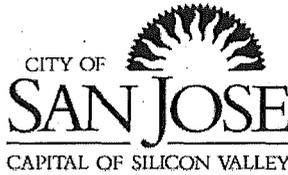
Past President, Buena Vista Neighborhood Association

Chair, Burbank/Del Monte NAC Parks/Open Space Subcommittee

Brian Ward

President, Buena Vista Neighborhood Association

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Memorandum

TO: PLANNING COMMISSION **FROM: Joseph Horwedel**
SUBJECT: SEE BELOW **DATE: September 2, 2008**

SUPPLEMENTAL MEMO

SUBJECT: PDC07-096. PLANNED DEVELOPMENT REZONING AND PREZONING FROM CP COMMERCIAL PEDESTRIAN ZONING DISTRICT AND UNINCORPORATED TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 218 ATTACHED SINGLE-FAMILY RESIDENCES AND 22,600 SQUARE FEET FOR COMMERCIAL USES ON A 3.59 GROSS ACRE SITE.

REASON FOR SUPPLEMENTAL

On August 20, 2008, the Planning Commission, at the request of Public Works, deferred the item to the September 10, 2008 meeting. This deferral was to allow the neighborhood additional time to review an addendum to the traffic report prepared by the applicant and previously reviewed by the City. The deferral would also allow continued engagement between the applicant and the neighborhood. Additionally, this memorandum addresses the following:

- Public outreach efforts by the applicant.
- Plan inconsistencies.
- Technical corrections to the original staff report.
- Discussion on the relationship to City-initiated County Pocket Annexation process.

Public Review of Traffic Report Addendum

The copy of the addendum to the traffic report was provided to Mr. Brian Ward of the Buena Vista Neighborhood Association (BVNA) prior to the upcoming Planning Commission hearing. Copies of this report and other public documents related to this project have been made available to the public upon request.

Public Outreach

The original staff report identified two community meetings that were conducted prior to the public hearing. The applicant has also conducted several focused meetings over the past several months with neighborhood leaders. The applicant has provided information with regards to additional public outreach that has occurred. From recent conversations that staff has had with the applicant, staff understands an additional meeting may occur before the Planning Commission Hearing. If so, staff will provide an oral presentation of issues raised at this meeting at the September 10th Planning Commission Hearing.

Plan Consistency

During discussion at the August 20th Planning Commission hearing, it was noted that the plan sets provided for the project were not internally consistent. The project has changed somewhat since its initial submittal. At the zoning stage, plans other than the Land Use Plan should be regarded as conceptual. If there are inconsistencies in the plans, the General Development Plan standards always take precedence over the diagram.

Corrections/Clarifications

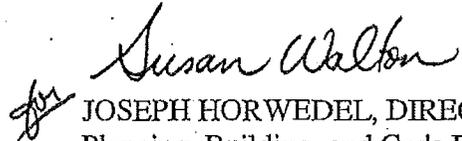
The maximum height identified in the Midtown Specific Plan area directly across Meridian Avenue to the east is 65 feet, not 120 feet as was stated in the staff report. The conceptual plans for the project identify a 65' height proposal that is consistent with the height allowed across Meridian Avenue. There are areas of the Midtown Specific Plan along the San Carlos Street corridor that are identified with varying heights and increase to 120 feet within a few blocks of the project site.

An erroneous sentence regarding missing Public Works condition was inadvertently included in the list of Draft Development Standards distributed with the previous staff report. A corrected version is attached to this memo.

Annexation

A portion of the project site is unincorporated and is part of the County Pocket Annexation program that includes an area that goes beyond the project site (Buena Vista No. 2). As a prerequisite to this process, approximately 150 other properties included in the Annexation have already been rezoned to conventional zoning districts. The City Council ordering of Buena Vista No. 2 is currently scheduled for the October 21, 2008 City Council hearing and is planned to be certified by November 30, 2008. In order to avoid delays in the annexation of the other properties within Buena Vista No. 2 which are not part of this Planned Development Rezoning, and to keep the City-initiated pocket annexation process aligned with the noted timeline, it is critical to establish an appropriate City zoning district for the project site prior to the certified effective date of the Annexation. As has been described for the Commission, the rezoning of properties is prohibited within two years of an annexation approval. This project's current scheduled Planning Commission hearing date of September 10, 2008 and City Council Hearing date of September 23, 2008 (second reading on September 30, 2008), making the zoning effective on October 30, 2008, should provide enough of time for the Annexation to be certified by November 30, 2008.

Failure by the Commission to act on this rezoning in a timely manner would either: 1) negatively impact the timing of the City-sponsored annexation for many properties in Buena Vista No. 2 and delay the collection of tax revenues within the area by the City of San Jose, or 2) cause a more than two-year delay in the consideration of a subsequent rezoning proposal on the subject site.


JOSEPH HORWEDEL, DIRECTOR
Planning, Building, and Code Enforcement

For questions please contact Susan Walton at (408) 535-7800.

Attachments:

Summary of Applicant Public Outreach
E-mail from Jean Dresden
Map of Midtown Specific Plan height requirements
Revised Draft Development Standards

Summary of Applicant Public Outreach

September 7, 2007: NAC Stakeholder Meeting at Republic Urban conference room- 95 S. Market - San José, CA. Preliminary plans were discussed. Feedback: Liked retail; residential too dense, too much traffic, not enough parking, height concerns along Page Street (4 stories too high). Attendees included: Jeff Rodgers (Shasta-Hanchett), Robert Solis (BVNA), Brian Ward (BVNA), Harry Miller (W. San Carlos Business Association), Michael LaRocca (Sherwood Neighborhood Association), Joe Rubino (Property Owner), MVE Architects, HMH Civil Engineers

November 21, 2007: NAC Stakeholder Meeting at Republic Urban conference room - 95 S. Market - San José, CA. Revised building elevations were discussed that addressed previous concerns. Feedback: Liked retail; residential too dense, too much traffic, not enough parking, step down on Page Street from four stories to three. Wanted more historic architecture. Attendees included: Jeff Rodgers (Shasta-Hanchett), Robert Solis (Buena Vista Neighborhood Association), Brian Ward (BVNA), Joe Rubino (Property Owner), MVE Architect, HMH Engineers.

February 19, 2008: NAC Stakeholder Meeting at Republic Urban conference room - 95 S. Market - San José, CA. Reviewed revised site plan and 3D elevations based on 30-Day letter from Staff. Discussed upcoming neighborhood meeting at Rose Garden Library and what organizations needed to be noticed. Feedback: Liked retail but wanted more along W. San Carlos, residential too dense, too much traffic, not enough parking, three stories on Page Street may still be too high, discussed park, parking garage, and residences on-site. Attendees included: Michael LaRocca (Burbank/Del Monte NAC), Robert Solis (BVNA), Brian Ward (BVNA), Joe Rubino (Property Owner), MVE Architect, HMH Civil Engineers), Berg Davis (Public Affairs)

March 3, 2008: West San Carlos Business Association Meeting. The developer discussed upcoming community meetings and project details. Feedback: Liked retail but wanted more along W. San Carlos, liked density, liked overall site design, though project would gentrify neighborhood, wrote letter to City Council supporting project. Attendees included 20 members of the association, several members of the press and the applicant.

March 19, 2008: Community Meeting at Rose Garden Library. See discussion in original staff report. Mailers were sent out to all residents within 1,000 feet of the property. Advertisements were placed in the Rose Garden and the Willow Glen Resident Newspapers. Feedback: Liked retail but wanted more along W. San Carlos; less density, more parking, less traffic, more parks, less height, comments regarding architecture, questions regarding process and pedestrian access. Attendees included approximately 40 community residents, Councilman Pierluigi, Planning staff, applicant, MVE Architect, Hexagon Traffic Engineers, HMH Civil Engineers, Berg Davis (Public Affairs), Jay Isaacson (landscape architect).

May 27, 2008: Regular Meeting of Buena Vista Neighborhood Association. See discussion in original staff report. Information packets handed out that discussed project details. Feedback: Liked retail but wanted more along W. San Carlos; less density, more parking, less traffic, more parks, less height, comments regarding architecture, questions regarding process and pedestrian access, requested additional community meetings. Attendees included approximately 20 community residents, Planning staff, applicant, MVE Architect, HMH Civil Engineers.

Enderby, Mike

From: JeanAnn2@aol.com
Sent: Monday, August 18, 2008 7:50 AM
To: Ed.Schreiner@sanjoseca.gov
Cc: Mike.Enderby@sanjoseca.gov
Subject: Meridian/SanCarlos

Hello Ed,

In reading the staff report for Meridian/San Carlos, I was surprised by a few statements and would like to receive clarification.

1. Your report states that this project is in the Downtown Frame. In materials distributed to the General Plan Task Force in Spring 2008, the Downtown Frame did not include this area. When was this changed? Was there a community meeting? Where is there a map that shows the new downtown frame? Is it available to the community? Have property owners been advised? Was it presented at Developer's Roundtable or Neighborhood Roundtable?

2. Your report states the Midtown's maximum height is 120 feet. It is 90 feet in the Midtown Specific Plan materials. Has the maximum height been changed and when?

3. Your report states that there is a good height transition because the maximum is 70 feet, compared to the 120 foot maximum of the Midtown Specific Plan. The Midtown Plan states that the adjacent Sears/Saddleback subarea should have a maximum height of 65 feet. While this number is stated in several places of the MSP, there is a nice map of the sub-areas on page 45. This project will have a slightly higher height than allowed on the adjacent MSP land. Has there been a change to the MSP in the Sears/Saddleback area to make more than 65 feet allowed and when?

4. Your report indicates that this project is within 500 feet of the Shasta, Lenzen, Alameda intersection. I measured from the closest corner of this project, using a "as the crow flies" straight line, and came up with slightly over 3000 feet. I used the map on page 45 of the Midtown Specific Plan. Google Maps provides a driving/walking distance of 0.8 miles or about 4000 feet. Where did your estimate of 500 feet come from?

5. Your report indicates the 23 bus is the most heavily used bus corridor. Recent VTA materials show the 22/522 corridor on the Alameda is the most heavily used. Do you have more recent materials and where may I obtain them?

I hope your schedule allows you to answer these questions prior to the Planning Commission hearing this Wednesday.

Thank-you,
Jean Dresden

PS: Nice improvements to the project! Good job. Thanks for holding firm on the Page Street setbacks in the development standards. Also, thanks for being explicit about the need to improve facade/design elements on the corner of Meridian and W. San Carlos

Looking for a car that's sporty, fun and fits in your budget? Read reviews on AOL Autos.
(http://autos.aol.com/cars-Volkswagen-Jetta-2009/expert-review?ncid=aolaut0003000000007)</HTML>

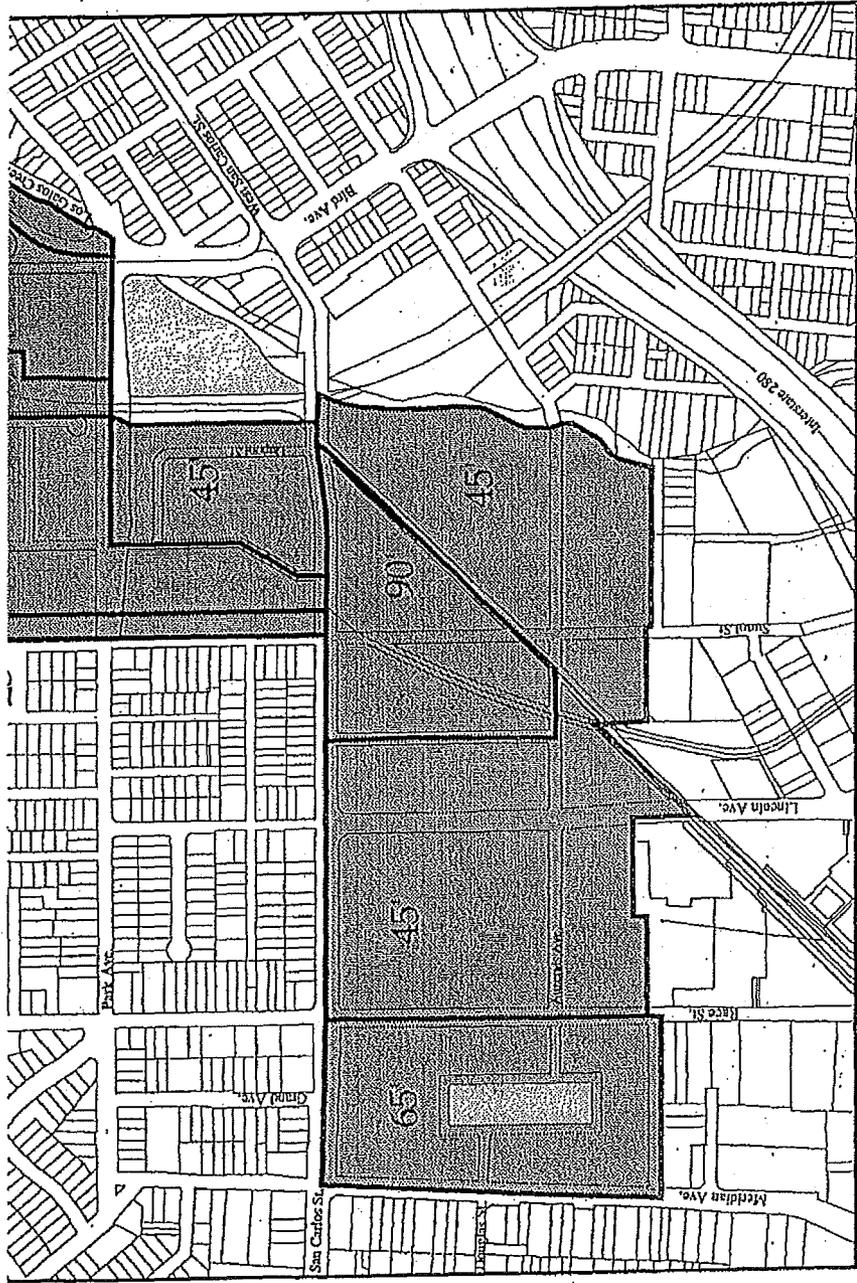


Figure 15
MAXIMUM HEIGHT

STAFF REPORT
PLANNING COMMISSION

File No.: PDC07-096

Submitted: 11/13/07

Property: 305 Meridian Avenue

PROJECT DESCRIPTION:
Planned Development Rezoning and Prezoning from CP Commercial Pedestrian Zoning District and Unincorporated to A(PD) Planned Development Zoning District to allow up to 218 attached single-family residences and 22,600 square feet for commercial uses on a 3.59 gross acres site.

LOCATION: Southwest corner of Meridian Avenue and West San Carlos Street.

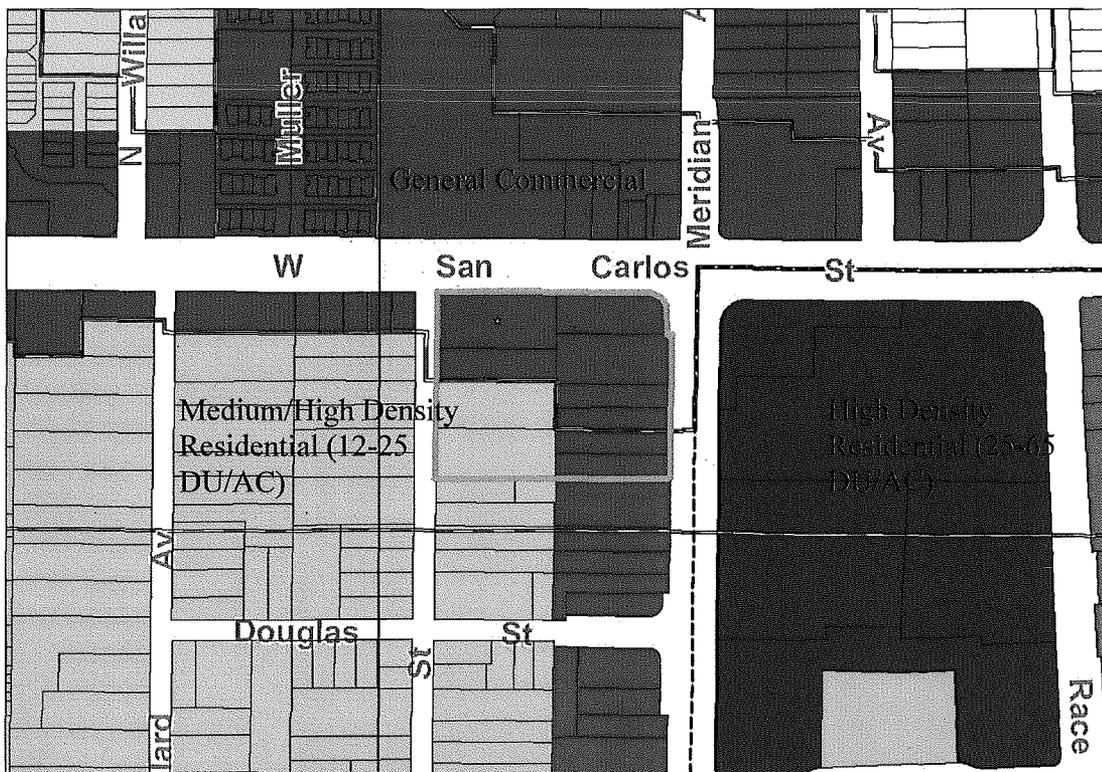
Existing Zoning	CP Commercial Pedestrian, Unincorporated
Proposed Zoning	A(PD) Planned Development
General Plan	General Commercial/Medium High Density Residential (12-25 DU/AC)
Council District	6
Annexation Date	05/31/1962 & portion pending
SNI	Burbank/Del Monte
Historic Resource	Structure of Merit
Redevelopment Area	Burbank/Del Monte SNI
Specific Plan	N/A

↑
N

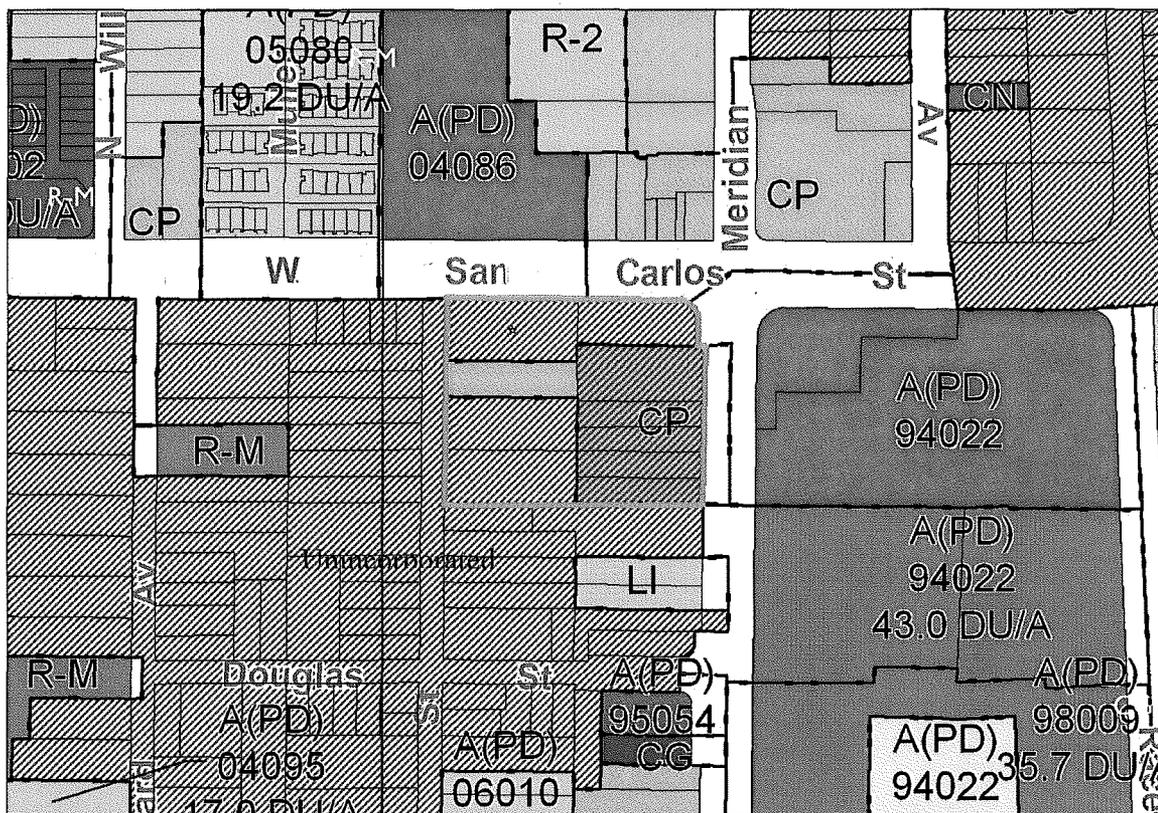
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

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

1. The project conforms to the General Plan Land Use/Transportation Diagram designations of General Commercial and Medium High Density Residential (12-25 DU/AC) through the use of Discretionary Alternate Use Policies for Residential Uses on Commercially Designated Parcels and Residential Density Increases Along Major Transportation Arterials or Corridors.
2. The proposed project will strengthen the existing transit-oriented development corridor and neighborhood business district.
3. The project is in conformance with the City's Framework for the Preservation of Employment Lands
4. The proposed project, as conditioned, is compatible with the surrounding land uses.
5. The proposed project, as conditioned, substantially conforms to applicable policies of the City's Residential Design Guidelines.
6. The proposed project conforms to the requirements of CEQA.

BACKGROUND & DESCRIPTION

On the November 13, 2007, the applicant, Michael Van Every on behalf of Republic Urban Properties, requested a Planned Development Rezoning/Prezoning to allow up to 218 attached single-family residences and 22,600 square feet for commercial uses in a podium and cluster configuration on a 3.59 gross acre site. The uses immediately adjacent to this property include commercial uses to the north and east, commercial uses and single-family residences to the west, and a hotel and single-family residences to the south.

Project Description

The proposed rezoning/prezoning of the site will consolidate eleven parcels, including parcels that are currently in an unincorporated part of Santa Clara County, into one zoning district. The focus of the Planned Development Prezoning and Rezoning is to construct a mixed-use project with approximately 22,600 square feet of ground floor retail along West San Carlos Street and Meridian Avenue and up to 218 residential units (61 DU/AC) above and behind the retail. Parking is proposed to be provided with a parking structure located within the interior of the site. The current proposal would result in the demolition of all existing building on the site, including a commercial building that has been identified as a Structure of Merit (Meyer Appliance store).

GENERAL PLAN CONFORMANCE

The project site has two General Plan land use diagram designations; General Commercial for the area fronting onto West San Carlos Street and Meridian Avenue and Medium High Density Residential (12-25 DU/AC) for the southwestern portion of the site.

The retail portion of the project is located in the area designated as General Commercial and is consistent with this designation.

The residential components of the project can partially be found in conformance with the General Plan land use diagram through use of the Discretionary Alternate Use Policy for Residential Uses in Commercially Designated Parcels for the portion of the site with a General Commercial designation provided that the project density is between 17 DU/AC and 65 DU/AC and if the project meets the following criteria:

- a. The project is designed to facilitate transit ridership and pedestrian activity;
- b. The project is compatible, well integrated, and part of an appropriate residential or mixed use environment; and
- c. The site and architectural design is of exceptional quality and exceeds the City's minimum design standards.

The residential project can potentially be found in conformance with the General Plan land use diagram for the Medium High Density Residential (12-25 DU/AC) portion of the site through use of the Discretionary Alternate Use Policy for Residential Density Increases along Major Transportation Arterials or Corridors provided that the project meets the following additional criteria:

- d. The project is within a 2,000 foot radius of a passenger rail station, within the Downtown Frame Area, within 500 feet of The Alameda (north to Shasta/Lenzen Avenues), or within a Transit-Oriented Development Corridor or Station Area Node.
- e. The project includes an attached residential product.
- f. The project exceeds minimum City design standards and is of exceptional quality.
- g. The project is designed to integrate with the existing neighborhood and does not impair the viability or character of the neighborhood.
- h. Neighborhood serving commercial uses, if any, are well integrated into the residential development, with vertical mixed use encouraged.
- i. The project complies with the Transportation Level of Service Policy.

The project's achievement of these criteria is discussed in the Analysis section below.

The General Plan includes other policies that are applicable to this project, most notably the height limitation policy. The proposed maximum height of 70 feet for the project can be found in conformance with the General Plan because the project is generally located within a reasonable walking distance of an existing light rail station (approximately 2,400 feet). Under this provision, building heights may exceed 50 feet to a maximum building height of 120 feet. While the General Plan does note that a reasonable walking distance is generally considered to be approximately 2,000 feet, the site is also in an area designated as a transit oriented corridor (TOD) and is directly across the street (on Meridian Avenue) from properties in the Midtown Specific Plan, where the maximum allowable height is 120 feet. Allowing a height of 70 feet on this site would facilitate a more appropriate long-term transition between areas that allow 120 and 50 feet. It should be noted that only the portions of the site along San Carlos Street and Meridian Avenue will include buildings that are 70 feet in height. The balance of the project will have building heights between 35 and 50 feet.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was circulated on July 30, 2008, and is available for viewing at www.sanjoseca.gov/planning/eir/mnd.asp. The MND states that any environmental impacts that the project may have can be mitigated through various methods that will be incorporated into any permitting that is done for this property.

The buildings proposed for demolition, as well as the project site, do not appear to qualify for listing on the National Register of Historic Places (NRHP) and/or California Register of Historical Resources (CRHR), or on the Historic Resources Inventory as a Candidate City Landmark or Contributing Structure to a City Landmark Historic District. The existing Meyer Appliance building was reviewed by the Historic Landmarks Commission (HLC) on August 6, 2008. The building was designated a "Structure of Merit" by the Landmarks Commission and placed on the City's Historic Resources Inventory. However, in the context of historic resources, demolition of this building to accommodate future development at the site would not have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15064.5.

ANALYSIS

The analysis section of this report addresses the following key issues: 1) conformance to General Plan Discretionary Alternate Use Policies, 2) site design/setbacks, 3) parking, 4) open space, 5) building design, and 5) conformance with the City's Framework for the Preservation of Employment Lands

Conformance to Criteria for Use of the General Plan Discretionary Alternate Use Policies

As previously noted, this project proposes the use of two General Plan Discretionary Alternate Use Policies and conforms to the density requirements identified. In order for the project to be eligible for the use of these General Plan Discretionary Alternate Use Policies, the proposal must meet a number of standards as noted below.

a. The project is designed to facilitate transit ridership and pedestrian activity.

The project site is at a location that is well served by transit. It is located at a bus stop, served by two major VTA bus lines: the 23, which is the most heavily used VTA bus line (stretching from the Alum Rock Transit Center on North Capitol to De Anza College in Cupertino) and the 81 (which runs from San Jose State to Cupertino Square (Valco Shopping Center)). It is located within reasonable walking distance (approximately 2,400 feet) of a Light Rail Station at Race Street and Parkmoor Avenue. The project will provide full sidewalks along all street frontages, as well as a pedestrian paseo that connects the Page Avenue neighborhood to Meridian Avenue. The project will promote pedestrian activity in that it is located directly across a street from a large supermarket (Safeway) and is within close walking distance to numerous shops and restaurants.

b. The project is compatible, well integrated, and part of an appropriate residential or mixed use environment;

The project's commercial component will strengthen the neighborhood business district and promote commercial uses that are more pedestrian oriented than the current uses. The project's mixed-use design transitions to a solely residential component along Page Street and the project's southerly perimeter where the interface is with lower scale residential development. The proposed parking structure is well integrated in a central location to serve the entire development. While the project is more intense than other currently developed properties, it is in keeping with the urban style design concept of new mixed use developments recently approved and pending along the West San Carlos

corridor. The height of the project is reduced to a more appropriate scale in areas closer to existing single-family residential uses.

- c. *The site and architectural design is of exceptional quality and exceeds the City's minimum design standards.*

The project, as conditioned, will include development standards that meet the Residential Design Guidelines standards. Staff will work with the applicant at the Planned Development Permit stage to refine the architectural design to achieve exceptional quality. In particular, staff would like to work to create a more substantial anchor statement for the building element on the corner of Meridian and West San Carlos to better distinguish it from the rest of the frontages. The proposed provision of the large pedestrian paseo to improve pedestrian connectivity surpasses the standards for public open space.

- d. *The project is within a 2,000 foot radius of a passenger rail station, within the Downtown Frame Area, within 500 feet of The Alameda (north to Shasta/Lenzen Avenues), or within a Transit-Oriented Development Corridor or Station Area Node.*

The project is located within the Stevens Creek/West San Carlos Transit-Oriented Development Corridor.

- e. *The project includes an attached residential product.*

All proposed residential units are attached.

- f. *The project exceeds minimum City design standards and is of exceptional quality.*

See discussion for c)

- g. *The project is designed to integrate with the existing neighborhood and does not impair the viability or character of the neighborhood.*

See discussion for b)

- h. *Neighborhood serving commercial uses, if any, are well integrated into the residential development, with vertical mixed use encouraged.*

The project is proposing a vertical mixed-use element, with residential located above the retail that fronts on West San Carlos and Meridian.

- i. *The project complies with the Transportation Level of Service Policy.*

As stated by the Traffic Impact Analysis (Appendix D of the Initial Study) and in the attached memo from Public Works, the project would conform to the Transportation Level of Service Policy.

Site Design/Setbacks

Primary access to the parking garage is provided from West San Carlos Street with secondary access from Meridian Avenue. The Meridian Avenue driveway is separated from the signalized intersection at West San Carlos to avoid conflicts with the intersection and the driveways for Safeway and McDonald's across the street.

On the north and east, the project borders West San Carlos Street and Meridian Avenue, two major arterial streets developed with commercial uses. The proposed zero foot front setback is appropriate for ground floor retail and units located above since this is consistent with existing commercial development in the vicinity.

Single-family residential uses border the project site to the south, and are also located across Page Street to the west. To be sensitive to the existing adjacent residential use, the draft development standards include a maximum height limit of 35 feet for the section of the project that is within 40 feet of the portion of Page Street that is bordered by residential uses (the corner of Page Street and West San Carlos is designated for commercial uses). This height is compatible with the adjacent residential uses, as the maximum height allowed under the Zoning Code in the R-1-8 Single-Family Residence District is also 35 feet.

Staff is proposing that the draft development standards also require a minimum 10-foot property line setback for residential (non mixed-use) buildings along Page Street, with a minimum 15-foot setback for any three or more story element. It should be noted that the applicant is opposed to this requirement and has shown plans with at-grade residential units with only a 2 to 4 foot front setback. Such a small front setback for the exclusively residential component of the project is not appropriate for several reasons:

1. The surrounding existing uses are comprised mostly of older single-family houses with setbacks that generally range from 15 to 25 feet. The small setback, as proposed by the applicant, in conjunction with taller, attached unit structures is an excessive departure from the area's development pattern and not compatible with the neighborhood.
2. While the surrounding properties on Page Street may be redeveloped at some time in the future consistent with their Medium High Density Residential (12-25 DU/AC) designation, new development that is consistent with this designation is typified by 2 or 3 story attached residential units with private, attached two car garages, such as garden townhouses. The City has approved many of these types of projects on non-arterial streets that are mixed with single-family houses. Typically, the front setbacks for such projects range from 10' to 15' or more.
3. Future development of other parcels on Page Street is not anticipated at the scale and setbacks as proposed by the applicant.
4. The proposed residential units along Page Street are not on a raised podium situated over a common parking garage, but rather at grade. A 2 to 4 foot setback offers almost no buffer from the public sidewalk and almost no privacy for the units along the street. In true urban settings, such small setbacks are appropriate when the residential use is limited to the upper floors.

The applicant's site plan can be modified to accommodate the recommended setbacks without the loss of units, parking or critical common open space areas.

The draft development standards also require a 30-foot building setback from the south perimeter property line to accommodate a linear pedestrian paseo that connects Page Street to Meridian Avenue. The height of the project in this area has been limited to 50 feet to provide a transition from the lower intensity uses to the south of the project to the 70 foot height of the project along the major street frontages.

Parking

The current Zoning Ordinance parking requirement for ground floor retail and restaurant uses in Neighborhood Business Districts is 1 space per 400 net square feet of tenant space (1:400). This recently adopted parking requirement is lower than the standard used for typical suburban retail (1:200) because in neighborhood business districts, trips are often combined with one customer visiting multiple retail uses and/or high levels of overall use by pedestrians.

The draft development standards include parking requirements for the residential use that are consistent with the Residential Design Guidelines. The Zoning Ordinance in some situations allows a parking reduction of 10% for uses that are located within a neighborhood business district (NBD). The development standards provide a provision to apply such a 10% reduction for the residential component. The proposed standards also allow for consideration at the Planned Development Permit stage of an alternating parking arrangement on the site in which retail and guest parking may be shared to reduce the overall parking requirement.

Parking is being provided in a parking structure that is located on the interior of the site and is totally concealed by surrounding residential units. This is a very advantageous design as the parking structure (generally one of the least aesthetically pleasing parts of any development) will not be visible at all from the public right-of-way.

Open Space

The project includes development standards to ensure that private and common open space is provided in accordance with the City's Residential Design Guidelines. The project includes a unique element with a 50-foot wide, linear pedestrian paseo that connects Page Street to Meridian Avenue. The applicant has indicated that this would be open for public access. Depending on the type of residential unit that is ultimately proposed at the Planned Development Permit stage, at a minimum, each unit would be provided with a 60 square foot patio or balcony and 100 square feet of common open space. The applicant's conceptual design proposal currently provides open space in excess of these minimum requirements.

Building Design

The building design as shown is conceptual. The front elevation on West San Carlos Street and Meridian Avenue is a modern design that is well articulated and detailed with good variation in materials. The portion of the building at the intersection of San Carlos and Meridian, which is perhaps the most visible section of the project, will need refinement at the Planned Development Permit stage. The architectural design nearest this corner should reflect a slightly grander scale with more distinctive detailing than the design along the rest of the street frontage.

The design of the building along Page Street is well articulated and provides a good variation in building height. As previously discussed, since the units are not on a podium, privacy could be an issue if the setbacks are not increased.

Conformance with the Framework for the Preservation of Employment Lands

Development of sites with commercial General Plan designations that are within neighborhood business districts (NBDs) and are found in conformance with the General Plan designation through a Discretionary Alternate Use Policy can be excluded from being governed by the Framework. This project is largely located in the West San Carlos NBD, so it can be found to be mostly exempt from the Framework. Only two commercially designated parcels included in the project are outside the NBD and thus subject to the framework. The two parcels are 20,038 square feet in size. The Framework states that non-employment (residential) uses may be added to a site if existing job capacity is retained through intensification on the remainder of the site. The commercial FARs to achieve this should be at least .35 at a minimum. A .35 FAR on a 20,038 square foot site is 7,013 square feet. Since the project is providing over three times this amount of retail space, the project can be found in conformance with the Framework.

PUBLIC OUTREACH/INTEREST

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

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A community meeting was held for the project at the Rose Garden Library on March 19, 2008. Approximately 40 members of the community were present. Another meeting was held with the Buena Vista Neighborhood Association (BVNA) on May 27, 2008 with about 20 people in attendance.

Community members expressed a number of concerns in regard to the project, with the most significant concerns being related to the traffic impacts of the project. Some community members noted that it would be impossible to determine that the project would not have a significant impact on traffic since there were already a number of other projects under construction that would have additional impacts on the area's traffic. Some concerns were also raised in regard to the height of the project, as community members felt that the project was far taller than anything else in the immediate vicinity. A few comments were also made on the architecture of the proposed buildings, noting a "Jetsons" type look that was inappropriate for the area. A few people did support the project in concept, stating that more density and orienting projects towards transit could provide more green space.

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.

CONCLUSION

The proposed Planned Development Rezoning will help further the goal of strengthening West San Carlos Street as a viable transit oriented corridor and Neighborhood Business District by providing a combination of retail uses and higher density residential uses. The project will maximize the use of this infill opportunity site at this key location near transit and shopping areas while being compatible with the neighborhood context. Compliance with the draft development standards, as recommended by staff, for larger setbacks on Page Street will ensure that the project is appropriately scaled to address the different interfaces on each side of the project.

Project Manager: Ed Schreiner

Approved by: Andrew Crabtree

Date: 08/11/2008

Owner/Applicant: Michael Van Every Republic Urban Properties 95 S Market Street, 3 rd Floor, San José, CA 95113	Attachments: Development Standards Plans Public Works Memo Fire Department Memo
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PDC07-096

**WEST SAN CARLOS/MERIDIAN MIXED USE
GENERAL PLAN NOTES**

The following notes are to be incorporated on the final General Development Plan upon City Council Approval. These notes shall replace all other notes currently identified on said plan(s).

ALLOWED USES:

Residential development range: 62 to 218 attached dwelling units (17-65 DU/AC as allowed under the General Plan Discretionary Alternate Use Policies)

Commercial development range: 15,000 – 22,600 square feet

Allowed Commercial uses shall include all those allowed by right in the CN-Commercial Neighborhood Zoning District. Conditional uses as identified in the CN-Commercial Neighborhood Zoning District shall require the approval of a Planned Development Permit or Amendment.

DEVELOPMENT STANDARDS:

Setback requirements:

Front setback along West San Carlos Street (Commercial/Mixed Use) - 0'

Front setback along Meridian Avenue (Commercial/Mixed Use) – 0'

Front setback along Meridian Avenue (Ground Floor Residential) – 10'

Front setback along Page Street (within 100' of West San Carlos) – 0'

Front setback along Page Street (more than 100' from West San Carlos) –

Two stories – 10'

Three stories – 15'

Setback from south perimeter property line – 30'

Height Requirements:

Maximum height: 70 feet, with the following exceptions:

Within 40 feet of the Page Street right-of-way and more than 100 feet south of West San Carlos – 35'

Within 100 feet of the south property line – 50'

PARKING REQUIREMENTS:

RESIDENTIAL:*

Unit Size	All Open Parking	1-Car Garage	2-Car Garage	2-Car Tandem Garage
Studio	1.4	1.3	2.2	2.4
1 Bedroom	1.5	1.7	2.3	2.5
2 Bedroom	1.8	2.0	2.5	2.7
3 Bedroom	2.0	2.2	2.6	2.8
Add. Bedroom	0.15	0.15	0.15	0.15

RETAIL/COMMERCIAL: Parking shall be provided at a rate of one space per 400 net square feet of tenant space for ground floor commercial uses. For any other commercial use, parking is to be provided in accordance with the standards identified in the Zoning Ordinance, as amended.

Alternating use of parking facilities may be allowed subject to a PD Permit

* A 10% parking reduction may be approved at the PD Permit stage due to the project's location in a designated Neighborhood Business District.

RESIDENTIAL OPEN SPACE REQUIREMENTS

Cluster units & units within mixed-use component:

Private open space - 60 square feet per unit,

Common Open Space - 100 square feet per unit.

Townhouse units:

Private open space - 100 square feet per unit,

Common open space - 200 square feet per unit.

Linear Common Open Space/Paseo: Minimum dimension of 30 feet in width. Shall extend from Page Street to Meridian Avenue.

ENVIRONMENTAL MITIGATION

Air Quality: The following controls shall be implemented during all construction phases of the project:

- Water all active construction sites at least twice daily, and more often during windy periods;
- Cover all trucks hauling soil, sand and other loose materials *or* require all trucks to maintain at least two feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;

- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more);
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) Sufficient to prevent visible airborne dust;
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- Replant vegetation in disturbed areas as quickly as possible.

Tree Replacement: City policy requires the replacement of the removed trees consistent with the following ratios:

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

x:x = tree replacement to tree loss ratio

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

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 City's Environmental Principal Planner, at the development permit stage:

- 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) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.

- A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

Hydrology and Water Quality: The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 East San Carlos, San Jose, California 95110-1795. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.

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

Stormwater: Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:

- The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
- The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

Dust Control: The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

- Restriction of grading to the dry season (April 15 through October 15);
- Utilize on-site sediment control BMPs to retain sediment on the project site;

- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction;
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Noise Mitigation: The project shall be constructed in conformance with the STC rating recommendations for windows and doors as contained in the report entitled *West San Carlos Mixed-Use Project, San Jose, California, Environmental Noise Assessment* by Charles M. Salter Associates Inc.

The project shall be constructed using sound rated windows with ratings between STC 28 and 43. The lower ratings would apply to the windows in dwelling units facing the interior and most units along the western edge of the site. The highest ratings would apply to corner rooms at the intersection of West San Carlos Street and Meridian Avenue.

A detailed analysis shall be prepared during design to select appropriate windows. Since windows must be closed to achieve the interior noise criteria, an alternate means of providing outside air to habitable space is required for facades exposed to an interior DNL of 60dB, or greater..

****(don't have final Public Works memo to add conditions)****

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 the 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 that all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.

SANITARY: The existing sanitary sewer mains within Meridian Avenue and Page Street do not have adequate capacity to serve the development. Therefore, the project should connect to the 12" sanitary main located at West San Carlos Street only.

UNDERGROUNDING:

1. The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Meridian Avenue prior to issuance of a Public Works clearance. 100 percent of the base fee in place at the time of payment will be due.
2. The Director of Public Works may, at their discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to Meridian Avenue. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

REIMBURSEMENT: The developer will be required to reimburse the City for costs advanced for the construction of street improvements along West San Carlos Street in accordance with City Ordinance #19663.

TRANSPORTATION: This project proposes two driveways along the Meridian Avenue frontage. Access and turning movements at these driveways shall require further review at the PD Permit stage. Appropriate adjustments to the location shall be made as required to the satisfaction of the Director of Public Works.

STREET IMPROVEMENTS:

- a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- b) Remove and replace broken or uplifted curb, gutter, and construct 12' new attached sidewalk along W. San Carlos Street frontage. A 4' street dedication is required.
- c) Remove and replace broken or uplifted curb, gutter, and construct 10' new attached sidewalk along Meridian Avenue frontage. A 6' street dedication is required.
- d) Construct new curb, gutter and 10' attached sidewalk along Page Street frontage. An 11' street dedication is required.
- e) Close unused driveway cut(s).
- f) Install handicap ramps at all project corners. The new handicap ramps shall include detectable warnings to meet current ADA and City standards.
- g) 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.

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.

PRIVATE STREETS: Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.

SIGNS. All signs shall be upgraded to conform to current City of San Jose sign regulations to the satisfaction of the Director of Planning.

CONFORMANCE TO THE FRAMEWORK FOR THE PRESERVATION OF EMPLOYMENT LANDS. This project shall conform to the Framework for the Preservation of Employment Lands.

HISTORIC PRESERVATION. This project shall provide documentation of the existing Structure of Merit prior to any potential demolition to the satisfaction of the Director of Planning. The building shall be offered up for relocation and/or salvage and the existing sign shall be incorporated into any new project to the satisfaction of the Director of Planning.



Memorandum

TO: Edward Schreiner
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 08/12/08

PLANNING NO.: PDC07-096
DESCRIPTION: Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 218 attached single-family residences and 22,600 square feet for commercial uses on a 3.59 gross acres site
LOCATION: s/w corner of West San Carlos Street and Meridian Avenue, including properties along Page Street & Meridian within appx. 350' of W. San Carlos Street
P.W. NUMBER: 3-15821

Public Works received the subject project on 04/17/08 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract Map 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. **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.
3. **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.
4. **Flood: Zone D**
The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.
5. **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.
6. **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.

7. **Sanitary:** A sanitary sewer flow monitoring and analysis was prepared and reviewed for this project. The existing sanitary sewer mains within Meridian Avenue and Page Street do not have adequate capacity to serve the development. Therefore, this project should connect to the 12" sanitary main located at West San Carlos Street only.
8. **Undergrounding:**
 - a) The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Meridian Avenue prior to issuance of a Public Works clearance. 100 percent of the base fee in place at the time of payment will be due. (Effective of 8/18/08, the base fee will be \$395 per linear foot of frontage.)
 - b) The Director of Public Works may, at her discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to Meridian Avenue. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.
9. **Reimbursement:** The developer will be required to reimburse the City for costs advanced for the construction of street improvements along West San Carlos Street in accordance with City Ordinance #19663.
10. **Transportation:** This project proposes two driveways along Meridian Avenue frontage. Access and turning movements at these driveways shall require further review at the PD Permit stage.
11. **Street Improvements:**
 - a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - b) Remove and replace broken or uplifted curb, gutter, and construct 12' new attached sidewalk along W. San Carlos Street frontage. A 4' street dedication is required.
 - c) Remove and replace broken or uplifted curb, gutter, and construct 10' new attached sidewalk along Meridian Avenue Street frontage. A 6' street dedication is required.
 - d) Construct new curb, gutter, and 10' attached sidewalk along Page Street frontage. An 11' street dedication is required.
 - e) Close unused driveway cut(s).
 - f) Install handicap ramps at all project corners. The new handicap ramps shall include detectable warnings to meet current ADA and City standards.
 - g) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
12. **Complexity Surcharge:** 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. **SNI:** This project is located within the Burbank/Del Monte SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.
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.
 - d) Replace any missing street trees in empty tree wells or park strips along West San Carlos Street, Meridian Avenue, and Page Street and match existing trees per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Obtain a DOT street tree planting permit for any proposed street tree plantings.
16. **Private Streets:** Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
17. **Referrals:** This project should be referred to the Valley Transportation Authority (VTA) and the Redevelopment Agency (RDA).

Please contact the Project Engineer, Vivian Tom, at (408) 535-6819 if you have any questions.



Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division



Memorandum

To: Edward Schreiner

From: Russell Chung

SUBJECT: REVISED RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 02/28/08

Re: Plan Review Comments

PLANNING NO: PDC07-096

DESCRIPTION: Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 198 attached single-family residences and 18,000 square feet for commercial uses on a 3.59 gross acres site

LOCATION: s/w corner of West San Carlos Street and Meridian Avenue, including properties along Page Street & Meridian within appx. 350' of W. San Carlos Street

ADDRESS: s/w corner of West San Carlos Street and Meridian Avenue, including properties along Page Street & Meridian within appx. 350' of W. San Carlos Street (326 PAGE ST)

FOLDER #: 07 039192 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on the following information from drawings dated 2/6/08 by MVE Studio.

Largest building: 200,000 sq. ft.

Construction Type: Not Specified

Occupancy Group: R1/B/M

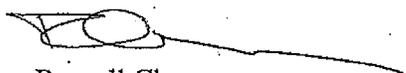
Number of stories: 4

1. The project plans as submitted, do not comply with the Fire Code. We recommend that the applicant be advise to address the following immediately.

- a) Fire apparatus access roads are not in accordance with the requirements of the SJFC. Remove bollards at EVA. Show design of EVA
- b) The plans do not indicate that the required fire flow of 4,500 GPM will be available at the project site. Please ask the applicant to immediately contact Jim Bariteau of San Jose Water Co. at 408-279-7874 to get the water flow information.
- c) The plans do not show location of hydrants. The required fire flow shall be provided through 4 hydrants. Flow existing hydrant B-11455 on Corner of Page and San Carlos, one new on Page, One new on San Carlos and One new on Meridian.
2. Please advise the applicant to submit plans to the Fire Department that provide the following information:
- a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:
- be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds; Specify design for landscaped EVA.
 - be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet;
 - Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)
 - i) Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked
 - ii) Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked
- b) Location of fire hydrants. The average distance between hydrants shall not exceed 250 feet.
- c) Available fire flow. Provide a copy of the letter from the San Jose Water Co that indicates the water flow available.
- d) All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections. There shall be multiple fire department connections --for both sprinkler system(s) and stand pipe system
- e) Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code, and accessible for Fire Dept. laddering operation. The maximum angle for laddering is 70deg. from horizontal. Show all pertaining details including landscaping/pavers in relation to rescue window operation.

- f) Provide Fire Department personnel route of travel for the interior courtyard for access to all interior rescue windows. The Fire Department requires all exterior stairways to have direct egress to all interior court(s) without obstructions for equipment (i.e., ladders, etc.) used by this Department for rescue as well as suppression.
- g) Medical elevator- At least one elevator shall be sized to accommodate a gurney that is 22 by 81-1/2 inches. The elevator entrance shall have a clear entrance of not less than 42 inches wide by 78 inches high. The elevator car shall have a minimum clear distance between walls or between walls not less than 80 inches by 65 inches.
- h) Every portion of all building exterior walls shall be within 150 feet of an access road. There are still areas that need to be addressed.
 - a. 50 foot area on the condos south side between linear park and town homes
 - b. Southwest side of garage.
 - c. Entire interior courtyard for condo units
 - d. South and southeast side of condo units between garage
 - e. Provide vehicle access around garage.

Note: The plans shall be submitted to the Fire Department *by appointment only* (call Russell Chung) as soon as possible.



Russell Chung
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department