

STAFF REPORT
CITY COUNCIL

FILE NO.: PDC11-011

Submitted: May 9, 2011

PROJECT DESCRIPTION:

Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to modify a zoning provision related to a voluntary contribution for parkland on an approved project which allows up to 290 multi-family residential units (106 Senior Affordable and 184 Multifamily Affordable) on a 4.045 gross acre site.

Existing Zoning	A(PD) Planned Development
Proposed Zoning	A(PD) Planned Development
General Plan	Transit Corridor Residential (25-65 DU/AC)
Council District	3
Annexation Date	July 7, 1939
SNI	No
Historic Resource	No
Redevelopment Area	Rincon de los Esteros
Development Policy Area	North San José
Specific Plan	Rincon South

LOCATION: southeast corner of N. First St. and E. Rosemary St (1290 N. First Street)

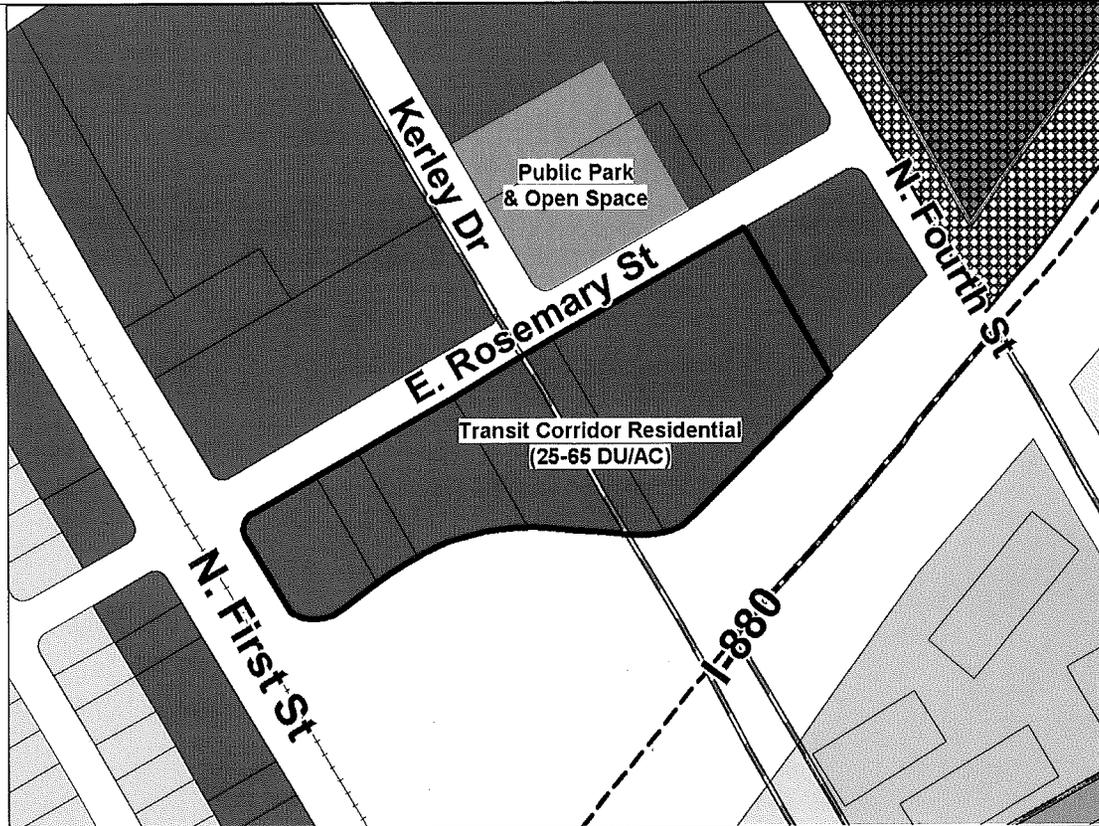
Aerial Map

N

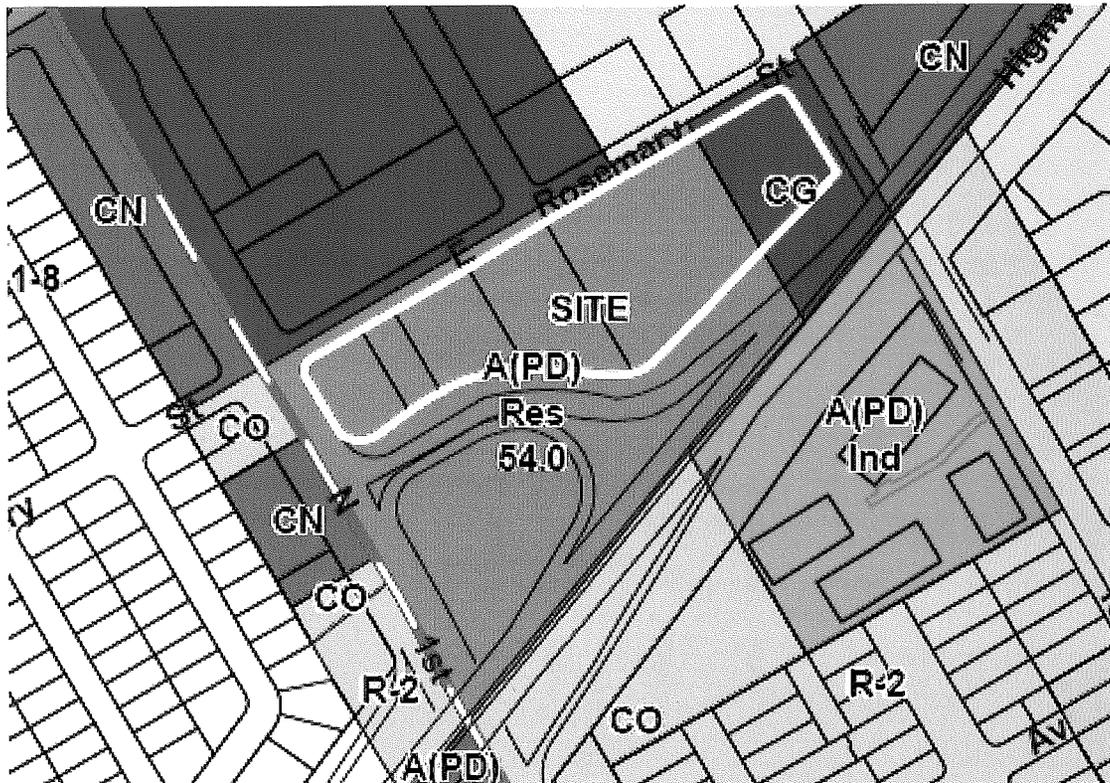
8



GENERAL PLAN



ZONING



RECOMMENDATION

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

1. The proposed rezoning does not change any development standards from the previous rezoning with the exception of a development standard related to a voluntary contribution to parkland acquisition; and
2. The project continues to conform to the following:
 - a. San José 2020 General Plan Land Use/Transportation Diagram designation of Transit Corridor Residential (25-65 DU/A) in the Rincon South Planned Community;
 - b. the Rincon South Specific Plan;
 - c. The North San José Area Development Policy;
 - d. The compatibility, parking, and open space guidelines in the Residential Design Guidelines;
 - e. The North San José Neighborhoods Planning Task Force Guiding Principles; and
3. The project is compatible with existing and planned uses in the surrounding neighborhood.

BACKGROUND

In August of 2008, the City Council approved a Planned Development Zoning (File No. PDC07-101) for the subject site which allows up to 290 affordable multi-family residential units. Included in the approved development standards for the zoning was a requirement that the project developer contribute money to the acquisition of parkland near the project site. This standard also included reference to a monetary contribution by the Redevelopment Agency and the City to the same parkland acquisition. In January of 2009, a Planned Development Permit was approved for the project and included a condition requiring contribution to parkland acquisition as required in the zoning.. Since the approval of the project, the economy has taken a downturn and the Redevelopment Agency and City's ability to contribute to parkland acquisition is limited. This current financial environment is the reason behind the developer requesting a modification to the development standard requiring a monetary contribution to parkland acquisition.

ANALYSIS

The approved Planned Development Zoning and Permit include the following requirement:

The developer shall pay an amount to assist in the acquisition of the parcel located on the northeast corner of Rosemary and Kerley for a possible park. The Agency has budgeted \$1.5 million to be used for the down payment to purchase the parcel. In addition, the City has indicated that it will have PDO fees that will be used for the purchase, however, it's anticipated there will be a shortfall. The total assistance paid by developer will be the residual amount between the asking price and the total of the Agency and PDO contributions.

At the time of the zoning approval for this project, affordable housing units were exempt from the City's Parkland Dedication/Impact Ordinance. The inclusion of the above development standard in the zoning was based on a mutual agreement between the City, neighborhood, and developer at that time. It was anticipated that the "shortfall" between the Agency contribution and City PDO fees would amount to a cost to the developer of \$200,000 to \$400,000.

The wording of the development standard does not include a maximum amount that the developer would be responsible for, so given the current budget constraints in the City, there is no money available from the Agency and a limited amount of PDO fees available to contribute toward parkland acquisition in the area of the project. Given this, the "shortfall" that the developer is responsible for far exceeds what both the developer and the City anticipated when approving this zoning standard. The project developer is requesting to modify the developer standard to include a maximum amount the developer would be responsible to contribute. Planning and PRNS staff supports this request especially in light of the fact that the project when approved was exempt from dedicating or contributing to parkland acquisition.

Parkland Dedication/Impact Ordinance Changes

Since the approval of the original Planned Development Zoning on the subject site, the PDO/PIO Ordinance has been amended to modify the exemption for affordable housing units from the requirement of the ordinance. The ordinance in essence requires all new projects to be subject to the requirement of the ordinance. Technically a rezoning is a "project", however, this rezoning does not modify the number of units already entitled and permitted. On June 8, Parks, Recreation, and Neighborhood Services submitted a memo to the City Council clarifying the intent of the recent amendment to the PDO/PIO ordinance related to the definition of new project and making it clear that if an action has to be taken on a previously approved project that does not change the number of housing units already approved, the PDO/PIO ordinance does not negate a previous exemption from the requirements of the ordinance.

Current Zoning Analysis

See attached staff report for PDC07-101 for full analysis of approved land use)

Proposed Modifications to Project Design

The approved project design for the 184 affordable family units consisted of a podium structure. Again, due to the economy and limited available financing for a podium project, the developer has redesigned the project to eliminate the costly podium design and include an at-grade parking garage wrapped by the units. There is no current proposal to modify the senior housing element of the approved project. The project redesign is being reviewed as an amendment to the already approved development permit (PD09-053). The proposed design is being held to the high standards of the Residential Design Guidelines and North San Jose Design Guidelines. Final refinement of the design changes will continue at the staff level and be rolled into the Planned Development Permit required to implement this new Planned Development Zoning should the City Council approve it.

CEQA

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to an Environmental Impact Report (EIR) because minor changes made to the project that do not raise important new issues about the significant impacts on the environment. The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose

Development Policies Update EIR" and findings were adopted by City Council Resolution No. 72768 on June 21, 2005.

PUBLIC OUTREACH/INTEREST

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

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 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.

Project Manager: Jeannie Hamilton **Approved by:** _____/s/_____ **Date:** 5/23/11

Applicant: ROEM Corp. 1650 Lafayette St Santa Clara, CA 95050	Attachments: Addendum to the North San José Development Policies Update EIR (Reso. 72768), Draft Development Standards Plan Set Staff Report for PDC07-101
---	---

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

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

PROJECT DESCRIPTION AND LOCATION

File No. PDC11-011. Planned Development Zoning to modify a zoning provision related to a voluntary contribution for parkland on an approved project which allows up to 290 multi-family residential units (106 Senior Affordable and 184 Multifamily Affordable) on a 4.05 gross acre site located at the southeast corner of North First Street and Rosemary Street.
Council District 3.

County Assessor's Parcel Number: 235-05-012

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

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

ANALYSIS

Rezoning is to modify a zoning provision related to a voluntary contribution to parkland and does not increase the development potential already approved with the prior Planned Development Zoning and Permit, PDC07-101, and PD08-053 respectively.

See Attached Initial Study for Addendum, "Rosemary Housing, File No. PDC07-101", dated June 2008. The Initial Study is also available online: <http://www.sanjoseca.gov/planning/nsj/environment.asp>.

In addition, the project is not is not subject to BAAQMD CEQA thresholds for Greenhouse Gases, adopted June 2, 2010, which specifically excludes projects where the environmental review was started prior to that date.

Jean Hamilton
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

5/11/2011
Date

John Davidson
Deputy

EXHIBIT C: LAND USE PLAN AND DEVELOPMENT STANDARDS

PLANNED DEVELOPMENT ZONING PDC07-101

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

PERMITTED USES

Residential. Attached Affordable Senior and Multi-family residential uses including resident-serving support uses such as offices, clubhouses, fitness rooms, meeting rooms, and other residential amenities. Senior units are limited to one bedroom. Home occupations in conformance with the Zoning Ordinance, as amended, are permitted by right.

DEVELOPMENT STANDARDS

Residential Units:	up to 106 one-bedroom senior apartments (includes up to 1 (one) manager's unit) up to 184 multi-family apartments
Maximum Height:	65 feet
Perimeter Setbacks:	
East Rosemary Street	20 feet*
North First Street	27 feet**
From South and East Property Line	25 feet
Pedestrian Paseos	40 feet***

* Setbacks are minimum dimensions as measured from face of curb to face of building

** Setback along North First Street may be reduced to 22 feet if existing curb line is moved 5-feet to accommodate new bicycle lane.

*** Minimum paseo width measured between 4-story buildings. For each additional story add 10-feet to the minimum paseo width.

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

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

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

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

Parking:

Vehicular Parking

Multi-family Residential: Per the Zoning Ordinance, as amended, and the Residential Design Guidelines. A 10% reduction for proximity to transit is applicable per the Zoning Ordinance, as amended.

Senior Residential: 0.7 spaces per unit.

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

Bicycle Parking

Per the Zoning Ordinance, as amended

Motorcycle Parking

Multi-family Residential: One (1) motorcycle space shall be provided for every 20 required automobile spaces.

Senior Residential: None.

Open Space:

A combination of common and private open space at a ratio of at least 160 square feet per unit. Required common open space areas must be screened sufficiently to achieve a noise level of 65 dBA DNL or less.

Building Design:

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

At the Planned Development Permit, it must be demonstrated that the development should contribute to the overall spatial organization and cohesiveness of the community through compliance with the Residential Design Guidelines for building design/articulation of podium building types and the Design Policies for the Kerley Neighborhood Sub-area of the Rincon South Specific Plan. This includes, but is not limited to:

Building facades shall be well articulated to avoid a “blocky” or linear appearance and should maintain a pedestrian/neighborhood scale.

Street facing facades should have stoops and stairs for units that wrap the garage and extend to the sidewalk.

The senior housing component should make use of a different architectural form from the multi-family component, including different architectural elements and materials.

Architectural roof elements should be grouped into five or fewer larger elements that are differentiated by a combination of advancing or receding planes, reveals, wall heights, varying fenestration, materials, and/or colors.

The roof profile should be varied and made visually interesting by introducing elements that provide additional height above the primary roof line such as towers, spires, elevator penthouses, parapets or other uninhabited structures.

Landscaping:

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

Homeowners' Association:

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

Performance Standards:

Per Zoning Ordinance for residential and commercial uses, as amended

GENERAL NOTES

Inclusionary Housing:

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

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

Parkland Dedication Ordinance and Park Impact Ordinance:

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

Public Improvements:

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

Street Trees:

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

Water Pollution Control Plant Notice

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

Post-Construction Storm Water Treatment Controls:

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

Public Works Conditions:

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

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:**
 - a) An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR.
 - b) In accordance with the North San Jose Area Development Policy, this project is required to pay a traffic impact fee.

3. **Grading/Geology:**

- a) A grading permit is required prior to the issuance of a Public Works Clearance.
- b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- d) 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.

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

- a) 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.

5. **Flood: Zone X**

- a) Although the property is shown on the Federal Emergency Management Agency's Flood Insurance Rate Map to be in flood zone X (an area of moderate or minimal flood hazard) and no City floodplain requirements apply to this zone, Kerley Drive is expected to have one foot of flooding during a 100-year flood event.
 - i) It is recommended that the entrance to the two underground parking garages be elevated above 50.00' NGVD 1929.

6. **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.

7. **Street Improvements:**

- a) This project will require modifications to the existing signal on 1st Street and Rosemary Street.
- b) The North First Street Plan Line Study shows bike lanes and 12' attached sidewalk on North First Street beginning at HWY 880. Project will be required to improve and dedicate 10' to conform to the North San Jose Plan Line Study. The project shall remove and replace curb, gutter, and construct 12' attached sidewalk along 1st Street project frontage.
- c) The driveway on 1st Street will have to be removed and reconstructed to match the North San Jose Plan Line Study.
- d) Upgrade handicap ramps at the corner of North First Street and Rosemary Street.
- e) Applicant shall be responsible for the removal and replacement of curb, gutter, and sidewalk damaged during construction of the proposed project.
- f) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- 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. (To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.)

8. **Electrical:**

- a) Relocate existing electrolier to maintain 10' minimum clearance between driveway and electrolier.
- b) 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
- c) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
- d) Provide clearance for electrical equipment from driveways, and relocate driveway or electrolier. The minimum clearance from driveways is 5' in residential areas.
- e) Provide clearance for electroliers from overhead utilities and request clearance from utility companies. Clearance from electrolier(s) must provide a minimum of 10' from high voltage lines; 3' from secondary voltage lines; and 1' from communication lines.
- f) To assist the Applicant in better understanding the potential cost implications resulting from these requirements, the electroliers along the project frontage can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show

all project frontages and property lines. Evaluation will require approximately 15 working days.

9. 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) 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 park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings.
- c) Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.

ENVIRONMENTAL MITIGATION

The environmental Mitigation Measures listed as part of the “Rosemary Housing” Initial Study, File No. PDC07-101, which was certified for the subject project, are required and shall be included in the project at the Planned Development Permit stage. The project environmental mitigation is included in the findings adopted for the project in City Council Resolution Number 72768. Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

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

Air Quality - Regional and Local Air Quality

- The project shall implement measures identified by BAAQMD to reduce long-term contributions to regional and local emissions, which may include, but are not limited to, the following:
- Providing bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas;
- Providing a satellite telecommute center within or near the development;
- Providing secure and conveniently placed bicycle parking and storage facilities at parks and other facilities;
- Allowing only natural gas fireplaces, pellet stoves, or EPA-Certified wood-burning fireplaces or stoves in residences. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source;
- Using electric lawn and garden equipment for landscaping maintenance;
- Constructing transit amenities such as bus turnouts/bus bulbs, benches, and shelters;
- Providing direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development; and

- Utilizing reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand; and
- Providing transit passes to new residents.

Air Quality – Temporary Construction-Related Impacts

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

Biology – Bats

- Development activities during the pallid bat and Townsend's big-eared bat nursery season (April to July) shall be preceded by predemolition surveys (within 30 days) for bat nursery colonies by a qualified bat biologist. Demolition of buildings outside of the nursery season need not be preceded by preconstruction surveys. No activities (including entering the attic) that would result in disturbance of active nurseries shall proceed prior to the completion of the surveys. The extent of construction-free zones around active bat nurseries shall be determined by the bat biologist. The California Department of Fish and Game shall be notified if any active nurseries are present on the project site

Biology – Tree Nesting Raptors

- If possible, construction shall be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be completed no more than thirty (30) days prior to the initiation of these activities.

Biology – Tree Removal

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

Table 4.0-1 City Standard Tree Replacement Requirements			
Diameter of Tree to be Removed	Native	Non-Native	Minimum Size of Each Replacement Tree
18 inches or greater	5:1	4:1	24-inch box
12 – 18 inches	3:1	2:1	24-inch box
Less than 12 inches	1:1	1:1	15-gallon container
Notes: X:X = Tree replacement to tree loss ratio Trees greater than 18-inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.			

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

Biology – Tree Preservation

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

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

Cultural Resources – Archaeological Resources

- If any significant cultural resources are exposed or discovered during preparation or subsurface construction activities, operations shall be stopped within a radius of 50 feet of the find. The Director of Planning, Building, and Code Enforcement shall be notified and a qualified professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.
- Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his/her authority, the Native American Heritage Commission shall be notified to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. If the Director of Planning, Building, and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report shall include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.

Geology and Soils – On-site Soils

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

Geology and Soils – Seismicity and Seismic Hazards

- The project shall be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards on the site.

Hazards and Hazardous Materials – Building Materials

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

Hydrology and Water Quality – Water Quality Construction

- The proposed project shall comply with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading for project with land disturbance of one acre or more, applicants shall be required to file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works. The following measures typically are included in a SWPPP:
 - Preclude non-stormwater discharges to the stormwater system.

- Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
- Cover soil, equipment, and supplies that could contribute pollution prior to rainfall events or monitor runoff.
- Perform monitoring of discharges to the stormwater system.
- Comply with the City's Grading Ordinance.

Hydrology and Water Quality – Water Quality Post-Construction

- Compliance with Council Policies 6-29 and 8-14 is required at the development permit stage and shall be demonstrated by incorporating BMPs and TCMs which include, but are not limited to, the following:
 - Vegetated swales and flow-through areas;
 - Bioretention areas or basins;
 - Disconnected downspouts that are directed into landscape areas;
 - Minimization of impervious surfaces and increased use of permeable pavement;
 - Location of all storm drain inlets to be stenciled with, “No Dumping! Flows to Bay”; and
 - Location and design of trash enclosures (all shall be covered) and materials handling areas.

Noise – Short-term Construction Impacts

- Limit all construction-related activities to the hours of 7 AM to 6 PM Monday through Friday and 8 AM to 5 PM on Saturdays. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment as far as possible from sensitive receptors, such as residential uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.
- Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

Noise – Interior Noise Levels

- Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation for units proposed in noise environments exceeding 60 dBA DNL, so that windows could be kept closed at the occupant's discretion to control noise.
- Special building techniques (e.g., sound-rated windows and building facade treatments) would be required to maintain interior noise levels at or below acceptable levels. These treatments would include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, protected ventilation openings, etc. Preliminary calculations indicate that residential units nearest I-880 and with direct line of sight to the roadway would require sound rated windows and doors with ratings ranging from STC 35-40 to assure that the 45 dBA DNL indoor standard is met. Project-specific acoustical analysis will be prepared to confirm that interior noise levels will be reduced to 45 dBA DNL or lower. The specific determination of what noise insulation treatments are necessary will be completed on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans for review and approval, prior to issuance of a building permit

Schools

- In accordance with California Government Code Section 65996, the developer shall pay a school impact fee prior to issuance of building permits, which will offset the increased demands on school facilities caused by the proposed project.

In addition to all of the foregoing, the applicant also has agreed to timely perform and effect all of the following additional conditions, which conditions were made a condition of City approval of this rezoning

- a) The developer shall pay an amount to the City to assist in the acquisition and/or improvement of parkland in an amount not to exceed \$400,000.
- b) The developer shall provide Eco Passes to all residents of the project for the first year of their residence, in conformity with commitments that the Developer has chosen to make, to alleviate the parking and traffic situation on surrounding residents;

STAFF REPORT
PLANNING COMMISSION

FILE NO.: PDC07-101

Submitted: 12/5/07

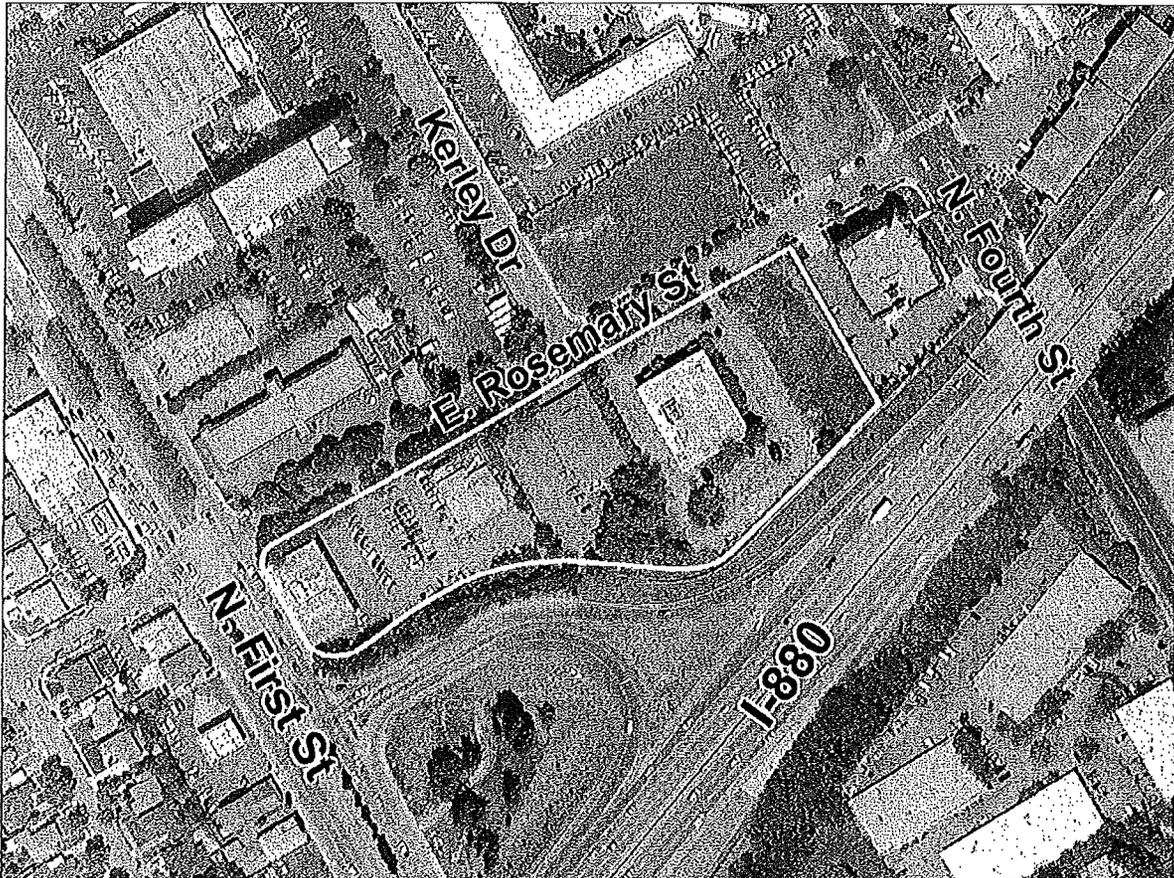
PROJECT DESCRIPTION:

Planned Development Rezoning from the CN-Commercial Neighborhood, CG-Commercial General, and LI-Light Industrial Zoning Districts to the A(PD) Planned Development Zoning District to allow up to 290 multi-family attached residential units (106 Senior, 184 multi-family) on a 4.04 gross acre site. (Effective Density: 54 DU/AC).

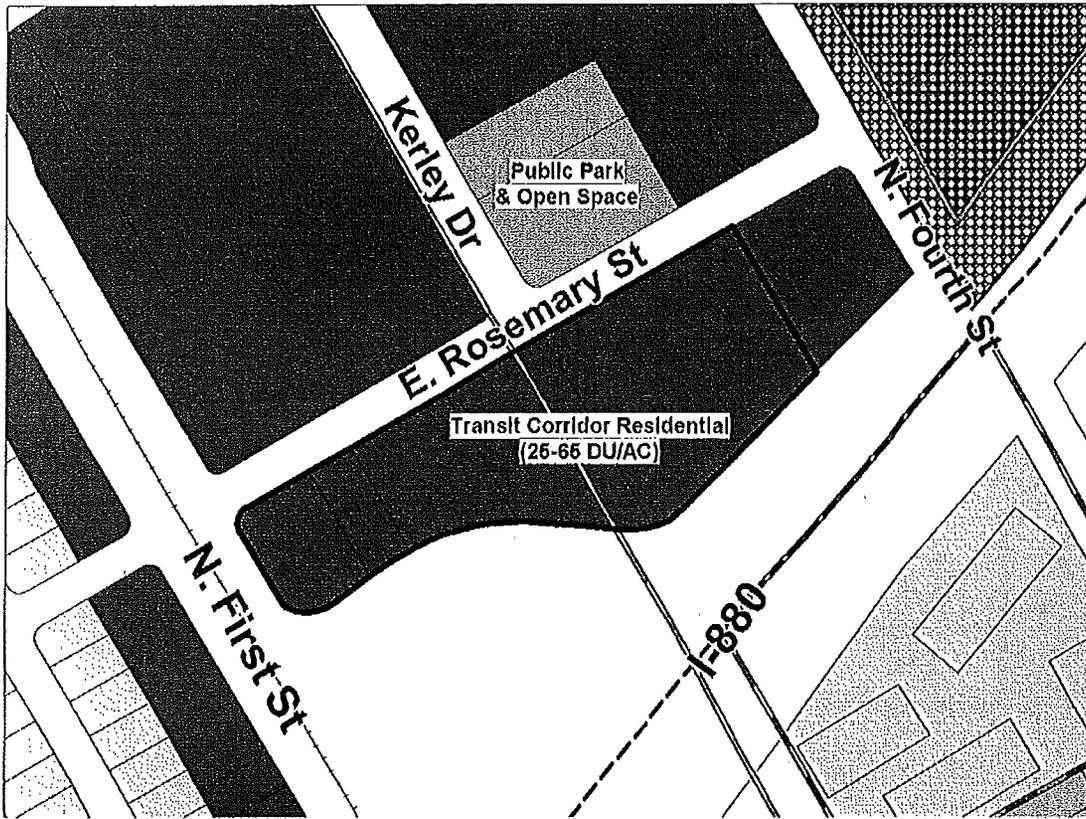
Existing Zoning	CN, CG and LI
Proposed Zoning	A(PD) Planned Development
General Plan	Transit Corridor Residential (25-65 DU/AC)
Council District	3
Annexation Date	July 7, 1939
SNI	n/a
Historic Resource	n/a
Redevelopment Area	Rincon de los Esteros
Development Policy Area	North San José
Specific Plan	Rincon South

LOCATION: Southeast corner North First Street and East Rosemary Street

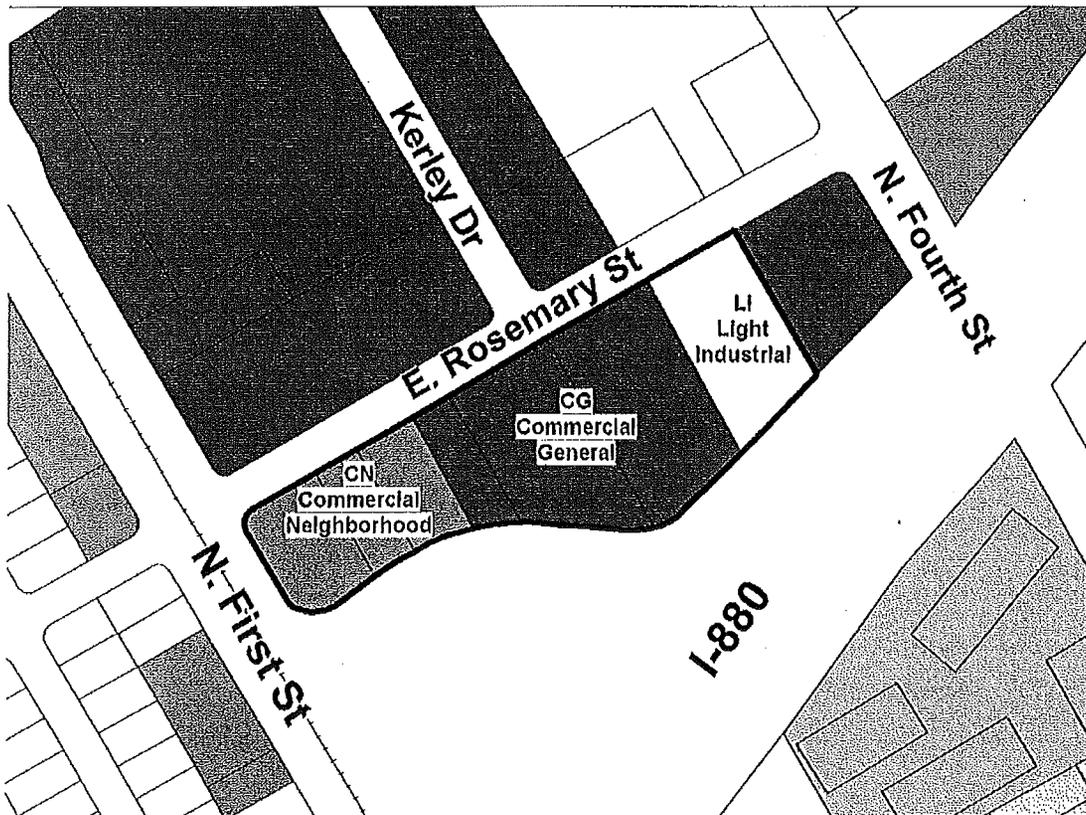
AERIAL



GENERAL PLAN



ZONING



RECOMMENDATION

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

1. The project conforms to the San José 2020 General Plan Land Use/Transportation Diagram designation of Transit Corridor Residential (25-65 DU/A) in the Rincon South Planned Community.
2. The project conforms to the Rincon South Specific Plan.
3. The project is consistent with the North San José Area Development Policy.
4. The project is consistent with the compatibility, parking, and open space guidelines in the Residential Design Guidelines and interim North San José Design Guidelines.
5. The project is consistent with the North San José Neighborhoods Planning Task Force Guiding Principles.
6. The project is compatible with existing and planned uses in the surrounding neighborhood.

BACKGROUND & DESCRIPTION

The applicant, ROEM Development Corporation, is requesting to rezone the subject site from the CN-Commercial Neighborhood, CG-Commercial General, and LI-Light Industrial Zoning Districts to the A(PD) Planned Development Zoning District to allow up to 290 multi-family attached residential units (106 Senior Affordable and 184 Multi-family Affordable units) on a 4.04 gross acre site (effectively up to approximately 54 dwelling units per net acre, see General Plan consistency discussion below).

Surrounding land uses include the hotel uses to the north across East Rosemary Street, an affordable housing project to the east (converted hotel), residential uses to the west across North First Street, and Interstate 880 to the south.

ANALYSIS

GENERAL PLAN AND SPECIFIC PLAN CONFORMANCE

The project site is designated Transit Corridor Residential (25-65 DU/AC) in the Rincon South Planned Community in the *San José 2020 General Plan (General Plan) Land Use/Transportation Diagram*. The Transit Corridor Residential designation promotes high-density residential development at between 25 and 65 dwelling units per acre.

The multi-family component of the project has a density of approximately 62 dwelling units per acre (184 units / 2.98 acres) and the senior component has a density of approximately 101 dwelling units per acre (106 units / 1.05 acres). The project has an overall net density of approximately 72 dwelling units per acre (290 units / 4.03 acres). This exceeds the maximum density allowed under the Transit Corridor Residential (25-65 DU/AC) General Plan designation. However, the General Plan Discretionary Alternate Use Policy titled "Population-Dwelling Unit Equivalency" states that a residential development, such as senior citizen housing, designed to have a maximum population, rather than a number of dwelling units, may be found consistent with a residential land use designation by using a "population-dwelling unit equivalency" calculation. Discretionary Alternate Use Policies may be used within Specific Plan areas "if" their use is consistent with the overall goals of the Specific Plan, General

Plan goals and other applicable General Plan policies, including the North San Jose Area Development Policy.

A conventional residential project of 3.2 persons per dwelling unit at a density of 65 dwelling units per acre equals approximately 208 persons per acre. The equivalent population for the proposed 1-bedroom senior apartment units, which are limited to 1 senior per unit, would be 101 persons per acre. After applying the population-dwelling unit equivalency, the effective density of the overall project is approximately 54 dwelling units per acre, which is consistent with the Transit Corridor Residential (25-65 DU/AC) General Plan designation.

The project also contributes to the achievement of the overall objective of the Housing Major Strategy in the General Plan to provide a wide variety of housing opportunities to meet the needs of all the economic segments of the community in neighborhoods which are stable and have adequate urban services. One of the objectives of the Rincon South Specific Plan is to increase the supply of affordable housing by providing land designated for high-density residential uses. In addition, the area can provide significant opportunities for the creation of new affordable housing because of its proximity to public transportation and accessibility to jobs both in North San Jose and Downtown.

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

Kerley Neighborhood –Land Use and Design Policies

The Rincon South Specific Plan includes four sub-areas, and this particular site is within the Kerley Neighborhood Sub-area. According to the Specific Plan, the Kerley Neighborhood sub-area provides the greatest opportunity within Rincon South to establish a viable, transit-oriented residential community. Contained within the Specific Plan are design policies for the Kerley neighborhood that are intended to guide the transition of this area from its present mix of low intensity auto oriented uses to a very urban, primarily high density residential community. The proposed project complies with the design policies for the Kerley neighborhood that encourage buildings to be oriented to street and park sites. Development standards are proposed that require that residential units have “front doors” (stoops) along all street facades and along the pedestrian paseos as well. The Policies also include specific direction in regards to the quality of building materials, building massing and appropriate roof treatment for new development in the Rincon South area. The policies call for modulated facades, first floors that are articulated as a distinct part of the building, and roof elements such as dormers, gables and hips to break up the scale and massing of buildings. Staff does not consider the conceptual architectural design to be in sufficient compliance with these policies as it is excessively monolithic in appearance and utilizes mansard roofs which are specifically discouraged. Staff is proposing Development Standards to enhance the quality of the project that state:

The development should contribute to the overall spatial organization and cohesiveness of the community through compliance with the Residential Design Guidelines for building design/articulation of podium building types and the Design Policies for the Kerley Neighborhood Sub-area of the Rincon South Specific Plan. This includes, but is not limited to:

Building facades shall be well articulated to avoid a "blocky" or linear appearance and should maintain a pedestrian/neighborhood scale.

Street facing facades should have stoops and stairs for units that wrap the garage and extend to the sidewalk.

The senior housing component should make use of a different architectural form from the multi-family component, including different architectural elements and materials.

Architectural Roof elements should be grouped into five or fewer larger elements that are differentiated by a combination of advancing or receding planes, reveals, wall heights, varying fenestration, materials, and/or colors.

The roof profile should be varied and made visually interesting by introducing elements that provide additional height above the primary roof line such as towers, spires, elevator penthouses, parapets or other uninhabited structures.

The proposed affordable housing project would be exempt from the City's Parkland Dedication and Park Impact Ordinances (PDO/PIO) and therefore is not required to dedicate land or contribute fees for park purposes. The project would not contribute toward the General Plan Parks and Recreation Goals and Policies regarding provision of neighborhood parks within reasonable walking distance for each resident. The Rincon South Specific Plan also includes direction that new parklands should be located within the Kerley Neighborhood. The site at the northeast corner of Kerley and Rosemary is designated in the General Plan and Rincon South Specific Plan for public park purposes. The San Jose Redevelopment Agency and the Housing Department are in the process of exploring the potential purchase of park land in the neighborhood to meet the need of the future residents and to address concerns from neighborhood residents regarding a lack of parks in the area.

ENVIRONMENTAL REVIEW

The project site is located within the boundaries of the *North San José Area Development Policy* (Policy). The Final Environmental Impact Report (EIR) for the North San José Area Development Policies Update was certified and the project approved by the City Council in June 2005. Santa Clara County and the Cities of Milpitas and Santa Clara subsequently legally challenged the EIR. In December 2006, the Santa Clara County Superior Court approved a settlement over all legal challenges and deemed the EIR adequate.

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

NORTH SAN JOSÉ AREA DEVELOPMENT POLICY CONSISTENCY

The project exhibits pedestrian-oriented characteristics that are strongly promoted in the *North San José Area Development Policy* (Policy), such as small walkable block sizes. The project is designed to function as three blocks, consistent with the block pattern in the surrounding area and has an average perimeter of less than 900 linear feet for each block.

The Policy provides for the development of up to 32,000 new residential dwelling units within North San José, including the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of either 55 DU/AC (up to 200 acres) or 90 DU/AC (up to 85 acres). The Policy states that proposed conversions should be evaluated through the zoning process for conformance with City policies. The Policy criteria for evaluating proposed conversions of industrial lands are not applicable to this project as the site is currently designated exclusively for residential use.

INTERIM NORTH SAN JOSÉ DESIGN GUIDELINE CONSISTENCY

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

Setbacks

The project will provide ample setbacks behind the back of sidewalks (generally 10-feet or greater) from streets and adequate separation between buildings.

Street Blocks

As illustrated on the attached conceptual plans, the site is divided into three smaller blocks with pedestrian paseos providing access into and throughout the site.

Garage Screening

The Guidelines require that parking included within a residential podium project be either depressed halfway below grade with landscape screening or, if built at or above grade, be fully screened behind commercial uses or residential units located at grade. The conceptual architecture will be further developed at the Planned Development Permit stage to ensure consistency with this standard in that the proposed development standards require the parking to be "wrapped" by residential units and other residential-serving uses.

Streetscape Design

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

CONCLUSION

Approval of the proposed project will further the goals of the Vision North San José project, is consistent with the adopted North San José Area Development Policy and is generally consistent with the key elements of the design guidelines under preparation.

PUBLIC OUTREACH/INTEREST

A community meeting (with public notification of a 1,000-foot radius) was held on April 14, 2008 with five members of the community in attendance. Also, attached is a correspondence in opposition to the project from residents in the vicinity of the project.

The primary concerns raised by the community were:

- Parking; already existing parking problem in neighborhood.
 - The multi-family component of the project will provide parking that meets the minimum standards of the Zoning Ordinance and the Residential Design Guidelines. The proposed parking reduction for the senior component from 1 space per unit to 0.7 spaces per unit is consistent with parking reductions approved for other similar recently approved senior housing projects and is further supported by a parking survey (see attached).
- Lack of “green” space within project.
 - The proposed project will be required to provide both private and common open space consistent with the requirements of the Residential Design Guidelines.
- Traffic, including existing cut-through problems.
 - The Department of Transportation will review concerns regarding general cut-through traffic issues in the Kerley neighborhood. Future traffic signal coordination along North First Street with Light Rail should alleviate much of the existing traffic concerns, and provide better operations for the 1st street corridor.
- Project not contributing to parks; neighborhood is park deficient.
 - As described above the Redevelopment Agency and the Housing Department are working to secure a site for a future neighborhood park.

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

Project Manager: John W. Baty **Approved by:** _____ **Date:** 06/17/2008

Owner/Applicant: Metro Eight Props, LLC ROEM Corp. 1227 Montgomery St 1650 Lafayette St San Francisco, CA 94133 Santa Clara, CA 95050	Attachments: Addendum to the North San José Development Policies Update EIR (Reso. 72768), Draft Development Standards, Memo from the Department of Public Works, E-mail Correspondence, Parking Survey, Plan Set
--	---



ROSEMARY HOUSING

1290 NORTH FIRST STREET SAN JOSE, CA 95112
 PLANNED DEVELOPMENT ZONING
 PDC 07-101

PROJECT OWNER & DEVELOPER

OWNER: 1ST AND ROSEMARY FAMILY HOUSING, L.P.
 1ST AND ROSEMARY SENIOR HOUSING, L.P.

DEVELOPER:

ROEM CORPORATION

1650 LAFAYETTE STREET
 SANTA CLARA, CA 95050
 PHONE (408) 884-8800
 FAX (408) 884-8111
 CONTACT: JONATHAN EWAMI

CONSULTANT TEAM

ARCHITECT - MULTI-FAMILY HOUSING: ARCHITECT - SENIOR HOUSING:

ARCHITECTS ORANGE
 144 N. ORANGE ST.
 ORANGE, CA 92666
 (714) 639-8860
 (714) 639-3088 (FAX)
 CONTACT: TOBIN SWANMAN

MIRD DESIGN
 1600 LAFAYETTE
 SANTA CLARA, CA 95050
 (408) 248-1153

CIVIL ENGINEER:

SMP ENGINEERS
 1550 TECHNOLOGY DRIVE
 SUITE 650
 SAN JOSE, CA 95110
 (408) 400-0100
 (408) 407-8128 (FAX)
 CONTACT: TOM LUS

LANDSCAPE ARCHITECT - MULTI-FAMILY HOUSING: LANDSCAPE ARCHITECT - SENIOR HOUSING:

JAS DESIGN
 607 50TH STREET
 NEWPORT BEACH, CA 92663
 (949) 676-8854
 (949) 676-8076 (FAX)
 CONTACT: MATT JACKSON

BRUCE HETT ASSOCIATES
 105 E. ELBERT
 OAKLAND, CA 94607
 (510) 625-0988

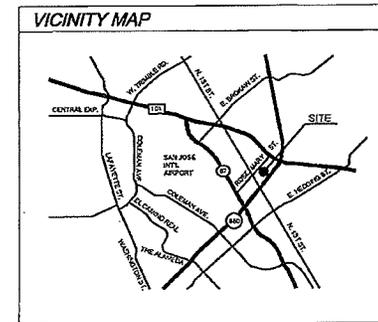
SHEET INDEX

1.0 AM	TITLE SHEET
2.0 AM	LAND USE DEVELOPMENT STANDARD
2a.1 AM	
3.0 AM	CONCEPTUAL SITE PLAN
3a.1 AM	EXISTING CONDITIONS/CONCEPTUAL CIVIL SITE PLAN
4.0 AM	CONCEPTUAL GRADING PLAN
4a.1 AM	CONCEPTUAL STORMWATER CONTROL PLAN
6.0 AM	CONCEPTUAL FIRST FLOOR PLAN
5.10 AM	CONCEPTUAL NORTH & SOUTH ELEVATIONS
5.11 AM	CONCEPTUAL EAST & WEST ELEVATIONS
5.12 AM	CONCEPTUAL COURTYARD ELEVATIONS
7.0 AM	CONCEPTUAL LANDSCAPE PLAN - SENIOR
7.1 AM	CONCEPTUAL LANDSCAPE PLAN - FAMILY
8.2 AM	GRAPHIC REFERENCES

PROJECT DESCRIPTION

PARCEL 1 - SENIOR APARTMENTS:
 108 UNIT APARTMENT PROJECT, 4 STORY TYPE V-A OVER PODIUM
 +/- FROM GRADE WITH PARTIALLY UNDERGROUND GARAGE
 APPROX. # BELGIV GRADE.

PARCEL 2 - MULTI-FAMILY APARTMENTS:
 154 UNIT MULTI-FAMILY APARTMENT PROJECT, 4 STORY TYPE V-A
 SURROUNDING CH-GRADE PARKING STRUCTURE.



11-023 May 20, 2011



TITLE SHEET 1.0 AM

NO	ITEM	DATE

PD Zoning # PDC07-101

PW # PDC07-101

GENERAL DEVELOPMENT PLAN - EXHIBIT C

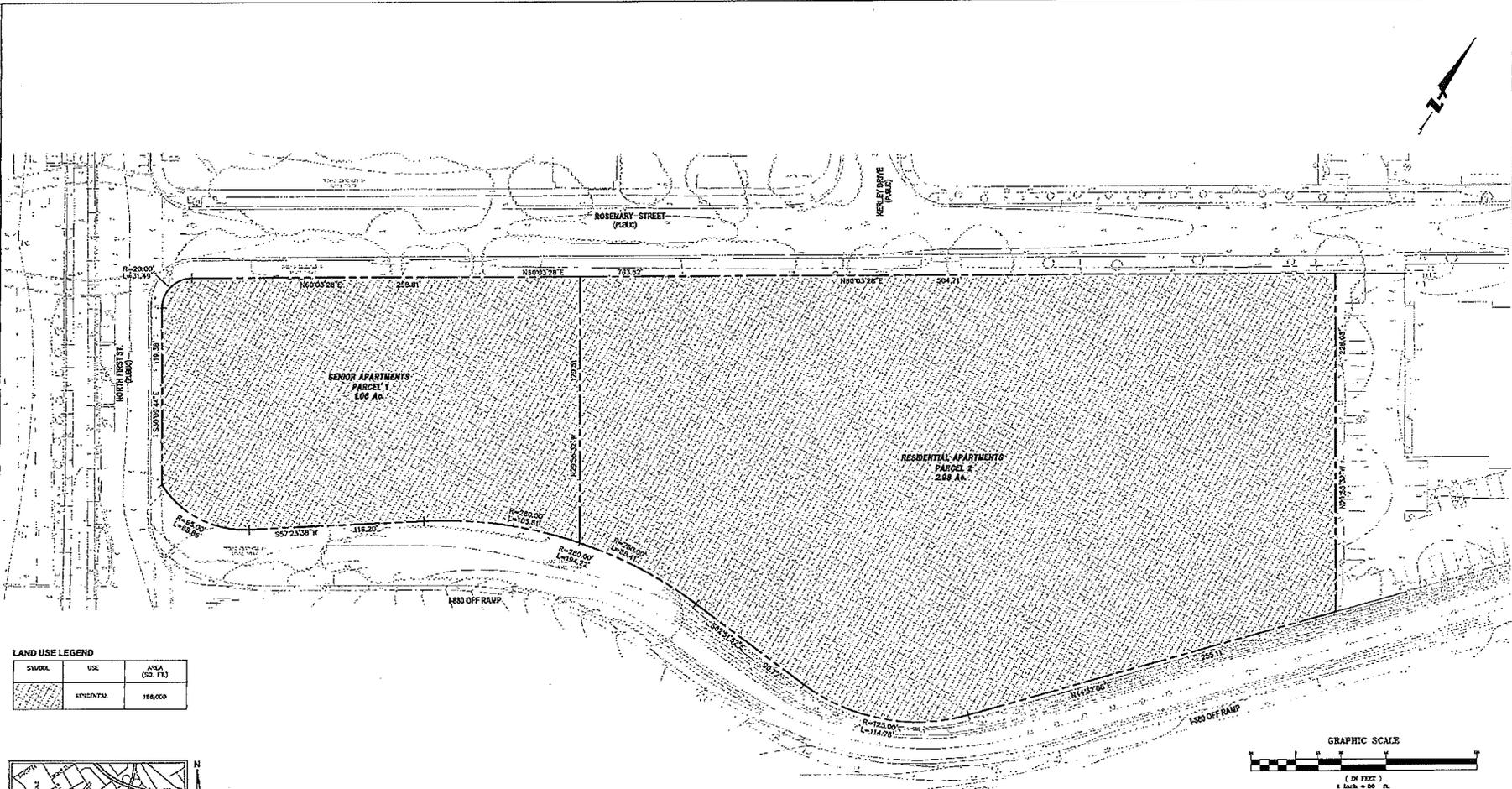
SAN JOSE, CA



ROSEMARY HOUSING
 1290 NORTH FIRST STREET, SAN JOSE, CA 95112

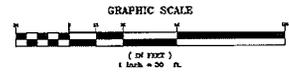
ARCHITECTS ORANGE
 144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92666 (714) 639-8860

© 2011 Architects Orange
 This plan is the property of Architects Orange and is not to be reproduced or used in any form without the prior written permission of Architects Orange.



LAND USE LEGEND

SYMBOL	USE	AREA (SQ. FT.)
	RESIDENTIAL	158,000



GENERAL DEVELOPMENT PLAN - EXHIBIT C

SAN JOSE, CA

ROEM CORPORATION

1ST AND ROSEMARY HOUSING
1650 LAFAYETTE ST., SANTA CLARA, CA (408) 984-5600

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92666 (714) 639-8860

11-023 March 11, 2011



© 2011 Architects Orange
ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM ARCHITECTS ORANGE.

LAND USE PLAN		2.0 AM
No. / ITEM		DATE
▲ / 1		
▲ / 2		
▲ / 3		
▲ / 4		
▲ / 5		
▲ / 6		
▲ / 7		
▲ / 8		
▲ / 9		
▲ / 10		
PD Zoning RPDC01-101		

GENERAL DEVELOPMENT PLAN - EXHIBIT C

SAN JOSE, CA



ROSEMARY HOUSING
1200 NORTH FIRST STREET, SAN JOSE, CA 95112

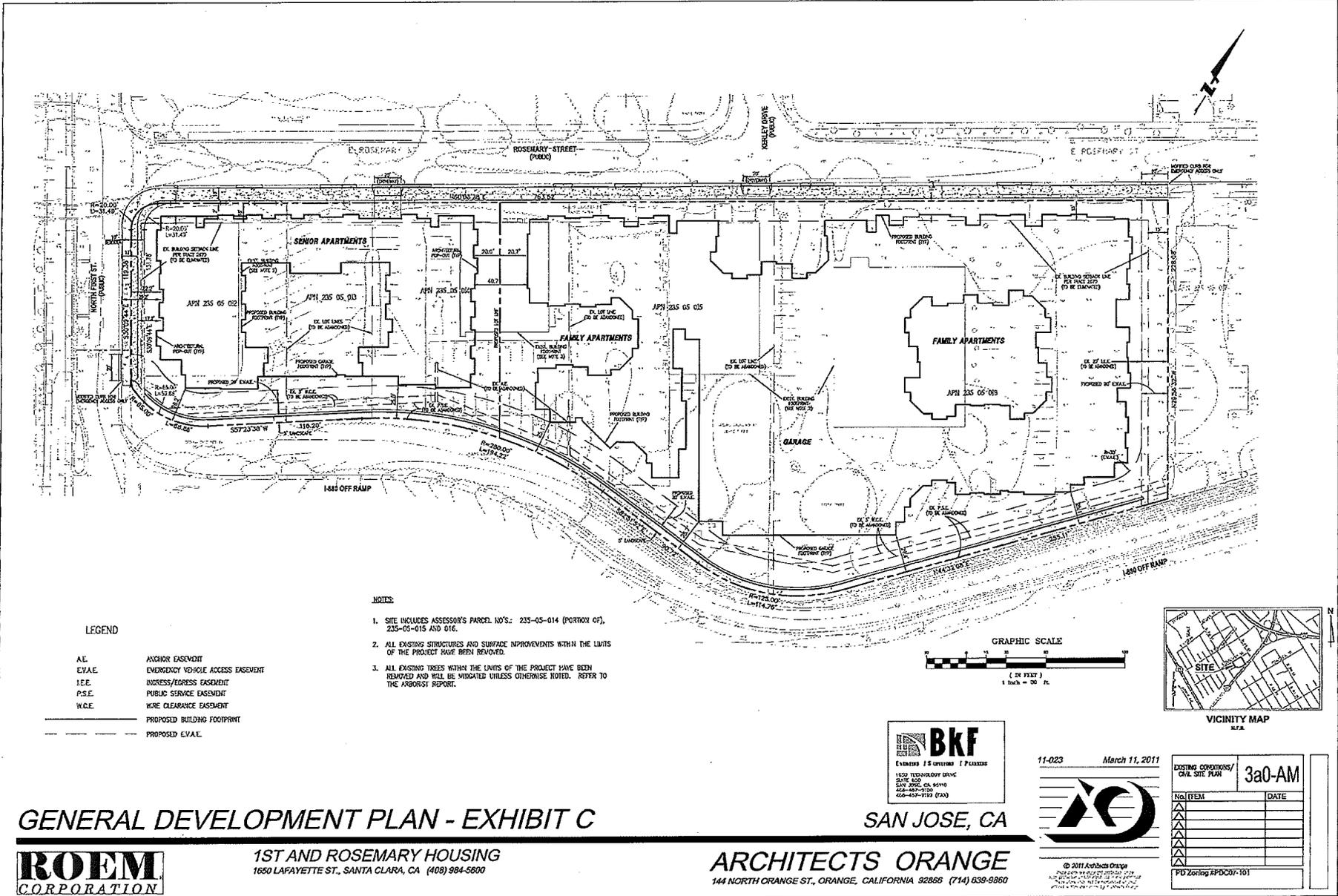
ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92668 (714) 639-9850

11-023 May 20, 2011



© 2011 Architects Orange
This plan was prepared pursuant to our
architectural contract with the applicant.
This plan shall not be reproduced or used
in any other project without the written
consent of Architects Orange.

DEVELOPMENT STANDARD		2a.1 AM
ITEM	DATE	
PID Zoning # PDC07-101		
File # PDC07-101		

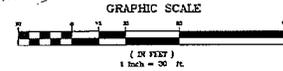


LEGEND

- AE ANCHOR EASEMENT
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- E.E. EGRESS/EGRESS EASEMENT
- P.S.E. PUBLIC SERVICE EASEMENT
- W.C.E. WIRE CLEARANCE EASEMENT
- PROPOSED BUILDING FOOTPRINT
- - - - - PROPOSED E.V.A.L.

NOTES:

1. SITE INCLUDES ASSESSOR'S PARCEL NO.'S.: 235-05-014 (PORTION OF), 235-05-015 AND 016.
2. ALL EXISTING STRUCTURES AND SURFACE IMPROVEMENTS WITHIN THE LIMITS OF THE PROJECT HAVE BEEN REMOVED.
3. ALL EXISTING TREES WITHIN THE LIMITS OF THE PROJECT HAVE BEEN REMOVED AND WILL BE MITIGATED UNLESS OTHERWISE NOTED. REFER TO THE ARBORIST REPORT.



VICINITY MAP
N.T.S.

GENERAL DEVELOPMENT PLAN - EXHIBIT C

ROEM CORPORATION

1ST AND ROSEMARY HOUSING
1650 LAFAYETTE ST., SANTA CLARA, CA (408) 984-6800

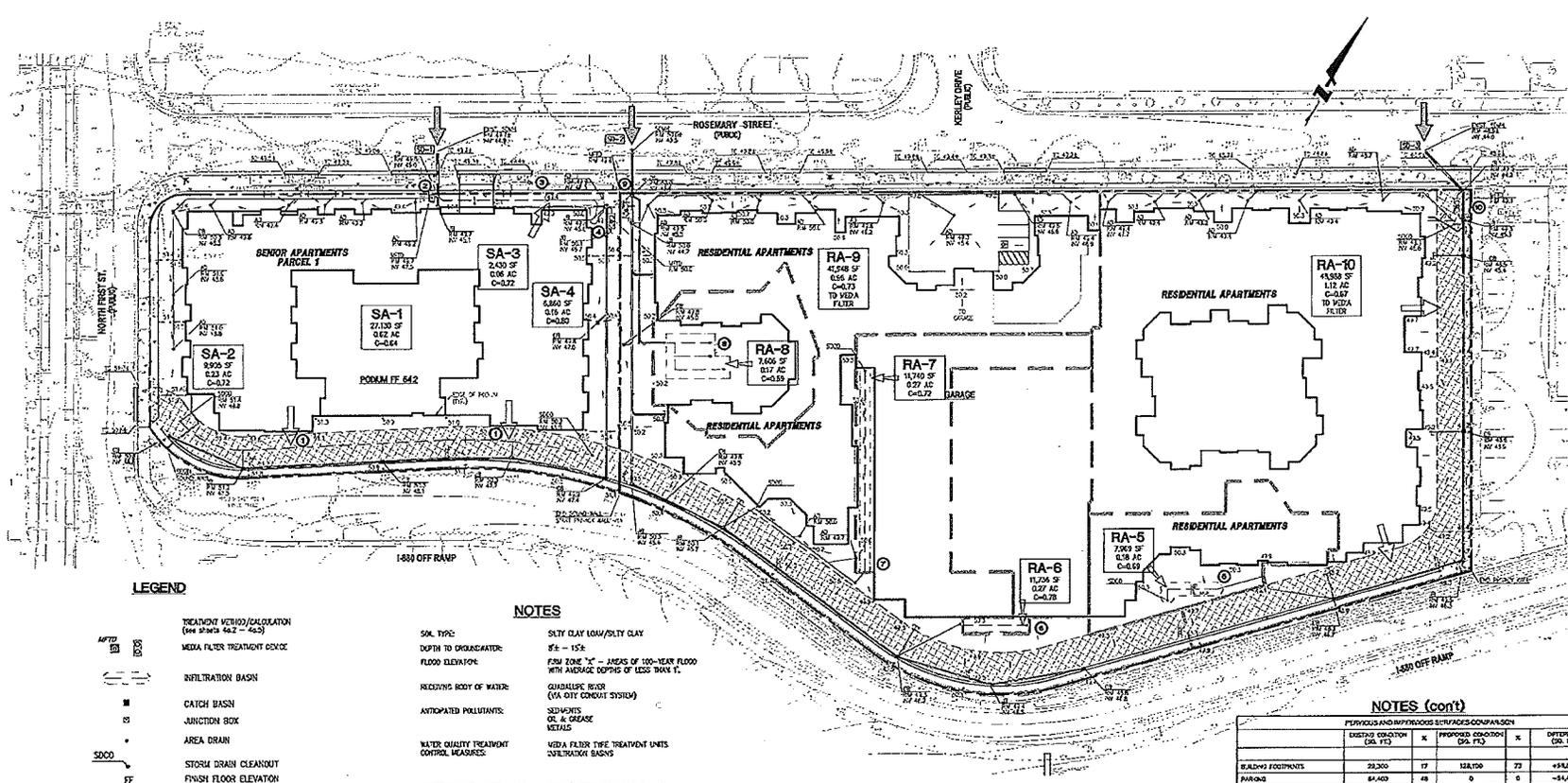
Bkf
EXHIBITORS | SURVEYORS | PLANNERS
1520 TECHNOLOGY DRIVE
SUITE 400
SAN JOSE, CA 95110
408-487-9100
408-487-9100 (FAX)

SAN JOSE, CA

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92665 (714) 638-9860

11-023 March 11, 2011

DISTING. CONDITIONS/ EXH. SITE PLAN		3a0-AM	
No.	ITEM	DATE	
▲			
▲			
▲			
▲			
PD Zoning RPOC07-101			



LEGEND

- TREATMENT METHOD/CALCULATION (See March 6-2 - 4-2)
- MEDIA FILTER TREATMENT DEVICE
- INFILTRATION BASIN
- CATCH BASIN
- JUNCTION BOX
- AREA DRAIN
- STORM DRAIN CLEANOUT
- FINISH FLOOR ELEVATION
- SPOT ELEVATION
- 51.67
- RA-5 (SEE PLAN)
- DRAINAGE AREA BOUNDARY
- POINT OF DISCHARGE TO LANDSCAPE TREATMENT AREA
- ULTIMATE POINT OF DISCHARGE FROM DRAINAGE AREA TO STORM SYSTEM
- GRASS/PAV/2/E.V.A.E. (PERVIOUS)
- PROPERTY LINE

NOTES

- SOIL TYPE: SILTY CLAY LOAM/SILTY CLAY
- DEPTH TO DRINKWATER: 8'-6" - 15'
- FLOOD ELEVATION: FIRM ZONE "F" - JACOBS OF 100-YEAR FLOOD WITH ANIMATED TOPOG OF 1552 BANK 1.
- RECEIVING BODY OF WATER: QUINLANE RIVER (VA CITY CONDUIT SYSTEM)
- ANTICIPATED POLLUTANTS: SEDIMENTS, OIL & GREASE, METALS
- WATER QUALITY TREATMENT CONTROL MEASURES: MEDIA FILTER TYPE TREATMENT UNITS, CULVERT/TRAFFIC BASINS
- MAINTENANCE (BY OWNER/RA/O): CLEAN/SPECT PER MANUFACTURER'S RECOMMENDATIONS.
- CERTIFICATION: TO BE CERTIFIED TO MEET URBAN RAINFALL MANAGEMENT POLICY 6-2B.
- IMPERMEABLE SURFACES TREATED:
 - SA-1 ROOF, SIDEWALK, CURB AND OUTLET
 - SA-2 ROOF, SIDEWALK
 - SA-3 ROOF, SIDEWALK, DRIVEWAY
 - SA-4 ROOF, SIDEWALK
 - RA-5 ROOF, SIDEWALK
 - RA-6 ROOF, SIDEWALK
 - RA-7 ROOF, SIDEWALK
 - RA-8 ROOF, SIDEWALK
 - RA-9 ROOF, SIDEWALK, DRIVEWAY, CURB AND OUTLET
 - RA-10 ROOF, SIDEWALK, CURB AND OUTLET

NOTES (cont)

- SOILS CONTROL MEASURES:**
 - AVAILABLE LANDSCAPE AREAS, WHERE PRACTICAL, UTILIZED FOR STORMWATER TREATMENT
 - WHERE POSSIBLE, ROOF DRAINAGE DIRECTED TO LANDSCAPE-BASED TREATMENT AREAS
 - STORM DRAIN VEGET STRUCTURES LABELED "NO SWAP-FLWS TO DRY"
- TREATMENT CONTROL MEASURES:**
 - MEDIA FILTER TYPE TREATMENT DEVICES
 - IN-TERRAIN BASIN AREAS
 - OWNER/RA/O TO MAINTAIN TREATMENT CONTROL MEASURES PER MANUFACTURER'S RECOMMENDATIONS

NOTES (cont)

	PERVIOUS AND IMPROVED SURFACES COMPARISON			
	EXISTING CONDITION (SQ. FT.)	%	PROPOSED CONDITION (SQ. FT.)	DIFFERENCE (SQ. FT.)
ROADWAY EQUIPMENTS	28,200	17	18,100	+9,100
PARKING	84,400	49	0	+84,400
SEMI-PAV. PATHS, PATHS, ETC.	3,700	2	2,200	4
STREETS (PARKING/STREETS)	0	0	0	0
LANDSCAPE	84,300	32	40,900	23
TOTAL	196,600	100	196,200	-400
IMPROVED SURFACES	196,600	88	128,200	77
PERVIOUS SURFACES	50,000	22	40,900	23
TOTAL	196,600	100	196,200	-400

GENERAL DEVELOPMENT PLAN - EXHIBIT C

SAN JOSE, CA



1ST AND ROSEMARY HOUSING
1650 LAFAYETTE ST., SANTA CLARA, CA (408) 984-5600

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92666 (714) 639-9860



11-023 March 11, 2011



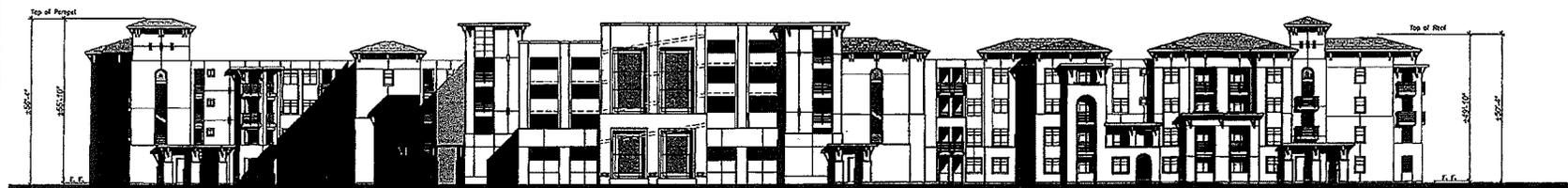
CONCEPTUAL STORMWATER CONTROL PLAN **4a.1 AM**

NO.	ITEM	DATE

© 2011 Architects Orange
PD Zoning SP0007-101



NORTH ELEVATION - FAMILY



SOUTH ELEVATION - FAMILY



NORTH ELEVATION - SENIOR



SOUTH ELEVATION - SENIOR

GENERAL DEVELOPMENT PLAN - EXHIBIT C

SAN JOSE, CA

ROEM ROSEMARY HOUSING
DEVELOPMENT 1290 NORTH FIRST STREET, SAN JOSE, CA 95112

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92668 (714) 639-9860

11-023 May 20, 2011

© 2011 Architects Orange
This drawing is the property of Architects Orange. It is to be used only for the project and site identified herein. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Architects Orange.

0' 16' 32' 48'
SCALE: 1/16" = 1'-0"

CONCEPTUAL EXTERIOR ELEVATIONS 5:10 AM

SITE ITEM	DATE

PD 70nng & PDC07-101

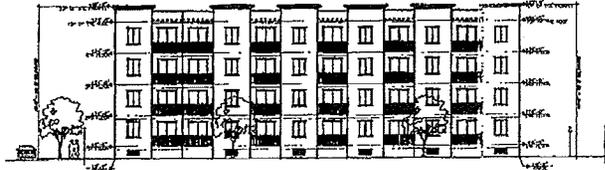
File # PDC07-101



EAST ELEVATION - FAMILY



WEST ELEVATION - FAMILY



WEST ELEVATION - SENIOR

GENERAL DEVELOPMENT PLAN - EXHIBIT C

SAN JOSE, CA

ROEM DEVELOPMENT
ROSEMARY HOUSING
1290 NORTH FIRST STREET, SAN JOSE, CA 95112

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92668 (714) 839-9860

11-023 May 20, 2011



© 2011 Architects Orange
All rights reserved. No part of this drawing may be reproduced or used in any form without the prior written permission of Architects Orange.

0' 16' 32' 48'
SCALE: 1/16" = 1'-0"

CONCEPTUAL EXTERIOR ELEVATIONS		5.11 AM
No.	ITEM	DATE
PD Zoning # PDC07-101		

FIS # PDC07-101

NOTE: THIS SHEET APPLICABLE TO FAMILY APARTMENTS ONLY



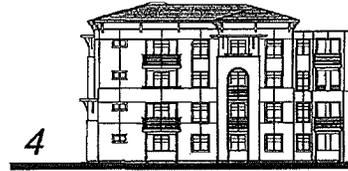
ENTRY COURT



ENTRY COURT ELEVATION



COURTYARD ELEVATION



COURTYARD ELEVATION



COURTYARD ELEVATION



COURTYARD ELEVATION



COURTYARD ELEVATION



CLUBHOUSE ELEVATION

0' 16' 32' 48'
SCALE: 1/16" = 1'-0"

GENERAL DEVELOPMENT PLAN - EXHIBIT C

SAN JOSE, CA

ROEM. ROSEMARY HOUSING
DEVELOPMENT 1280 NORTH FIRST STREET, SAN JOSE, CA 95112

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92668 (714) 639-9860

11-023

May 20, 2011



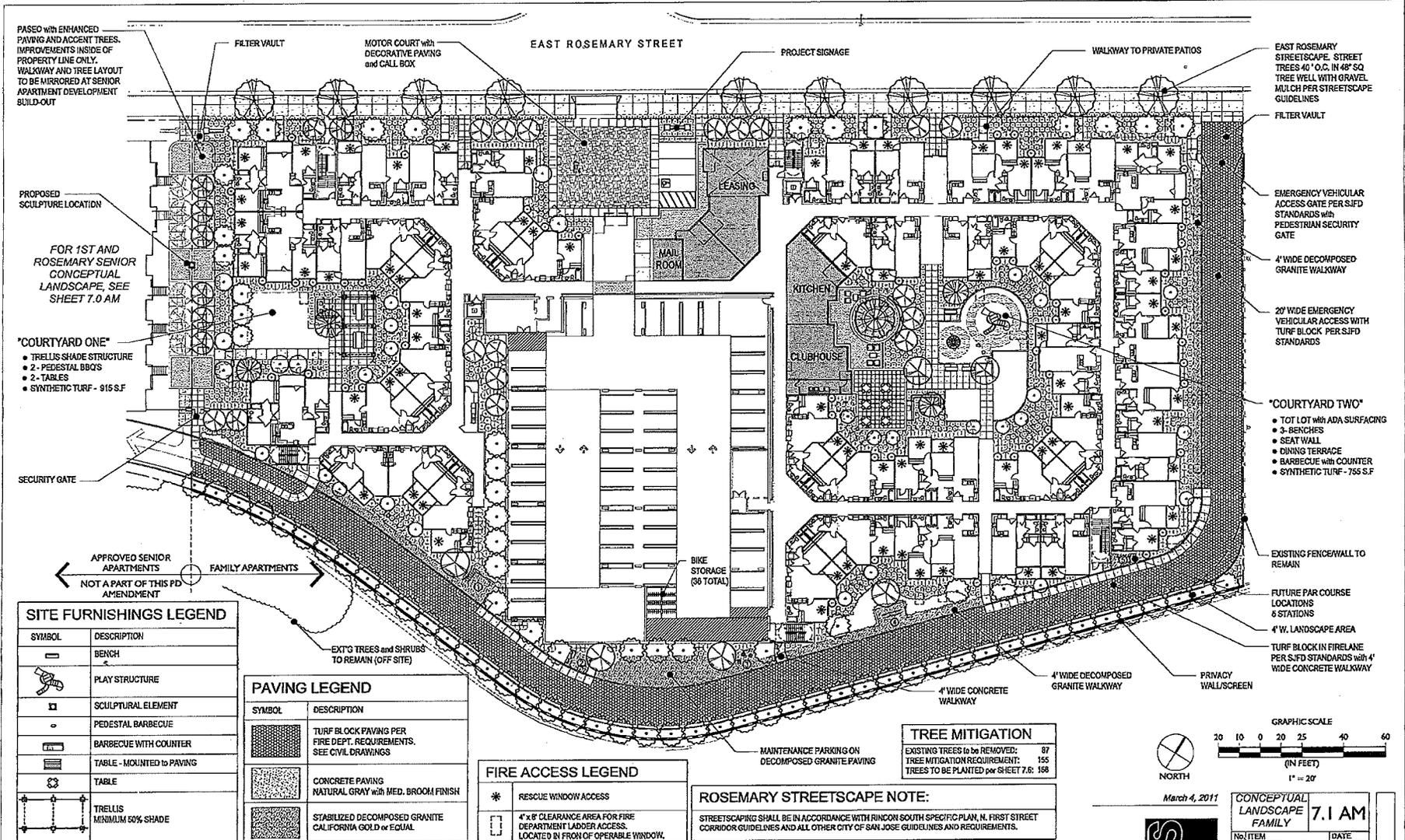
© 2011 Architects Orange
This drawing is the property of Architects Orange, Inc. and is not to be reproduced or used in any form without the prior written permission of Architects Orange.

CONCEPTUAL
COURTYARD
ELEVATIONS 5.12 AM

NO	ITEM	DATE

PD Zoning # PDC07-101

File # PDC07-101



SITE FURNISHINGS LEGEND

SYMBOL	DESCRIPTION
	BENCH
	PLAY STRUCTURE
	SCULPTURAL ELEMENT
	PEDESTAL BARBECUE
	BARBECUE WITH COUNTER
	TABLE - MOUNTED TO PAVING
	TABLE
	TRELLIS MINIMUM 50% SHADE

PAVING LEGEND

SYMBOL	DESCRIPTION
	TURF BLOCK PAVING PER FIRE DEPT. REQUIREMENTS. SEE CIVIL DRAWINGS
	CONCRETE PAVING NATURAL GRAY with MED. BROOM FINISH
	STABILIZED DECOMPOSED GRANITE CALIFORNIA GOLD or EQUAL

FIRE ACCESS LEGEND

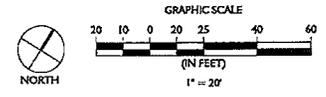
	RESCUE WINDOW ACCESS
	4' x 8' CLEARANCE AREA FOR FIRE DEPARTMENT LADDER ACCESS. LOCATED IN FRONT OF OPERABLE WINDOW.

TREE MITIGATION

EXISTING TREES to be REMOVED: 87
 TREE MITIGATION REQUIREMENT: 155
 TREES TO BE PLANTED per SHEET 7.6: 168

ROSEMARY STREETSCAPE NOTE:

STREETSCAPING SHALL BE IN ACCORDANCE WITH RINCÓN SOUTH SPECIFIC PLAN, N. FIRST STREET CORRIDOR GUIDELINES AND ALL OTHER CITY OF SAN JOSE GUIDELINES AND REQUIREMENTS.



March 4, 2011

CONCEPTUAL LANDSCAPE FAMILY 7.1 AM

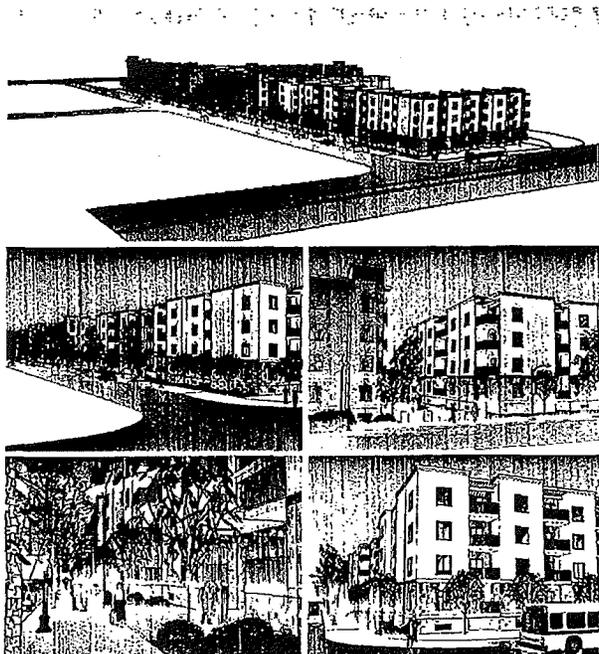
No.	ITEM	DATE

MSA
 Landscape Architecture
 Canary Lane
 607 20th St.
 Newport Beach, CA 92663
 (949) 879-9264

GENERAL DEVELOPMENT PLAN - EXHIBIT C



ROSEMARY FAMILY
 1290 NORTH FIRST STREET, SAN JOSE, CA 95112



SENIOR APARTMENTS



FAMILY APARTMENTS

CONCEPTUAL PERSPECTIVE VIEWS

GENERAL DEVELOPMENT PLAN - EXHIBIT C

SAN JOSE, CA

ROEM
DEVELOPMENT

ROSEMARY HOUSING
1280 NORTH STREET, SAN JOSE, CA 95112

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92666 (714) 639-5860

11-023 March 11, 2011



© 2011 Architects Orange
This drawing is the property of Architects Orange
and is not to be reproduced or used
in any form without the written permission of Architects Orange.

GRAPHICS REFERENCE	8.2	
No.	ITEM	DATE
FD-Zoning # PD027-101		