

PLANNED DEVELOPMENT PERMIT

FILE NO.	PD11-011
LOCATION OF PROPERTY	East side of Monterey Road, approximately 700 feet northerly of Tully Road
ZONING DISTRICT	A(PD) Planned Development
ZONING FILE NUMBER	PDC09-015
GENERAL PLAN DESIGNATION	High Density Residential (25-50 DU/AC)
PROPOSED USE	A Planned Development Permit to allow for the construction of a 100% affordable housing development with 102 multi-family residential units on a 2.8 gross acres site.
ENVIRONMENTAL STATUS	Use of a Mitigated Negative Declaration for File Nos. GP08-07-04 and PDC09-015
OWNER/ADDRESS	Monterey Road L.P. 1400 Parkmoor Avenue, Suite 190 San Jose, CA 95126

FACTS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of High Density Residential (25-50 DU/AC) on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The site is zoned A(PD) Planned Development.
3. The Planned Development Zoning (File No. PDC09-015) was reviewed by the City Council and approved with Ordinance No. 28696, adopted February 9, 2010.
4. On April 13, 2010, the Director of Planning, Building, and Code Enforcement approved a Planned Development Permit, File No. PD10-001, to allow for the demolition of all buildings on the subject 2.8 acre site, including the vacant Single Room Occupancy (SRO) facility, inground pool, and vacant restaurant building.
5. The applicant is requesting a Planned Development Permit to allow for the construction of a 100% affordable housing development containing 102 multi-family residential units.
6. The subject lot is rectangular in shape and contains 2.8 acres.
7. The site is currently undeveloped.
8. The environmental impacts of this project were addressed in an Initial Study and Mitigated Negative Declaration for a General Plan Amendment and a Planned Development Rezoning (File Nos. GP08-07-04 and PDC09-015) that was adopted on May 27, 2009, consistent with the California Environmental Quality Act (CEQA) of 1970, as amended, in that the activity in question will not have a significant effect on the environment with mitigation.

FINDINGS

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, that:

1. The Planned Development Permit, as issued, furthers the policies of the General Plan, in that:
 - a. The project is to allow for the construction of 102 multi-family attached residences at a density of 36 dwelling units per acre, which is within the density range of 25-50 dwelling units per acre that is allowed under the High Density Residential land use designation.
 - b. The project furthers the Growth Management Major Strategy, as the change will facilitate infill development within an urbanized area.
 - c. The project furthers the Housing Major Strategy, as the project will maximize the infill housing opportunity in a form that is compatible with the surrounding development pattern.
 - d. The project will add to the production of affordable housing consistent with Housing Policy No.4 that encourages the production of housing affordable to households across income categories in all the community's planning areas.
2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property in that:
 - a. The proposed project conforms to the approved General Development Plan.
3. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious, in that:
 - a. The project conforms to the Residential Design Guidelines.
 - b. The architectural elements of the proposed project are integrated into a harmonious whole.
 - c. On-site structures are compatible in terms of height and massing.
 - d. The project maintains the existing pattern of development in the immediate vicinity.
4. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water run off, and odor, which even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties in that:
 - a. The environmental impacts of this project were addressed in an Initial Study and Mitigated Negative Declaration for a Planned Development Rezoning (File Nos. GP08-07-04 and PDC09-015) that was adopted on May 27, 2009. The Mitigated Negative Declaration identified mitigation measures in the following categories: Biological Resources and Noise. Mitigation has been included in the project to ensure that the project does not result in significant environmental impacts.
 - b. The proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.

Finally, the Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, that the proposed project conforms in all respects to the provisions of Title 20 of the San José Municipal Code.

Based upon the above-stated findings and subject to the conditions set forth below, the Director of Planning approves, pursuant to Chapter 20.100 of the San José Municipal Code, the subject Planned Development Permit.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Planned Development Permit shall automatically expire forty-eight (48) months from and after the date of issuance hereof by said Director, if within such forty-eight month period, the construction of the subject improvements has not commenced, pursuant to and in accordance with the provisions of this Planned Development Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit in accordance with Title 20 of the San Jose Municipal Code. The Permit Adjustment must be approved prior to the expiration of this Permit.
3. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of 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 approval authority.
4. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Grading Permit as described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions.
5. **Conformance to Plans.** Development of the site shall conform to approved Planned Development plans entitled "*The Metropolitan*" last dated June 23, 2011, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04), with the exception of any subsequently approved changes.
6. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Planned Development Permit incorporated by reference in this Permit in accordance with Chapter 20.100 of the San Jose Municipal Code.
7. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.

8. **Revocation.** This Planned Development Permit is subject to revocation for violation of any of its provisions or conditions.
9. **Planned Development District Effectuated.** Once this Planned Development Permit is accepted, the use of territory not covered by the permit shall only be land uses consistent with the Planned Development Zoning District and only upon issuance of a Planned Development Permit for those uses.
10. **Conformance with Previously Approved Zoning and Environmental Clearance.** All conditions of approval and required environmental mitigation measures from the previously approved Planned Development Zoning (File No. PDC09-015) remain in effect.
11. **Construction Impact Mitigation Measures.** The applicant is responsible for notifying all contractors of the conditions of this permit and that they shall perform construction activities in compliance with these conditions, or be subject to enforcement action.
 - a. *Compliance.* The applicant shall ensure that the following demolition impact mitigation measures are fully complied with throughout the duration of all demolition activities associated with this project. Failure to comply with these conditions by the applicant, their contractors or subcontractors shall be cause for shutdown of the project site until compliance with the following conditions can be ensured by the City. These impact mitigation measures shall be included in all contract documents for the project to ensure full disclosure to contractors and subcontractors.
 - b. *Construction Hours.* Demolition and grading activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. This includes the staging of equipment and personnel. The demolition hours shall be printed on all plans for the project used to construct the project.
 - c. *Enforcement.* The Director of Planning, Building and Code Enforcement may order an immediate halt to demolition activities on the project site any time that the Director determines that the project is not in substantial conformance with the requirements of this Permit. Within seven days of ordering such a halt to, the Director of Planning, Building and Code Enforcement shall issue a Notice of Noncompliance in conformance with Section 20.100.320 of Title 20 of the San José Municipal Code indicating the specific area(s) of noncompliance and providing notice that the Director may issue an Order to Show Cause why the development permit shall not be revoked, suspended, or modified if the noncompliance is not corrected.
 - d. *Deliveries.* Deliveries shall not occur outside the above demolition hours. All deliveries shall be coordinated to ensure that no delivery vehicles arrive prior to the opening of the gates to prevent the disruption of nearby residents.
 - e. *Assembly Area.* Workers shall not arrive to the site until the opening of the project gates. The applicant shall designate a location without adjacent residential units for workers to wait prior to the opening of the project gates.
 - f. *Disturbance Coordinator.* A Disturbance Coordinator shall be identified by the developer for this project. The Disturbance Coordinator shall be responsible for ensuring compliance with the hours of demolition, site housekeeping, and other nuisance compliance conditions in this permit. The coordinator shall also listen and respond to community member concerns regarding demolition, determine the cause of the concern (e.g., starting too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem in a timely manner. The coordinator shall maintain a log of calls and shall make that log available to the City of San Jose upon request.

- g. *Posting of Telephone Number.* The name and phone number of the Disturbance coordinator, the hours of construction limitations, City File Number PD10-001, City contact and phone number (department and phone number), shall be displayed on a weatherproof sign posted at each entrance to the project site. A local phone number with answering service shall be maintained during the duration of project construction.
 - h. *Street Cleaning and Dust Control.* During construction, the developer shall damp-sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible debris and soil. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.
 - i. *Site Watering.* The proposed project shall use recycled water for all grading, dust control, and other non-potable approved uses during construction to the satisfaction of the Director of Public Works.
 - j. *Short-Term Air Quality Impacts.* The project developer shall implement the following measures during construction to minimize short-term air quality impacts:
 - i. Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. All trucks transporting these materials shall be covered.
 - ii. Damp sweep daily or more often if determined necessary by either the Director of Planning or Public Works, all paved construction areas, to keep them free from visible dust, dirt, or debris.
 - iii. Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with non-toxic soil stabilizers, or covered as soon as possible.
 - k. *Construction Equipment.* Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.
 - i. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
 - ii. Locate stationary noise-generating equipment as far as possible from sensitive receptors. Staging of construction equipment will be as far as feasible from the sensitive receptors.
 - iii. Prohibit unnecessary idling of internal combustion engines.
 - l. *Recycling.* Scrap construction and demolition material should be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
- 12. Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.
- a. *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.

b. *Transportation:*

- i. A trip generation study was prepared by Hexagon Transportation Consultants comparing the existing SRO development and restaurant to the proposed 102 single family attached residences. After applying the trip credits, the project will have 34 new AM peak hour trips and 11 PM peak hour trips which will result in no level of service impacts on surrounding intersections. Therefore, we conclude that the subject project will be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3).
- ii. If a traffic signal modification is required to accommodate the improvements at the Project Entrance, the project shall design and install a new crosswalk on the south side of the existing intersection of Monterey Road/Project Entrance.

c. *Grading/Geology:*

- i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. 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.
 - iii. Because this project involves a land disturbance of more than one acre, the applicant is required to submit a Notice of Intent (NOI) to the State Water Resources Control Board and to prepare a Stormwater Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Provide verification to the City Project Engineer that these documents have been submitted to the Water Board. The applicant is also responsible to comply with all necessary requirements per the Construction General Permit.
 - iv. The Project site is within the State of California Seismic Hazard Zone. A geotechnical 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 (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- d. *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.
- i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
 - ii. A Major Planning Permit Adjustment may be required for subsequent revisions to the Stormwater Control Plan.
 - iii. The proposed Ladder Pad Areas should not conflict with the function of the bioretention units.
 - iv. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.

- e. *Stormwater Peak Flow Control Measures:* The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- f. *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.
- g. *Parks:* This residential project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the formula contained within in the Subject Chapter and the Associated Fees and Credit Resolutions.
- h. *Undergrounding:* The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Monterey Road prior to issuance of a Public Works Clearance. One hundred percent (100%) of the base fee in place at the time of payment will be due. Currently, the 2011 base fee is \$409 per linear foot of frontage and is subject to change every January 31st based on the Engineering News Record's 20 City Average Cost Index. The project will be required to pay the current rate in effect at the time the Public Works Clearance is issued. (Based on 2011 rate, the fee is approximately \$187,674.)
- i. *Street Improvements:*
 - i. Remove and replace curb, gutter, and sidewalk along the Monterey Road frontage.
 - ii. Install a 10' wide sidewalk that includes 4' x 5' tree wells along the Monterey Road frontage. A 2.5' sidewalk easement along Monterey Road will be required to accomplish the 10' sidewalk width.
 - iii. Construct a new modified driveway return (instead of a typical driveway cut) at the existing intersection of Monterey Road/Project Entrance as a pedestrian safety measure.
 - iv. All work along Monterey Road will require an encroachment permit from California Department of Transportation (Caltrans).
 - v. Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.
 - vi. Repair, overlay, or reconstruction of asphalt pavement will be required along Monterey Road. 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.
- j. *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.
- k. *Street Trees:* 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. The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only. Contact the City Arborist at (408) 277-2756 for the designated street tree.

13. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Park Impact Fees.* The applicant shall provide evidence to the Chief Building Official that the applicable Park Impact Fees, pursuant to Ordinance 24172 (Chapter 14.25 of Title 14 of the San José Municipal Code), have been paid to the satisfaction of the Director of Public Works.
 - b. *Construction Plans.* This permit file number, *PD11-011*, shall be printed on all construction plans submitted to the Building Division.
 - c. *Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - d. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
 - e. *Street Number Visibility.* Street numbers of the buildings shall be easily visible at all times, day and night.
 - f. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
14. **Green Building.** The development is subject to the City's Green Building Ordinance for Private Sector New Construction. Prior to the issuance of any shell or complete building permits issued for the construction of buildings approved through the scope of this Planned Development Permit, the applicant shall pay a Green Building Refundable Deposit applicable to the gross square footage for the buildings that are approved through this Planned Development Permit. The project must receive the minimum green building certification of LEED Certified or GreenPoint Rated 50 points. The request for refund of the Green Building Deposit together with green building certification evidence demonstrating the achievement of the green building standards indicated above shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of the Municipal Code.
15. **Fire Clearance for Issuing Permits.** The Fire Department's review of this project was limited to verifying compliance of the project to Chapter 5, Appendix B, and Appendix C of the 2007 California Fire Code with City of San Jose Amendments (SJFC). Additional review will be required at the building permit stage. All other code requirements for this project shall be reviewed and commented upon by both Fire and Building departments during the building permit process.
16. **Inclusionary Housing.** The subject property is located within the Monterey Corridor Redevelopment Area, and is therefore subject to the City's Inclusionary Housing Policy. Prior to the issuance of a building or foundation permit, the owner of the property shall comply with the Ordinance and record against the property written evidence of compliance with the City's Inclusionary Housing Policy in a form acceptable to the City.
17. **Archaeology.** 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 authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

18. Environmental Mitigation.

a. *Biological*

- i. If possible, construction should be scheduled between September 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 conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading or building permit.
- ii. Surveys for roosting bats shall be conducted by a qualified bat biologist no more than thirty (30) days prior to any construction activities, or relocation and/or removal of trees suitable for roosting by bats. If no bats are observed to be roosting in these features, then no further action would be required and construction activities could proceed. If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a qualified bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony; buffer zones may include a 200-foot buffer zone from the roost and/or timing of the construction activities outside the maternity roosting season (from February 15th to April 15th and from August 15th to October 15th).
- iii. If an active maternity roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from February 15th to April 15th and from August 15th to October 15th to prevent the formation of new maternity colonies. Such exclusion shall occur, under the direction of a qualified bat biologist, by sealing openings and providing bats with one-way exclusion doors. Bat roosts shall be monitored as determined necessary by a qualified bat biologist, and the removal or displacement of bats shall be performed in conformance with California Department of Fish and Game requirements.
- iv. A biologist report outlining the results of pre-construction bat surveys and any recommended buffer zones or other mitigation shall be submitted to the City's Environmental Principal Planner and shall be approved to the satisfaction of the

Director of Planning prior to the issuance of any grading, building, or tree removal permit.

b. *Noise*

- i. Windows and sliding glass doors shall be operable and STC 34 to 36 or higher rated windows and doors shall be installed at all living spaces along Monterey Road.
- ii. Windows and sliding glass doors shall be operable and STC 28 to 31 or higher rated windows and doors shall be installed at all living spaces perpendicular to Monterey Road.
- iii. All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 dB DNL.
- iv. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels will be attenuated to 45 dB DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.
- v. Residences shall be located approximately 75 feet or further from the adjacent railroad spur to the east.

19. **Recycled Water.** Recycled water is available at this site; therefore the project is required to utilize recycled water for irrigation in compliance with Chapters 15.10 and 15.11 of the San Jose Municipal Code. Irrigation with recycled water shall only be used on commonly owned and maintained landscape area of the project. Landscaped areas to be owned and maintained by the individual homeowners cannot use recycled water. The design and construction of the irrigation system must conform to SBWR Rules and Regulations and must be submitted to and approved by SBWR. Standard details, Specifications and Notes are available to assist with the design and are available at www.sanjoseca.gov/sbwr or by calling (408) 277-3671. Questions regarding recycled water use or the approval process should be directed to SBWR staff at the above number.
20. **Landscaping.** Planting and irrigation are to be provided as indicated on the approved plans. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced. Permanent irrigation is to be installed in accordance with Part 4 of Chapter 15.10 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
21. **Irrigation Standards.** The applicant shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and is consistent with the City of San Jose Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect prior to Certificate of Occupancy.
22. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.
23. **Storm Water Stenciling.** All drain inlets shall be labeled “No Dumping-Flows to Bay.” Please contact the City of San José, Department of Public Works, at (408) 277-5161 to obtain free stencils.

24. **Protection of Storm Drains.** No hazardous materials, paint, rinse water, or construction sediments or debris shall be allowed to enter the public right-of-way or any storm drain inlet.
25. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set. Any changes in the materials or architectural elements shown shall require the approval by the Director of Planning, Building, and Code Enforcement.
26. **Lighting.** On-site, exterior, lighting shall conform to the Outdoor Lighting Policy. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
27. **Fencing.** Fence height and materials shall be as shown on the approved plans. Changes to the approved fencing shall require review by the Director of Planning, Building, and Code Enforcement.
28. **Roof Equipment.** All roof equipment shall be screened from view.
29. **Garage Parking Spaces.** All garage parking spaces shown on the approved plan set are to be used only as such and shall be kept free and clear of all obstructions.
30. **Bicycle Parking Spaces.** The provided secure and conveniently placed bicycle parking space shall remain as such, as shown on the approved plan set. The bicycle parking area shall be kept free and clear of all obstructions. No conversion of the space or any other use is permitted.
31. **Trash Areas.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.
32. **Signage.** No signs are approved at this time. All proposed signs shall be subject to approval by the Director of Planning through the Sign Permit Adjustment process.
33. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.

APPROVED and issued on this **15th day of July 2011.**

Joseph Horwedel, Director
Planning, Building, and Code Enforcement

Deputy