

PUBLIC HEARING NOTICE

The Planning Director of the City of San José will consider a **Tentative Map Permit** at a public hearing in accordance with the San José Municipal Code on:

Wednesday February 17, 2010

9:00 a.m.

City Council Chambers

City Hall

200 East Santa Clara Street

San Jose, CA 95113

The project being considered is:

PT09-041. Vesting Tentative Map to subdivide two parcels into 60 lots to allow residential uses in the Planned Development Zoning District A(PD) 08066, located at/on the southeast corner of E. Mission Street and N. Tenth Street (Westmount Square Llc, Owner; Arcadia Homes, Inc Brad Durga, Developer). Council District: 3. SNI: 13th St. CEQA: Mitigated Negative Declaration.

Reports, drawings, and documents are available for review from 9:00 a.m. to 5:00 p.m., Monday through Friday, and a draft permit and recommendations will be available for review seven calendar days prior to the public hearing at:

Department of Planning, Building and Code Enforcement

200 East Santa Clara Street, 3rd Floor Tower

San José, CA 95113

(408) 535-7800

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

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call (408) 535-7800 (Voice)/TTY# (408) 294-9337 at least 48 hours before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 535-7883 và đọc số dự án PT09-041. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709, e indique el número de proyecto PT09-041.** The decision of the Director may be appealed in accordance with the requirements of the San José Municipal Code. Instructions for filing a permit appeal are available from the Department of Planning, Building and Code Enforcement.

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions should be referred to the Project Manager, Sally Zarnowitz, (408) 535-7834 at the e-mail address: sally.zarnowitz@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.

Dated:1-22-10

Noticing Radius: 1,000 ft.

TENTATIVE MAP PERMIT

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|-----------------------------|--|
| FILE NO. | PT09-041 |
| LOCATION OF PROPERTY | Southeast corner of E. Mission Street and N. Tenth Street |
| TITLE OF MAP | Tentative Map 60 Lot Subdivision |
| DRAWN BY | Ruth and Going, Inc. Civil Engineering |
| DATE OF MAP | January 25, 2010 |
| OWNER/ADDRESS | Westmont LLC 900 E. Hamilton Avenue, Suite 200 Campbell, CA 95008 |

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 Medium High Density Residential (12-25 DU/AC) on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The site is zoned A(PD) 08 066 Planned Development.
3. The subject lot is rectangular shaped and is approximately 3.2 gross acres in size.
4. The site is currently developed with several industrial buildings.
5. The proposed Tentative Map proposes to reconfigure 2 lots into 60 lots for single-family ownership purposes.
6. An associated Planned Development Permit, file no. PD09-030 has been approved to facilitate this project.

FINDINGS

1. The Director of Planning of the City of San José finds that the proposed subdivision shown on the Tentative Map, subject to the conditions listed below and the requirements for project design and improvements, is consistent with applicable General and Specific Plans of the City of San José.
2. The Director of Planning of the City of San José has considered the proposed subdivision shown on the Tentative Map, with the imposed conditions, to determine whether to make any of the findings set forth in subsections (a) through (g) of Section 66474 of the Government Code of the State of California. Based on that review, the Director of Planning of the City of San José does not make any of such findings for the subject subdivision.
3. An Initial Study was prepared for a previous residential project on the site (PDC04-063), and the Director of Planning circulated a Mitigated Negative Declaration for public review and adopted on May 25, 2005. The environmental impacts of the project including, but not

limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor, which, even if insignificant for the purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties. Any potential negative effects on adjacent property or properties have been addressed in that:

- a. A Mitigated Negative Declaration that was adopted on May 25, 2005 addressed the environmental impacts of this project.
- b. The project will not result in any reasonably foreseeable environmental impacts.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Improvements.** Pursuant to the Subdivision Agreement (hereinafter referred to as "Agreement"), the Subdivider shall, before approval and recording of the Final Map, improve or agree to improve all land within the subdivision and all land outside, but appurtenant to, the Subdivision shown on the Tentative Map for public or private streets, alleys, pedestrian ways and easements to the satisfaction of the Director of Public Works.
2. **Improvement Contract.** In the event subdivider has not completed the improvements required for his proposed subdivision at the time the final map is presented for approval, subdivider shall enter into an improvement contract pursuant to Agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code, and provide the bonds and insurance mentioned therein.
3. **Public Use Easements.** Subdivider shall dedicate on the final map for public use easements for public utilities, streets, pedestrian ways, sanitary sewers, drainage, flood control channels, water systems and slope easements in and upon all areas within the subdivision shown on the Tentative Map for the subdivision to be devoted to such purposes.
4. **Conveyance of Easements.** Subdivider shall convey or cause to be conveyed to the City of San José, easements in and upon all areas as shown on the Tentative Map outside the boundaries of, but appurtenant to, the subdivision. Should a separate instrument be required for the conveyance of the easement(s), it shall be recorded prior to the recordation of the Parcel or Final Map. Such easements so conveyed shall be shown on the Parcel Map, together with reference to the Book and Page in the Official Recorder of Santa Clara County, where each instrument conveying such easements is recorded.
5. **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 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.

6. **Distribution Facilities.** Subdivider shall, at no cost to the City, cause all new or replacement electricity distribution facilities (up to 40KV), telephone, community cable, and other distribution facilities located on the subject property to be placed underground.
7. **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 traffic report was prepared on January 26, 2005 for a previously proposed 100 residential apartments and 18 residential townhomes on the project site. The project anticipated 57 AM peak hour trips and 50 PM peak hour trips, and analyzed 5 signalized intersections. The report concluded no Level of Service (LOS) impacts and that the project was in conformance with City's Transportation Policy, Council Policy 5-3.
 - ii) The current project proposes 30 SFA units and 30 SFD units replacing the prior units resulting in 38 AM peak hour trips and 31 PM peak hour trips. Even though the current project generates significantly less traffic than the 2005 project, traffic LOS was re-evaluated because the background conditions changed including approval of the following: Couplet Conversion on 10th and 11th Streets, Downtown Strategy 2000, and the North San Jose Area Development Policy. Additionally, two new transportation policies, the US 101/Oakland/Mabury Transportation Development Policy and the Protected Intersection Policy were implemented and had the potential to affect the traffic in this area. For these reasons, traffic was re-evaluated taking all of these items into consideration. The updated study resulted in no new LOS impacts and therefore the current project will be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3).
 - iii) US-101/Oakland/Mabury Transportation Development Policy requires new residential and commercial developments that generate vehicular trips at either of the Policy Interchange make a fair share contribution towards the upgrade of US-101/Oakland interchange and construction of US-101/Mabury Interchange. Currently, the traffic impact fee is \$30,000 for each interchange trip. This fee is subject to an annual increase. (Based on the traffic report prepared for the project dated 1/26/05, there are 11 interchange trips which results in a traffic impact fee of \$330,000.)
 - 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 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.
 - 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) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
 - iii) 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.
- e. **Flood: Zone D** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.
- 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. Street Improvements:

- i) The project is subject to two City Policies: Jackson-Taylor Specific Plan/Residential Strategy and the Downtown Circulation and Access Study which requires future conversion of 10th and 11th Streets to two-way operations. To implement the best compromise between these two policies for 10th Street, the existing sidewalk width of 10' should be maintained. The project shall conform to all other public improvements noted in the Jackson-Taylor Specific Plan/Residential Strategy.
 - ii) Remove and replace curb, gutter, and sidewalk along 10th, 11th and Mission Streets. Provide a 10' wide attached sidewalk with tree wells at the back of curb on 10th Street, a 15' sidewalk section which includes a 5' wide park strip at the back of curb and a 10' wide sidewalk on 11th Street, and a 15' sidewalk section which includes a 10' wide sidewalk at back of curb and 5' wide park strip at back of walk on Mission Street.
 - iii) A Santa Clara Valley Water District permit will be required for any demolition, utility installation or street construction over and in the vicinity of the existing 66" pipeline located in Mission Street.
 - iv) Remove the existing overhead crossing structure on 10th Street, south of the project site.
 - v) Close unused driveway cuts.
 - vi) The proposed driveway shall be a 26' City standard driveway.
 - vii) Install or modify to City standards handicap ramps (4) at opposite returns across Mission Street at 10th and 11th Streets. This will require the relocation of a catch basin at the corner of Mission Street and 10th Street.
 - viii) Remove parking ticks along public street frontages shown on plan.
 - ix) Repaint the STOP pavement markings on Mission Street at 10th and 11th Street.
 - x) Improvement of the public streets shall be to the satisfaction of the Director of Public Works.
 - xi) 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.
- i. **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.
- j. **Street Trees:**
- i) There is an existing 66-inch Central Pipeline on Mission Street under the curb and gutter on the project side. The Santa Clara Valley Water District requires a review of any proposed landscaping within 15 feet of the pipeline. Street trees on Mission Street shall be installed at approved locations.

- ii) 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. 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”. Obtain a DOT street tree planting permit for any proposed street tree plantings.
 - k. **Private Streets:** Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
8. **Conformance with Other Permits.** The subject Planned Development Tentative Map shall conform to and comply in all respects with the Planned Development Zoning PDC08-066 and the Planned Development Permit PD09-030 as well as any subsequent Planned Development Permits. Approval of said Planned Development Tentative Map shall lapse and become null and void with respect to any portion of the lands covered by such Planned Development Map on which a Final Map has not yet been recorded if, prior to recordation of a Final Map thereon, the Planned Development Permit for such lands lapses and becomes null and void or for any reason ceases to be operative.
10. **Expiration of Permit.** This Tentative Map shall automatically expire 48 months from and after the date of issuance hereof by the Director of Planning of the City of San José. The date of issuance is the date this Permit is approved by the Director of Planning.
11. **Multiple Final Maps.** Multiple Final Maps may be filed for this subdivision if each and all of the following conditions are met with each Final Map:
- a. All fees associated with development and a part of this approval shall be apportioned and paid for each portion of this subdivision for which a Final Map is being filed, including but not limited to Parkland Dedication, undergrounding of utilities, drainage, area and sewer treatment plan.
 - b. All public streets on which each Final Map has frontage are improved or bonded to be improved to the satisfaction of the Director of Public Works.
 - c. All grading, drainage and easements for drainage, adequate to protect each lot for which a Final Map is requested, and surrounding parcels, which could be impacted by such design or lack of design, shall be guaranteed to the satisfaction of the Director of Public Works.
 - d. Any and all off-site improvements necessary for mitigation of impacts brought about by this project shall be apportioned to the degree possible to guarantee adequate mitigation.

APPROVED and issued on this **19th** day of **January, 2010**.

Joseph Horwedel, Director
Planning, Building, and Code Enforcement

Deputy