

## **SINGLE-FAMILY HOUSE PERMIT**

|                                 |                                                                                                                                                                                                                                                        |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>FILE NO.</b>                 | <b>SF10-001</b>                                                                                                                                                                                                                                        |
| <b>PROJECT DESCRIPTION</b>      | <b>Single-Family House Permit request to allow for the demolition of an existing 1,335 square foot single-family detached residence and the construction of a new, 3,760 square foot single-family detached residence on a 7,095 square foot site.</b> |
| <b>PROJECT LOCATION</b>         | <b>6927 Blue Hill Drive</b>                                                                                                                                                                                                                            |
| <b>ZONING</b>                   | <b>R-1-8 Single-Family Residence District</b>                                                                                                                                                                                                          |
| <b>GENERAL PLAN DESIGNATION</b> | <b>Medium Low Density Residential (8 DU/AC)</b>                                                                                                                                                                                                        |
| <b>FLOOR AREA RATIO</b>         | <b>0.53</b>                                                                                                                                                                                                                                            |
| <b>ENVIRONMENTAL STATUS</b>     | <b>Exempt</b>                                                                                                                                                                                                                                          |
| <b>APPLICANT/OWNER</b>          | <b>Venkat and Vijaya Adusumilli</b>                                                                                                                                                                                                                    |
| <b>ADDRESS</b>                  | <b>6927 Blue Hill Drive<br/>San Jose, CA 95129</b>                                                                                                                                                                                                     |

### **FACTS**

The Director finds that the following are the relevant facts regarding this proposed project:

1. The project site has a designation of Medium Low Density Residential (8 DU/AC) on the adopted *San José 2020 General Plan Land Use/Transportation Diagram*.
2. The project site at 6927 Blue Hill Drive is located in the R-1-8 Single-Family Residence Zoning District.
3. Under the provisions of Section 15303(a) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.
4. The project consists of the demolition of an existing 1,335 square foot single-family detached residence and the construction of a new, two-story, 3,760 square foot single-family detached residence on a 7,095 square foot site

5. A Single-Family House Permit is required, in accordance with Section 20.100.1030 of the San José Municipal Code, because the project proposes a single-family house with a Floor Area Ratio (FAR) over 0.45.
6. The Single-family Design Guidelines recommend that floor area ratio of most single-family houses to be less than 0.45. The proposed house will have a floor area ratio of 0.53.
7. The new construction is two stories.
8. The scale, form and character of the proposed project are compatible with the surrounding neighborhood.
9. The proposed project conforms to the setback requirements and other development regulations of the R-1-8 Residence District.
10. The proposed project will meet all of the development regulations set forth in the Zoning Code.

## **FINDING**

The Director concludes and finds, based upon an analysis of the above facts that:

1. The project is consistent with the *General Plan/Transportation Land Use Diagram* designation of Medium Low Density Residential (8 DU/AC).
2. The project complies with the applicable provisions of the *Zoning Ordinance*, Title 20 of the Municipal Code.
3. The proposed project is in compliance with the California Environmental Quality Act (CEQA).
4. The proposed project is consistent with San Jose's *Single-Family Design Guidelines*.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Director finds that:

1. The interrelationship between the orientation, location and elevations of the proposed building and structure and other uses on-site are mutually compatible and aesthetically harmonious in that the architectural elements of the proposed structure are comparable in terms of mass, scale and height, as set forth by the *Single-Family Design Guidelines*.
2. The orientation, location and elevations of the proposed building and structure and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood in that the scale, form and character of the proposed project are compatible with the surrounding neighborhood.
3. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, and odor which, even if insignificant for purposes of the California

Environmental Quality Act (CEQA), will not have an unacceptable negative effect on the adjacent property or properties.

Finally, based upon the above-state findings and subject to the conditions set forth below, the Director of Planning, Building, and Code Enforcement approves, pursuant to 20.80.440B and 20.100.1030, of the San José Municipal Code, the construction, enlargement, placement or installation, or exterior alterations of a single-family house.

**THIS SINGLE-FAMILY HOUSE PERMIT IS 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 thirty (30) months from and after the date of issuance hereof by said Director, if within such thirty month period, the proposed use of this site or the construction of buildings 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. **Demolition/Construction.** No construction on the site may proceed unless and until this Single-family House Permit is released to the Building Division.
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 "Adusumilli Residence, 6927 Blue Hill Dr, San Jose, CA 95129", 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 Single-Family House Permit incorporated by reference in this Permit in accordance with Chapter 20.100 of the San Jose Municipal Code.
7. **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.

8. **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.
9. **Revocation.** This Planned Development Permit is subject to revocation for violation of any of its provisions or conditions.
10. **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, **SF10-001**, 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.
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 construction impact mitigation measures are fully complied with throughout the duration of all construction activities associated with this project and related off-site construction work. 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 construction impact mitigation measures shall be included in all contract documents for the project to ensure full disclosure to contractors and subcontractors.
  - b. *Construction Hours.* Construction 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 construction personnel. The construction hours shall be printed on all plans for the project used to construct the project. Interior construction activities that do not generate any audible noise impacts at residential properties are allowed on Saturdays between 9:00 a.m. and 5:00 p.m.

- c. *Enforcement.* The Director of Planning, Building and Code Enforcement may order an immediate halt to construction 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 construction, 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. *Construction Deliveries.* Deliveries shall not occur outside the above construction hours.
  - e. *Assembly Area.* Workers shall not arrive to the site until the start of the construction hours.
  - f. *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.
  - g. *Construction 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.
12. **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.
14. **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.
15. **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. The storm drain systems flows to the Bay.
16. **Recycling.** Scrap construction and demolition material should be recycled. Integrated Waste Management staff at 277-5533 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.

17. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.

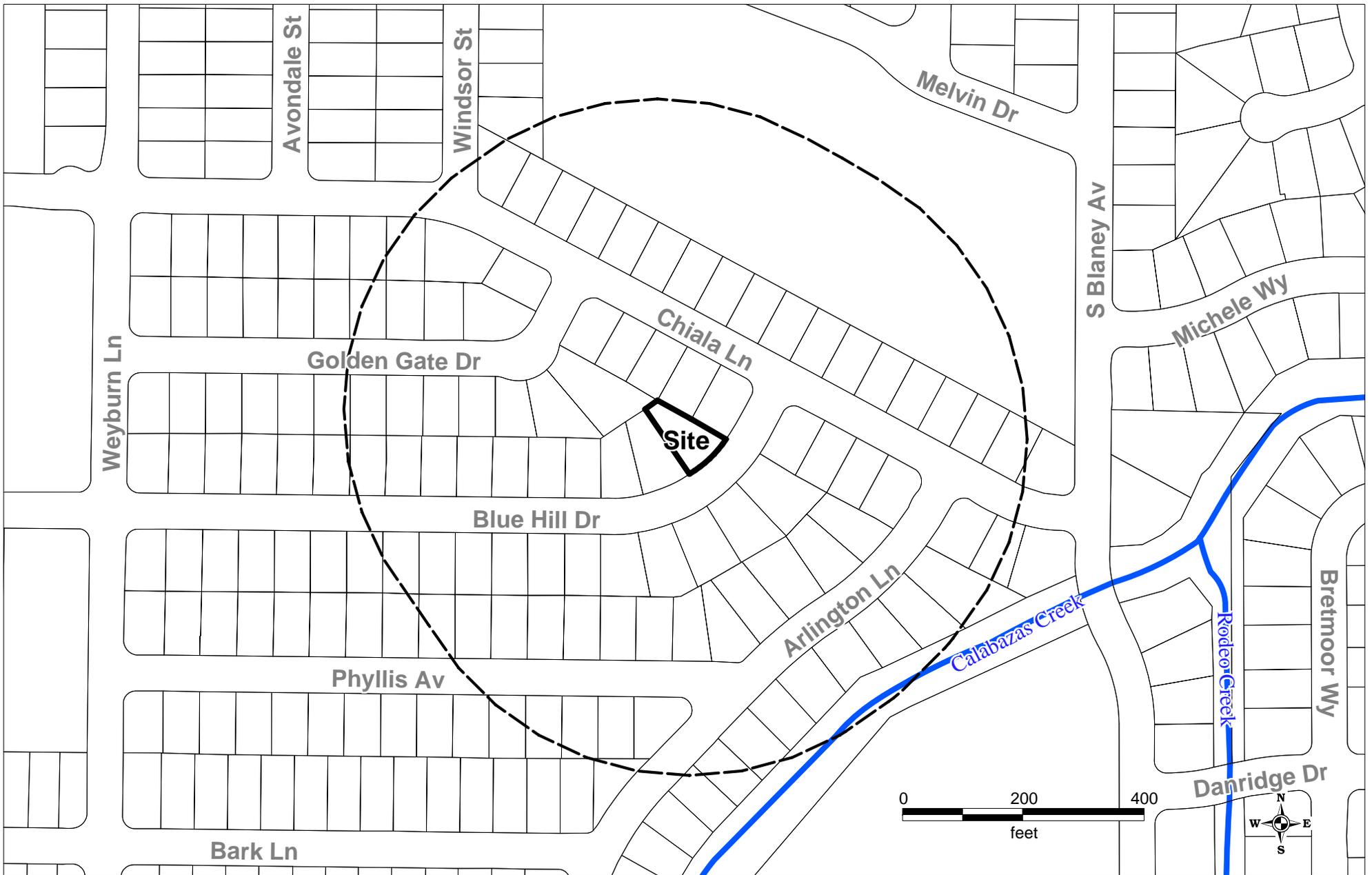
**APPROVED** and issued this on the 7<sup>th</sup> Day of April, 2010.

Joseph Horwedel, Director.  
Planning, Building and Code Enforcement

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Deputy

DRAFT



File No: SF10-001  
District: 1

Noticing Radius: 500 Feet



Prepared by the Department of Planning,  
Building, and Code Enforcement  
1/20/2010