

PLANNED DEVELOPMENT PERMIT

FILE NO. PD09-037

LOCATION OF PROPERTY North side of Michigan Avenue,
approximately 350 feet easterly of
North 1st Street.

ZONING DISTRICT A(PD) Planned Development

ZONING FILE NUMBER PDC06-018

GENERAL PLAN DESIGNATION Medium Density Residential
(8-16 DU/AC) (*Alviso Planned
Community*)

PROPOSED USE Construction of 4 single-family
detached residences on a 0.48 gross acre
site.

ENVIRONMENTAL STATUS Reuse of the Mitigated Negative
Declaration for File No. PDC06-018

OWNER/ADDRESS Ben Schulman
P.O. Box 223079
Carmel, CA 93522

FACTS

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

1. This subject site has a designation of Medium Density Residential (8 DU/AC) (*Alviso Planned Community*) on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The site is zoned A(PD) Planned Development. The Planned Development Zoning (File No. PDC06-018) was reviewed by the City Council and approved with Ordinance No. 28519 adopted March 24, 2009.
3. The subject lot contains approximately 0.48 gross acres.
4. The proposed residential density is 8.3 DU/AC.
5. The site is currently undeveloped.
6. The project proposes the construction of 4 single-family detached units on the subject site.

7. The four lots would align almost directly with four single-family lots across Michigan Avenue. These four lots are developed at a similar density, each measuring approximately 5,230 square feet. In addition, existing single-family development to the east of the project site includes four parcels, each with a lot area of approximately 4,485 square feet.
8. The Planned Development Zoning requires a two (2) car garage for each unit and establishes setbacks for individual lots.
9. The proposed project will meet all of the development regulations set forth in Planned Development Zoning, File No. PDC06-018, including but not limited to heights, setbacks, densities, parking and environmental mitigation.
10. An Initial Study was prepared for this project, and the Director of Planning circulated a Mitigated Negative Declaration for public review that was adopted on February 9, 2009. The key issues addressed in the Initial Study included the impacts of cultural resources, geology and soils, hazards and hazardous materials, and noise on the site. The project includes mitigation measures that reduce any potentially significant impacts to a less than significant level.

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 proposed development conforms to the site's General Plan Land Use/Transportation Diagram designation in that the proposed use and density of 8.3 DU/AC are consistent with the Medium Density Residential (8 DU/AC) land use designation and the development is compatible with the surrounding area as the four proposed lots reflect the existing scale and character of the community.
 - b. The project furthers the General Plan's Housing Major Strategies by providing housing opportunities on infill property that is already served by existing urban services.
 - c. The project maintains the existing pattern of development in the immediate vicinity.
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 Planned Development Zoning and this permit require that the architectural design of the houses shall conform to the standards of the Single-Family Design Guidelines.
4. 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 February 9, 2009 addressed the environmental impacts of this project.

- b. The project will not result in any reasonably foreseeable environmental impacts.

Further, 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 Section 20.80.440(B) and 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 four (4) years from and after the date of issuance hereof by said Director, if within such four year period, 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. **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 Certificate of Occupancy from the Building Official for the structures 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. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.

5. **Conformance to Plans.** Development of the site shall conform to approved Planned Development plans entitled “*New Construction, Michigan Ave., San Jose, CA, Permit Submittal November 17th 2009, Planned Development Review Set*” last dated *November 17, 2009*, 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. **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.
7. **Conformance with Previously Approved Zoning and Environmental Clearance.** All conditions of approval and required environmental mitigation measures from the approved Planned Development Zoning (File no. PDC06-018) remain in effect.
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. **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.
11. **Tentative Map.** Approval of a Planned Development Tentative Map to subdivide the subject site into four (4) lots is required prior to the issuance of a building permit.
12. **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. 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. *Plans.* The construction hours shall be printed on all plans for the project used to construct the project.
 - d. *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.

- e *Construction Deliveries.* Deliveries shall not occur outside the above construction 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.
- f *Fencing.* The site shall be wholly enclosed by security fencing where the site is accessible by vehicles. The gates to the project site shall remain locked during all other times, except for a 30-minute period immediately preceding and following the above hours of construction.
- g *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.
- h *Disturbance Coordinator.* A Construction/Disturbance Coordinator shall be identified by the developer for this project. The Construction/Disturbance Coordinator shall be responsible for ensuring compliance with the hours of construction, site housekeeping, and other nuisance compliance conditions in this permit. The coordinator shall also compile information regarding construction phasing/operations and keep the neighborhood informed of the stages of development. The coordinator shall also listen and respond to neighborhood concerns regarding construction, 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.
- i *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.
- j *Posting of Telephone Number.* The name and phone number of the construction/Disturbance coordinator, the hours of construction limitations, City File Number PD09-037, City contact 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.
- k *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.
- l *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.

- m *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.
 - n Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
 - o Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
 - p Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - q Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
 - r Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
 - s Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - t Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
 - u Suspend excavation and grading activities when winds instantaneous gusts exceed 25 mph.
 - v Limit the area subject to excavation grading, and other construction activity at any one time.
13. **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. **Minor Improvement Permit:** The public improvements conditioned as part of this permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
 - b. **Grading/Geology:**
 - i. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - ii. 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.

- c. **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. This project is exempt from the numeric sizing requirement because it proposes less than 10,000 s.f. of impervious surface.
- d. **Flood: Zone AE, Elevation 12.00' North American Vertical Datum 1988 (NAVD88)**
- a) Elevate the lowest floor of each unit above 12.00' NAVD88.
 - b) An Elevation Certificate (FEMA Form 81-31) for each unit, based on construction drawings and NAVD88 vertical datum and prepared by a licensed civil engineer or land surveyor, is required prior to issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required prior to issuance of an occupancy permit.
 - c) Provide vent openings for both first floor garage and storage enclosures which are below the base flood elevation. The design must either be certified by a registered professional engineer or meet the following requirements:
 - i) Provide vent openings on at least two exterior walls of each enclosure to automatically equalize the lateral pressure of the floodwaters (vents on garage doors are allowed). The bottom of each opening shall be no higher than twelve inches above the exterior adjacent grade. Provide a minimum of two vent openings having a total net area of not less than one square inch per one square foot of enclosed area.
 - d) Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.
 - i) If electrical switches and receptacles are proposed to be located in the first floor enclosures, they should be on separate Ground Fault Interrupting Circuits clearly marked on the breaker box so they can be disconnected in the event of rising floodwaters. This will leave other portions of the electrical system to function normally.
- e. **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.
- f. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
- g. **Street Improvements:**
- i. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - ii. Remove and replace broken or uplifted curb, gutter, and construct 8' wide sidewalk along project frontage and transition to conform to adjacent properties. A 2' sidewalk easement is required.
 - iii. Proposed driveway width to be 16'.

- h. **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.
 - i. **Street Trees:**
 - i. The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
 - ii. Contact the City Arborist at (408) 277-2756 for the designated street tree.
 - iii. 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.
14. **Parkland Dedication Ordinance.** This development is subject to the requirements of the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code,) for the dedication of land or payment of fees in lieu of the dedication of land for park purposes, under the formula contained with that Chapter. Prior to approval of the Final Map or final building permits for this development, the applicant shall enter into a parkland agreement with the City to the satisfaction of the Director of Public Works in order to fulfill the requirements of the Parkland Dedication Ordinance.
15. **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, **PD09-037**, 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.
16. **Green Building.** Prior to the issuance of any shell or complete building permits for the construction of buildings approved through the scope of this *Planned Development Permit*, the applicant shall submit a completed Green Point Rated Checklist or LEED Checklist.
17. **Fire Clearance for Issuing Permits.** The Fire Department’s review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

18. Environmental Mitigation.

Cultural Resources

- a During the construction activities, a qualified archaeologist would be required to spot-check and monitor the construction activities into native soils. Should evidence of prehistoric cultural resources be discovered during construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City's Environmental Principal Planner.
- b 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 Project 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.
- c A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

Geology and Soils

- d Seismic Shaking: The proposed structures on the site would 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 on the site.
- e Liquefaction and Expansive Soils: A soil investigation report addressing the potential hazard of liquefaction and expansive soil must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. A recommended depth of 50 feet should be explored and evaluated in the investigation. 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).

Hazards and Hazardous Materials

- f A soil sampling analysis will be prepared by a qualified hazardous material consultant to determine if any contamination from the adjacent site has seeped onto the project site. Soil sampling shall occur prior to approval of the Planned Development Permit and prior to any demolition or grading activities at the project site. If contaminated soil is found,

- additional soil samples will be collected to determine the full extent (width and depth) of the contamination. If no contamination is found, no further actions are required.
- g Results of the soil sampling test shall be submitted to the Planning Division prior to approval of the Planned Development Permit and appropriate measures to address any contamination shall be approved by the City of San Jose and be included as part of the project scope.
 - h Should any contaminated soil or groundwater be encountered during excavation or grading, construction/grading within 50 feet shall cease, a qualified environmental consultant shall be contacted to evaluate the contamination, and the consultant shall present their findings/test results to the City Planning Division. The Planning Division will consult with the appropriate agencies/divisions and require mitigation measures as appropriate.
 - i Monitoring of the soil by a qualified hazardous materials consultant will occur during site grading and excavation for visible ground staining or other indications of the presence of contaminants. Any obviously discolored soils will be tested for contamination. If contamination is found at any other location on the project site, a soil sampling analysis will be prepared by a qualified hazardous materials consultant to determine the type and extent of the contamination.

Noise

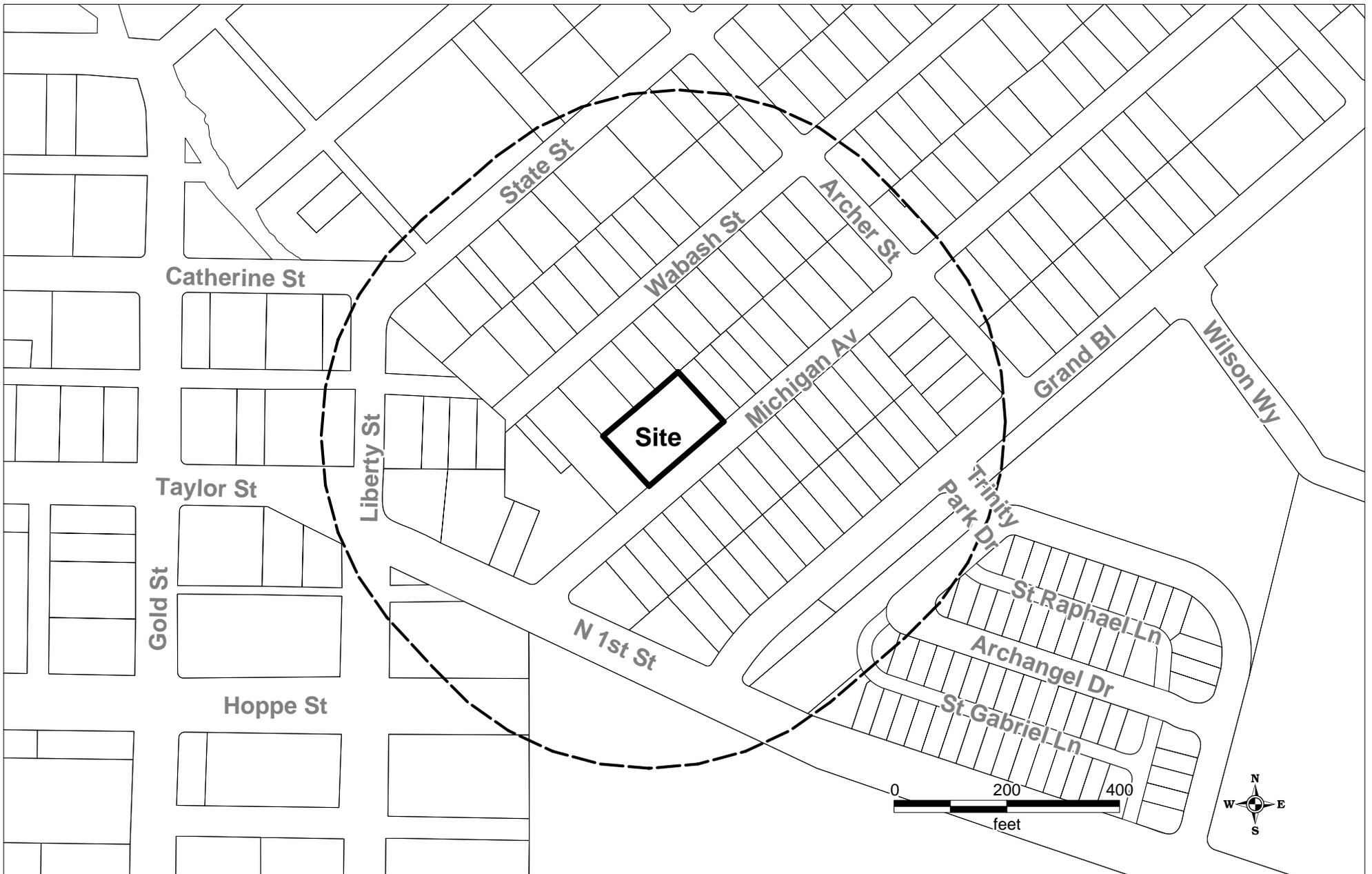
- j A detailed acoustical analysis shall be prepared and submitted with building plans prior to issuance of a building permit specifying the treatments necessary to achieve an interior noise level of 45 dBA Ldn or less. Physical mitigation measures, such as forced air mechanical ventilation, sound rated windows, and/or special building construction, may be necessary and could be implemented to reduce noise levels.
19. **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.
 20. **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.
 21. **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.
 22. **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.
 23. **Colors and Materials.** All building colors and materials are to be specified on the approved plan set. Each unit shall have a different color palette.

24. **Lighting.** On-site, exterior, unroofed 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.
25. **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.
26. **Accessory Structures.** Accessory structures permitted in conformance with R-1-8 standards stated in SJMC Section 20.30, so long as minimum of 1,000 square feet of private open space is provided.
27. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.

APPROVED and issued on this **28th day of July, 2010.**

Joseph Horwedel, Director
Planning, Building, and Code Enforcement

Deputy



File No: PD09-037
District: 4

Noticing Radius: 500 Feet



Prepared by the Department of Planning,
Building, and Code Enforcement
1/15/2010