

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF FOUR WAREHOUSE BUILDINGS, ONE SINGLE-FAMILY HOUSE, AND FOUR ACCESSORY BUILDINGS, AND THE REMOVAL OF 20 TREES (11 ORDINANCE-SIZE) FOR THE CONSTRUCTION OF 25 SINGLE-FAMILY HOUSES, ON AN APPROXIMATELY 2.71-GROSS-ACRE SITE, LOCATED ON THE NORTHERLY SIDE OF SIERRA ROAD APPROXIMATELY 190 FEET EAST OF PIEDMONT ROAD (3315 SIERRA ROAD) (APN 595-10-067)

FILE NO. PD24-018

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on September 5, 2024, an application (File No. PD24-018) was filed by Robson Homes, on behalf of the property owner, Olivera Family Limited Partnership (“Permittee”), to the City of San José (“City”) for a Planned Development Permit to allow the demolition of four warehouse buildings, a single-family house, and four accessory structures and the removal of 20 trees (11 ordinance-size) for the construction of 25 single-family houses on an approximately 2.71-gross-acre site (“Project”), on that certain real property situated in the R-1-8(PD) Planned Development Zoning District and located on the north side of Sierra Road approximately 190 feet east of Piedmont Road (3315 Sierra Road, APN 595-10-067), in San José, which real property is sometimes referred to herein as the “subject property”); and

WHEREAS, the subject property is all that real property more particularly described in Exhibit "A", entitled “Legal Description”, and Exhibit “B”, entitled “Plat Map”, which are attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, the Planning Commission conducted a Public Hearing on said application on April 23, 2025, notice of which was duly given; and

WHEREAS, at said hearing, the Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing, the Planning Commission made a recommendation to the City Council respecting said matter based on the evidence and testimony; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this City Council conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing this City Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this City Council received and considered the reports and recommendation of the City's Planning Commission and the City's Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this City Council received in evidence a plan for the subject property entitled, "Planned Development Permit 3315 Sierra Road" dated February 7, 2025, said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said public hearing before the City Council was conducted in all respects as required by the San José Municipal Code and the rules of this City Council; and

WHEREAS, this City Council has heard and considered the testimony presented to it at the public hearing, and has further considered written materials submitted on behalf of the Project applicant, City staff, and other interested parties;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

After considering evidence presented at the public hearing, the City Council finds that the following are the relevant facts and findings regarding this Project:

- 1. Site Description and Surrounding Uses.** The subject approximately 2.71-gross-acre site is located on the north side of Sierra Road, approximately 190 feet east of Piedmont Road, and also has approximately 35 feet of frontage on Piedmont Road. The site is currently developed with four warehouse buildings, a single-family house, and four accessory structures. Adjacent uses include multifamily residential to the north, single-family residential to the east and south, and a fuel service station to the west.
- 2. Project Description.** The Project consists of the redevelopment of the subject site with 25 single-family houses and two private streets. The Olivera Egg Ranch has operated on the site for approximately 50 years, primarily as a distribution center and retail front for the business. The site is currently developed with four warehouse/commercial buildings, one single-family residence, and four accessory buildings. The single-family house was constructed in 1935, while the warehouse and accessory buildings were built between the 1950s and the 1980s. A State Department of Parks and Recreation Primary Record prepared for the property by TreanorHL and dated September 19, 2022, found that neither the property nor the existing structures meet the significance criteria for listing on the local, state, or national registers for historical resources. All existing structures on the site will be demolished to facilitate the Project.

The Project will redevelop the site with 25 two-story and three-story single-family houses. Seventeen of the houses have attached garages, and eight have detached garages. Of the eight detached garages, five will have a second-story accessory dwelling unit. The houses are varied in design, reflecting contemporary interpretations of traditional residential architectural styles seen in San José, such as Craftsman, Mediterranean, and Monterey Colonial. The Project proposes 13 different floor plans. Each house will be required to provide two covered parking spaces in either an attached or detached garage. The development will be governed by a Homeowner's Association (HOA), which will be responsible for the maintenance and upkeep of the private streets and common areas.

The Project site will be accessible from two 26-foot-wide driveways on Sierra Road (the area along the site's Piedmont Road frontage will be used for stormwater treatment), and each driveway will be connected to the private streets. Along the site's Sierra Road frontage, the Project will be required to construct a 10-foot-wide sidewalk, and a 10-foot-wide sidewalk with tree wells will also be required on the Piedmont Road frontage. In addition, the Project will require the construction of a 150-foot-long segment of buffered bike lane on Piedmont Road.

The Project includes the removal of 19 trees, including 11 ordinance-size trees and eight non-ordinance-size trees, resulting in a tree replacement requirement of 59 trees. To replace the trees that are removed, a total of four 15-gallon trees and 35 24-inch box trees (each equivalent to two 15-gallon trees) will be planted in common areas throughout the site. The site plan also includes two paseos to allow pedestrians to circulate on the site safely.

To facilitate the construction and associated public improvements, the Project includes an application for a Vesting Tentative Map to subdivide the existing parcel into 30 lots. Of the 30 new lots, 25 will be buildable lots with areas ranging from 2,111 square feet to 5,537 square feet, and five will be common area lots.

3. General Plan Conformance. The Project site has an Envision San José 2040 General Plan Land Use/Transportation Diagram designation of **Residential Neighborhood**.

The intent of the designation is to preserve the existing character of these neighborhoods and limit development to infill projects that closely conform to the prevailing neighborhood character as defined by density, lot size and shape, massing, and neighborhood form and pattern. Infill projects where 50% or more of the development on the same block (both sides of the street) is developed at a density greater than 8 DU/AC, new development can match the prevailing density. For any new project to exceed 8 DU/AC, it is necessary that: (1) other policies in this Plan are met, (2) applicable design guidelines are met, and (3) development does not exceed 16 DU/AC.

Analysis: A density calculation was conducted for the blocks of Sierra Road and Piedmont Road, where the subject site is located, showing an average density of approximately 16 DU/AC. With 25 single-family homes on approximately 2.71 gross acres, the density of the Planned Development Zoning District is 9.2 DU/AC, which is consistent with the General Plan land use designation.

As discussed later in this section, the project is consistent with General Plan Major Strategy 3, Focused Growth, and General Plan policies that encourage subdivisions that are compatible with the surrounding area, rezoning of property to align with the General Plan, accessory dwelling units, and the use of Planned Development zoning districts to enable development of single-family homes at a density that is consistent with the neighborhood.

Piedmont Road/Sierra Road Urban Village

The subject site is within the Piedmont Road/Sierra Road Urban Village boundary, which does not have an adopted Urban Village Plan. Prior to the approval of an Urban Village Plan, the appropriate use and application of General Plan land use policies for the property is determined by the land use designation.

Analysis: As stated above, the Project is consistent with the property's Residential Neighborhood land use designation.

General Plan Strategy and Policies

The rezoning to R-1-8(PD) Planned Development Zoning and the associated Planned Development Permit and Vesting Tentative Map are consistent with the following Envision San José 2040 General Plan strategy and policies:

- Major Strategy #3 – Focused Growth: This strategy supports new growth in areas of San José that will enable achievement of City goals for economic growth, fiscal sustainability, and environmental stewardship. The Plan focuses new growth capacity in specifically identified Growth Areas.

Analysis: Major Strategy 3 encourages increased housing in growth areas, including urban villages such as the Piedmont Road/Sierra Road Urban Village, where the Project site is located. The Project will increase the number of dwelling units on the property from one to 30, including accessory dwelling units, consistent with the strategy.

- Policy LU-11.2: Support subdivisions of residential lots if the new lots reflect the established pattern of development in the immediate area, including lot sizes and street frontages. Discourage residential developments, such as courthomes or flag lots, that increase residential densities for an area or disrupt an established neighborhood pattern. Allow new development of a parcel, including one to be subdivided, to match the existing number of units on that parcel; design such subdivisions to be compatible with and, to the degree feasible, consistent with the form of the surrounding neighborhood pattern. Consider allowing secondary units (granny or in-law units) in lieu of creating flag lots, substandard lots, or parcels that disrupt an established neighborhood pattern.

Analysis: The density of the Project, approximately 9.2 DU/AC, is consistent with the maximum allowable density (16 DU/AC) for the Residential Neighborhood land use designation and the average residential density in the neighborhood. The 25 single-family houses, five of which will have ADUs, will be compatible with surrounding residential development, which consists of a mix of multifamily and single-family homes.

- Policy LU-11.8: Rezone Residential Neighborhood areas with existing nonconforming zoning designations to align with the Envision General Plan,

taking existing uses into consideration. For areas where the Residential Neighborhood designation supports the development of single-family residences, a corresponding residential zoning designation that supports single-family use is appropriate.

Analysis: The Project site is currently in the A Agriculture Zoning District, which is not a conforming zoning district of the Residential Neighborhood land use designation. The Project will rezone the site to a Planned Development Zoning District with a base zone of R-1-8 Single-Family Residential. The base zoning district of R-1-8 is a conforming zoning district of the Residential Neighborhood land use designation.

- Policy H-1.1: Through the development of new housing and the preservation and rehabilitation of existing housing, facilitate the creation of economically, culturally, and demographically diverse and integrated communities.

Analysis: The Project will provide 25 new single-family homes and five accessory dwelling units, expanding opportunities for home ownership in the City, consistent with the policy.

- Policy H-2.5: Facilitate second units on single-family residential lots, in conformance with our City's Secondary Unit Ordinance, to take advantage of a potential source of affordable housing.

Analysis: Five of the single-family homes will include detached garages with second-story ADUs, which is consistent with the policy.

- Policy IP-8.5: Use the Planned Development zoning process to tailor such regulations as allowed uses, site intensities and development standards to a particular site for which, because of unique circumstances, a Planned Development zoning process will better conform to Envision General Plan goals and policies than may be practical through implementation of a conventional Zoning District. These development standards and other site design issues implement the design standards set forth in the *Envision General Plan* and design guidelines adopted by the City Council. The second phase of this process, the Planned Development permit, is a combined site/architectural permit and conditional use permit which implements the approved Planned Development zoning on the property.

Analysis: The Planned Development Zoning allows for specifically tailored development standards to facilitate projects that are consistent with the Residential Neighborhood land use designation. The development standards of the R-1-8(PD) Zoning District will enable smaller lot sizes and setbacks than otherwise allowed in the R-1-8 Zoning District, enabling the Project to achieve a density of 9.2 DU/AC, which is compatible with the residential density of the surrounding neighborhood.

4. Zoning Conformance.

- a. Land Use. The Project site is located within the A Agriculture Zoning District. The Project includes a Planned Development Rezoning to rezone the site to the R-1-8(PD) Planned Development Zoning District (File No. PDC23-008) to allow for the development of 25 single-family residences. Subject to the Development Standards, the newly created R-1-8(PD) Zoning District will allow for permitted, special, and conditional uses that conform with the R-1-8 Single-Family Residence Zoning District, as amended, including single-family use.
- b. Development Standards. The Project site is divided into two areas, Area A and Area B, each with their own development standards. Below is a comparison of the R-1-8 Single-Family Residence Zoning District and the Project's R-1-8(PD) Planned Development Zoning District development standards:

R-1-8(PD) Zoning District Development Standards: Area A

Development Standard	R-1-8 Requirement	R-1-8(PD) Requirement	Provided by Project
Height (maximum)	35 feet	35 feet	28 feet
Stories (maximum)	2.5	3	3
Lot size (minimum)	5,445 square feet	3,500 square feet (except common areas)	3,669 square feet
Setback, front yard (minimum)	20 feet	6 feet	8 feet
Setback, interior side yard (minimum)	5 feet	4 feet	4 feet
Setback, corner side yard (minimum)	12.5 feet	4 feet	10 feet 4 inches
Setback, rear yard (minimum)	20 feet	4 feet	5 feet

R-1-8(PD) Zoning District Development Standards: Area B

Development Standard	R-1-8 Requirement	Area B	Provided by Project
Height (maximum)	35 feet	35 feet	32 feet 2 inches

Development Standard	R-1-8 Requirement	Area B	Provided by Project
Stories (maximum)	2.5	3	3
Lot size (minimum)	5,445 square feet	2,000 square feet (except common areas)	2,111 square feet
Setback, front yard (minimum)	20 feet	2 feet (ground floor), 1 foot (second floor)	3 feet 4 inches
Setback, interior side yard (minimum)	5 feet	4 feet	4 feet
Setback, corner side yard (minimum)	12.5 feet	5 feet	8 feet
Setback, rear yard (minimum)	20 feet	3 feet	7 feet 7 inches

Analysis: The Project conforms with the required height, lot size, and setback standards pursuant to the General Development Plan of the Planned Development Zoning District. The reduced setbacks, compared to the standard R-1-8 Zoning District, would allow the Project to achieve a density consistent with the General Plan Land Use Designation of Residential Neighborhood, while maintaining consistency with the form and pattern of nearby residential neighborhoods.

- c. **Parking.** Pursuant to the General Development Plan, a minimum of two covered vehicle parking spaces per single-family house is required. Accessory dwelling units are not required to provide vehicle parking. The Project is consistent with the requirement.

Analysis: Each single-family house will include an attached or detached two-car garage, consistent with the requirement.

5. Single-Family Design Guidelines Conformance. The Project was analyzed for consistency with the Single-Family Design Guidelines, which are subjective in nature. Under State Law SB 330, California cities may not deny a project based on subjective standards (California Government Code Section 65589.5(j)(1), and may only apply objective General Plan, zoning, and policy standards. The Project is consistent with the following key Single-Family Design Guidelines:

- Section 1.C.2: On blocks without a dominant pattern of porches, inclusion of front porches on new houses is encouraged.

Analysis: There are 13 different floor plan designs for the 25 houses included in the Project. Five of the house designs have front porches.

- Section 1.C.3: Main entries should be oriented to the street and in appropriate scale for the block (not extending above first-story eaves).

Analysis: All main entries are oriented toward the street and sized appropriately.

- Section 1.D.i: Garages should be located and sized consistent with the established pattern in the neighborhood.

Analysis: Most single-family houses in the surrounding neighborhood were developed in the 1960s and later and have attached garages at the front or side of the house. Based on the architectural plans, the attached garages are located at the front of the house, consistent with the neighborhood pattern.

- Section 1.E.i: Limit the “building profile” of the new house to an area generally consistent with the profiles of adjacent houses.

Analysis: Surrounding single-family houses in the neighborhood are one to two stories in height, while multifamily developments on adjacent properties to the north and south range from two to three stories. The Project proposes heights up to three stories, which is generally consistent with the profile of adjacent development.

- Section 1.E.iii: Architectural style and massing compatibility should include elevation of floorplates.

Analysis: Floorplate elevations are similar to those seen in the surrounding neighborhood, consistent with the guideline.

- Section 2.A.3: Building forms should be varied enough to avoid monotony and to be compatible with surrounding houses but should be simple and elegant.

Analysis: The Project proposes 13 different floor plans that draw on various architectural styles, including Craftsman, Monterey Colonial, and Mediterranean. There is significant variation in rooflines and roof heights, so the Project will not have a monotonous development profile.

- Section 2.B.1.a: The overall style of each house should be consistent on all sides of the building.

Analysis: Use of materials, colors, and window and door shape and orientation are consistent across all house elevations.

6. City Council Policies

City Council Policy 6-30

Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the Project. An on-site sign has been posted on the Project frontage since November 4, 2024. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the Project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on April 1, 2025. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

7. Environmental Review.

The City of San José, as the lead agency for the Project, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) in compliance with CEQA. The 3315 Sierra Road Residential Project IS/MND was circulated for public review and comment for 21 days from May 22, 2024, through June 12, 2024. Comments were received from four public agencies and organizations. Comments received requested clarifying information be added to the IS/MND. No comments required substantive changes to any CEQA analysis.

City staff prepared a Response to Comments document and made it available to all commenters and posted it on the Project's page in the City's Environmental Review Documents website. The comments received on the IS/MND did not raise any new issues about the Project's environmental impacts or provide information indicating the Project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/MND. Minor revisions were added to the text of the IS/MND and are included in the Response to Comments document. The text revisions do not constitute a "substantial revision" pursuant to CEQA Guidelines Section 15073.5 and recirculation of the MND is not required.

The Initial Study concluded that the Project would not result in any significant and unavoidable environmental impacts with implementation of identified mitigation measures. The MND includes impacts related to Biological Resources, Noise, Hazards and Hazardous Materials, and Transportation. The Project includes a Mitigation Monitoring and Reporting Program to lessen the identified impacts to a less than significant level. Therefore, an EIR is not required, and an Initial Study/Mitigated Negative Declaration is the appropriate level of CEQA clearance for the Project.

The entire IS/MND, Responses to Comments, and other related environmental documents are available on the Planning website at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/3315-sierra-road-residential-project-pdc23-008>.

8. Planned Development Permit Findings: To make the Planned Development Permit findings pursuant to San José Municipal Code Section 20.100.940, and recommend approval to the City Council, the Planning Commission must determine that:

- a. The Planned Development Permit, as issued, is consistent with and furthers the policies of the General Plan.

Analysis: As discussed in Section 3, General Plan Conformance, the Project is consistent with the General Plan Land Use Designation of Residential Neighborhood as it will allow the construction of 25 detached single-family houses with a similar density to the surrounding residential neighborhoods to the north and south. All lots will have frontage on the new private streets. The rezoning to the R-1-8(PD) Planned Development Zoning District will allow for tailored development standards to reach the density of 9.2 DU/AC, which is consistent with the 16.2 DU/AC density of the surrounding area. The Project is also consistent with General Plan Major Strategy #3, which encourages housing growth in urban villages, and policies to promote rezoning of properties where the existing zoning is inconsistent with the General Plan land use designation and encourage housing development.

- b. The Planned Development Permit, as issued, conforms in all respects to the planned development zoning of the property.

Analysis: The Project conforms with the Development Standards of the General Development Plan for the Planned Development Zoning District established for the site (File No. PDC23-008). The newly created R-1-8(PD) Planned Development Zoning District will allow for the construction of the single-family houses as uses that conform with the R-1-8 Zoning District, as amended. Permitted, Special, and Conditional Uses will be subject to the approval of a Planned Development Permit. As discussed in Section 4, Zoning Conformance, the Project conforms with all lot size, setback, height, open space, and parking requirements of the Planned Development Zoning District. Additionally, as discussed in the Tree Removal Permit Findings below, the Project is consistent with all tree removal replacement requirements.

- c. The Planned Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency.

Analysis: Staff followed City Council Policy 6-30: Public Outreach Policy to inform the public of the Project. An on-site sign has been posted on the Project frontage since November 4, 2024. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the Project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on April 1, 2025. Staff has also been available to respond to questions from the public.

- d. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures, and other uses onsite are appropriate, compatible, and aesthetically harmonious.

Analysis: The interrelationship between the orientation, location, mass, and scale of the building volumes and elevations of the Project buildings and other uses on-site are appropriate, compatible, and aesthetically harmonious. The 25 single-family houses have similar height, massing, and articulation, but the Project uses a mix of different floor plans, including plans with attached and detached garages, and diverse architectural styles including contemporary interpretations of Mission Colonial, Mediterranean, and Farmhouse styles, among others, to avoid a monotonous development profile. Each of the houses has frontage on a private street, and primary entrances are also oriented toward the street. Lot size and setbacks will vary slightly to accommodate the different floor plans.

- e. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, 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.

Analysis: All environmental impacts related to construction noise, vibration, dust, drainage, erosion, stormwater runoff, and odor will be temporary and will only occur during the construction period. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the Project and includes mitigation measures to reduce impacts due to construction activity. The impacts of construction will be minimized through adherence to the Mitigation Monitoring and Reporting Program (MMRP) for the Project and the standard permit conditions. The Project includes extended construction hours on Saturdays from 8:00 a.m. to 5:00 p.m. The Planned Development Permit Resolution includes a condition of approval for the appointment of a Construction Disturbance Coordinator to address any construction-related complaints or concerns. Therefore, the Project will not have an unacceptable impact on adjacent properties.

9. Demolition Permit Findings. Chapter 20.80 of the San José Municipal Code establishes evaluation criteria for the issuance of a permit to allow demolition:

- a. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
- b. The failure to approve the permit would jeopardize public health, safety or welfare;
- c. The approval of the permit should facilitate a Project that is compatible with the surrounding neighborhood;
- d. The approval of the permit should maintain the supply of existing housing stock in the City of San José;

- e. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
- f. Rehabilitation or reuse of the existing building would not be feasible; and
- g. The demolition, removal, or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

Analysis: The Project includes the demolition of four existing warehouse buildings, four accessory buildings, and a single-family house. The approval of the demolition permit will not result in the creation or continued existence of a nuisance, blight or dangerous condition nor will it jeopardize public health, safety, or welfare, as it will allow for the improvement and redevelopment of the site with single-family houses that are consistent with the Residential Neighborhood General Plan land use designation and the R-1-8(PD) Planned Development Zoning District. The demolition permit will facilitate a redevelopment project that is compatible with the surrounding neighborhood. As previously discussed, the Project is consistent with all applicable General Plan goals and policies, Planned Development Zoning requirements, applicable City Council policies, and design guidelines. The Project's 25 single-family houses and five ADUs will replace one single-family house on the site. Based on the Senate Bill 330 Replacement Unit Determination conducted by the Housing Department, the Project is not subject to any affordability requirements for the single-family house to be demolished.

As discussed in Section 2, Project Description, the existing single-family house was built in 1935, while the warehouse and accessory buildings were constructed between the 1950s and the 1980s. A historic evaluation of the property conducted by TreanorHL and dated September 19, 2022, found that neither the property nor the existing structures meet the criteria for historical significance at the local, state, or national level.

10. Tree Removal Permit Findings. Section 13.32.100 of the San José Municipal Code specifies the required findings for live tree removals.

Tree Replacement Ratios				
Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon
x:x = tree replacement to tree loss ratio				

Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multifamily Residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter.

A 24-inch box tree = two 15-gallon trees.

- a. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.
- b. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question.

Analysis: The Project includes the removal of 11 ordinance-size and eight non-ordinance-size trees. The trees to be removed are located either within the building footprint or within the private streets, necessary driveways, or bioretention areas. The trees to be removed include Ash (3), Privet (1) Eastern Black Walnut (5), Plum (1), Almond (4), Coast Live Oak (1), Peruvian Peppertree (2), Avocado (1), and Olive (1). The removal of the onsite trees requires the planting of 59 (15-gallon) replacement trees onsite. Based on the plans provided, 29 15-gallon trees and 31 24-inch box trees (each equivalent to two 15-gallon trees) will be planted onsite, consistent with the requirement. The trees to be planted include a mix of Carolina Cherry Laurel (25), Boxelder Maple (4), Japanese Maple (4), Marina Strawberry (8), Oklahoma Redbud (4), Key Lime (1), Crape Myrtle, (8), Coast Live Oak (2), and Valley Oak (4).

In accordance with the findings set forth above, a Planned Development Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. This City Council expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the Permittee fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Permittee shall be deemed to constitute all of the following on behalf of the Permittee:
 - a. Acceptance of the Permit by the Permittee; and
 - b. Agreement by the Permittee to be bound by, to comply with, and to do all things required of or by the Permittee pursuant to all the terms, provisions, and conditions

of this Permit or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Permit.

2. **Permit Expiration.** This Permit shall automatically expire two (2) years from and after the date of issuance hereof by the City Council, if within such time period, the proposed use of the site or the construction of buildings (if a Building Permit is required) has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the City Council. However, the Director of Planning, Building, and Code Enforcement may approve a Permit Adjustment or Amendment to extend the validity of this Permit in accordance with Title 20, as amended (two one-year extensions may be permitted with the issuance of a Permit Adjustment). The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **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 Permittee's agreement to fully comply with all said conditions. No change in the character of occupancy or change to a different group of occupancies as described in the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José - Santa Clara Regional Wastewater Facility- represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara Regional Wastewater Facility 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; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager makes a determination that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.

5. **Use Authorization.** Subject to all conditions herein, this Permit allows the demolition of all existing buildings, including four warehouse buildings, one single-family house and four accessory structures and the removal of 19 trees (11 ordinance-size and 8 non-ordinance-size) for the construction of 25 single-family houses, on an approximately 2.71-gross-acre site.
6. **Conformance to Plans.** The development of the site and all associated development and improvements shall conform to the approved Site Development Permit plans entitled “Planned Development Permit 3315 Sierra Road” and dated February 7, 2025, on file with the Department of Planning, Building and Code Enforcement, as may be amended and approved by the Director of Planning, Building, and Code Enforcement, and shall conform to the San José Building Code (San José Municipal Code, Title 24). The plans are referred to herein as the “approved plans” or the “Approved Plan Set.”
7. **Demolition Permit.** A demolition permit may be issued for the existing structures on the site only upon the submittal of a complete Public Works Grading Permit application or the submittal of a complete Building Permit application for new construction, and as consistent with the Mitigation Monitoring and Reporting Program for the Project.
8. **Planned Development District Effectuated.** This Planned Development Permit effectuates the portion of the Planned Development Zoning PDC23-008 as reflected in the Permit’s Approved Plan Set and the corresponding legal description.
9. **Green Building Requirements.** This development is subject to the City’s Green Building Ordinance for Private Sector New Construction as set forth in San José Municipal Code Chapter 17.84. Prior to the issuance of any shell permits, or complete Building permits, for the construction of buildings approved through the scope of this Permit, the Permittee shall pay a Green Building Refundable Deposit. In order to receive a refund of the deposit, the Project must achieve the minimum requirements as set forth in San José Municipal Code Chapter 17.84. The request for the refund of the Green Building Deposit together with evidence demonstrating the achievement of the green building standards indicated in San José Municipal Code Chapter 17.84 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 17.84.305.D of the San José Municipal Code.
10. **Window Glazing.** Unless otherwise indicated on the Approved Plans, all windows shall consist of a transparent glass.
11. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City of San José.
12. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.

13. **Discretionary Review.** The City maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San José Municipal Code.
14. **Refuse.** All trash and refuse storage areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the trash or refuse container(s). Trash areas shall be maintained in a manner to discourage illegal dumping.
15. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated in the Approved Plan Set.
16. **Utilities.** All new onsite telephone, electrical, and other service facilities shall be placed underground.
17. **Anti-Graffiti.** All graffiti shall be removed from buildings and wall surfaces, including job sites for projects under construction, within 48 hours of defacement.
18. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts, and garbage.
19. **No Sign Approval.** Any signage shown on the Approved Plan Set is conceptual only. No signs are approved at this time. Any signs shall be subject to review and approval by the Director of Planning, Building, and Code Enforcement through a subsequent Permit Adjustment.
20. **Building and Property Maintenance.** The property shall be maintained in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting, and landscaping.
21. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
22. **Required Parking.** This Project shall conform to the vehicular, motorcycle, and bicycle parking requirements as applicable in the Planned Development Zoning development standards, as amended. Any change to the parking requires the issuance of a Permit Adjustment or Amendment to the satisfaction of the Director of Planning, Building, and Code Enforcement.
23. **No Generators Approved.** This Permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators will require the Permittee to secure appropriate permits and conform to the regulations of Title 20 of the San José Municipal Code.
24. **Extended Construction Hours.** Weekend construction hours, including staging of vehicles, equipment, and construction materials, shall be limited to Saturdays between the hours of 8:00 a.m. and 5:00 p.m. Permittee shall be responsible for educating all

contractors and subcontractors of said construction restrictions. The Director of Planning, Building and Code Enforcement, at their discretion, may rescind provisions to allow extended hours of construction activities on weekends upon written notice to the Permittee.

25. **Construction Disturbance Coordinator.** Rules and regulations pertaining to all construction activities and limitations identified in this Permit, along with the name and telephone number of a Permittee-appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
26. **Timing of Tree Removals.** Trees that are proposed for removal to accommodate new development shall not be removed until the related complete Public Works Grading Permit Application or Building Permit Application has been filed.
27. **Tree Protection Standards.** The Permittee shall maintain the trees and other vegetation shown to be retained in this Project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning, Building, and Code Enforcement. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the Permittee to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.
28. **Verification of Payment and/or Planting of Replacement Tree(s).** After payment of the in-lieu fee and/or the planting of replacement trees on-site, the permittee shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager to verify compliance with the mitigation requirements. Such evidence shall be uploaded to www.sjpermits.org using these instructions:
 - a. How to set up an account: <https://www.sanjoseca.gov/business/development-services-permit-center/online-permits-at-sjpermits-org>
 - b. How to upload:
<https://www.sanjoseca.gov/home/showpublisheddocument/88853/638088605255430000>
 - c. Such evidence shall also be emailed to the Planning Project Manager and labeled File No. PD24-018.

29. **Replacement Tree Failure.** Onsite tree replacement trees that fail within three years after planting shall be promptly replaced.
30. **Landscaping.** Planting and irrigation are to be provided by the Permittee, as indicated on the final Approved Plans.
31. **Irrigation Standards.** Irrigation shall be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping, the City of San José Landscape and Irrigation Guidelines and the Zonal Irrigation Plan in the Approved Plans. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
32. **Certification.** Pursuant to San José Municipal Code, Section 15.11.1050 certificates of substantial completion for landscape and irrigation installation shall be completed by a licensed or certified professional and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the Project.
33. **Common Area Landscaping.** All landscaping in common areas shall be maintained by the Homeowner's Association or other similar entity.
34. **Homeowner's Association.** Prior to Final Map issuance, a Homeowner's Association shall be established for maintenance of all common areas, including driveways/ courtyards, landscaping, and the community amenity area. A copy of the Development Permit, the accompanying Approved Plans, any approved Amendments or Adjustments to the Development Permit, and a complete set of approved building and all improvement plans shall be provided to the Homeowner's Association by the Permittee no later than 30 days upon completion of the Project.
35. **No Tract Sales Office/Model Homes Approved.** This Permit does not include the approval of a tract sales office/model homes complex. Said use requires a Permit Adjustment approved by the Director of Planning, Building and Code Enforcement.
36. **Stormwater Stenciling.** All storm drain inlets and catch basins shall be stenciled with the "NO DUMPING - FLOWS TO BAY," applied to the top and/or face of the curb next to the storm drain inlet. The development maintenance entity and/or property owner shall ensure that all storm drain inlet markings located on privately-maintained streets within the property are present and maintained.
37. **Conformance to Mitigation Monitoring and Reporting Program.** This Project shall conform to all applicable requirements of the Mitigation Monitoring and Reporting Program ("MMRP") approved for this development.
38. **Standard Environmental Permit Conditions.**
 - a. **Construction Related Air Quality.** The following measures shall be implemented during all phases of construction to control dust and exhaust at the Project site:

- i. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- ii. Cover all haul trucks transporting soil, sand, and other loose material off-site.
- iii. Remove all visible mud or dirt track-out onto adjacent public roads at least once per day using wet-power vacuum street sweepers. The use of dry power sweeping is prohibited.
- iv. Limit all vehicle speeds on unpaved roads to 15 mph.
- v. Pave all new roadways, driveways, and sidewalks as soon as possible.
- vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- vii. Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
- viii. Wash off all trucks and equipment, including their tires, prior to leaving the site.
- ix. Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted wood chips, mulch, or gravel.
- x. Minimize idling time either by shutting off equipment when not in use or reducing the idling time to no more than 2 minutes (a 5-minute limit is required by state Airborne Toxics Control Measures [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage with this requirement for workers at all access points to the site.
- xi. Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- xii. Post a publicly visible sign with the name and phone number of an onsite construction coordinator to contact regarding dust complaints. The onsite construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Bay Area Air Quality Management District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

b. Biological Resources

- i. **Santa Clara Valley Habitat Plan.** The Project may be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The Permittee shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form (<https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening->

Form?bidId=) to the Director of Planning, Building and Code Enforcement or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>.

- ii. **Tree Replacement.** Trees removed for the Project shall be replaced at ratios required by the City, as stated in the table below, as amended:

Table: Tree Replacement Ratios				
Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon
<p>x:x = tree replacement to tree loss ratio Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter. A 24-inch box replacement tree = two 15-gallon replacement trees</p>				

- A. Nineteen onsite trees will be removed. Eleven trees require replacement at a 4:1 ratio, one tree requires replacement at a 3:1 ratio, five trees require replacement at a 2:1 ratio, and two trees require replacement at a 1:1 ratio. Therefore, the removal of the 19 trees onsite results in a replacement tree requirement of 59 15-gallon trees. Based on the landscape plans, the Project will include planting of 29 15-gallon trees and 31 24-inch box trees, or the equivalent of 91 trees.
- B. If there is insufficient area on the Project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment.

- (a) The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the Project site.
- (b) Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

c. Cultural Resources

- i. **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee, the City's Historic Preservation Officer, and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.
- ii. **Human Remains.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Permittee shall immediately notify the Director of Planning, Building and Code Enforcement or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The

MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the property owner or their authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- a. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
 - b. The MLD identified fails to make a recommendation; or
 - c. The property owner or their authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.
- iii. **Cultural Sensitivity Training.** Prior to issuance of any grading permit, the project applicant shall be required to conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified archaeologist in collaboration with a Native American representative that is traditionally and culturally affiliated with the geographic area as determined by the Native America Heritage Commission pursuant to Public Resources Code Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.
 - iv. **Native American Monitoring.** A qualified Native American Monitor that is traditionally and culturally affiliated with the geographic area as determined by the Native America Heritage Commission pursuant to Public Resources Code Section 21080.3, shall be present during initial rough grading and trenching of the sewer line.
 - v. **Notification to Tamien Nation.** If tribal cultural resources are encountered during excavation and/or grading of the site, the Project Applicant shall notify the Tamien Nation Representative of the discovery within 24 hours.
- d. **Greenhouse Gas Emissions/Energy**
 - i. **Proof of Enrollment in SJCE.** Prior to issuance of any Certificate of Occupancy for the multifamily building, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement or the Director's designee, proof of enrollment in the San José Community Energy (SJCE) GreenSource program (approximately 60% renewable energy) or TotalGreen program (approximately 100% renewable energy) assumed in the approved environmental clearance for the Project in accordance with CEQA.
 - e. **Geology and Soils**
 - i. **Seismic Hazards.**

- a. A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.
 - b. All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
 - c. Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
 - d. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
 - e. The Project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices will ensure that the future building on the site is designed to properly account for soils-related hazards on the site.
 - f. If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.
- f. **Paleontological Resources.** If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of Planning, Building and Code Enforcement or the Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The Permittee shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee.

g. Hazards and Hazardous Materials

i. Asbestos and Lead-Based Paint

- a.** In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- b.** During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- c.** All potentially friable ACMs shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- d.** A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- e.** Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

h. Hydrology and Water Quality

i. Construction-related Water Quality

- a.** Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- b.** Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- c.** All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- d.** Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- e.** All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.

- f. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- g. Vegetation in disturbed areas shall be replanted as quickly as possible.
- h. All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- i. The Permittee shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

i. Noise.

Construction-related Noise. Noise minimization measures shall include, but are not limited to, the following:

- i. Pile driving is prohibited.
- ii. Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday for any onsite or off-site work within 500 feet of any residential unit.
- iii. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses. The temporary fences shall be constructed if the project's solid sound wall and good neighbor fence (minimum five feet), respectively, are not constructed first
- iv. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- v. Prohibit unnecessary idling of internal combustion engines.
- vi. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- vii. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- viii. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site.
- ix. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule

of “noisy” construction activities to the adjacent land uses and nearby residences.

- x. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- xi. Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

j. Operations Noise.

Interior Noise Standard for Residential Development. The Permittee shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A Project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The Permittee shall conform with any special building construction techniques requested by the City’s Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

39. Housing Department. Residential Developments are subject to the Inclusionary Housing Ordinance (“IHO”). Developments demolishing existing low- and very-low-income residential units are subject to the Replacement Unit obligation under Senate Bill (SB) 330.

The Permittee understands the Affordable Housing Compliance Plan (AHCP) is binding and can only be modified as set forth under SJMC 5.08.610(E). A request for a minor modification of an approved AHCP may be granted by the City Manager if the modification is substantially in compliance with the original AHCP and the permit’s conditions of approval. All other modification(s) require the Permittee to resubmit the AHCP application and it will be processed in the same manner as the original plan.

a. Conditions of Approval for Inclusionary Housing Ordinance Requirements for Residential Developments and Mixed-Use Developments:

The Residential Development will construct 30 for-sale units, including 25 Single-Family Homes and five ADUs. The developer has selected to comply with the Inclusionary Housing Ordinance through Payment of an In-lieu Fee Payment (Section 5.08.520) compliance option and will not provide any inclusionary units. The development is in the Berryessa part of the Inclusionary Housing Ordinance Area and will be subject to moderate market area prices. The in-lieu fee is subject

to change July 1 of each year and the developer is responsible for paying the current amount. The developer must pay the in-lieu fee prior to receiving its certificate of occupancy.

b. Conditions of Approval for Senate Bill 330:

The Permittee has submitted a fully completed Replacement Unit Determination (RUD) with all attachments and paid the application fee. After careful review, the Housing Department has determined that this Project is not subject to SB 330 affordability conditions on the replacement units.

40. Building Division 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. *Construction Plans.* This permit File No. PD24-018 shall be printed on all construction plans submitted to the Building Division.
- b. *Construction Plan Conformance.* A Project construction plan conformance review by the Planning Division is required. Planning Division review for Project conformance begins 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.
- d. *Americans with Disabilities Act.* The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
- e. *Emergency Address Card.* The Project Permittee shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
- f. *Project Addressing Plan.* Prior to issuance of a Building Permit, the following requirements shall be met to the satisfaction of the Chief Building Official: The Project Permittee shall submit an addressing plan for approval for the subject development (residential, mixed use, complex commercial or industrial). The addressing plan should include proposed street names for the streets (as referenced on an approved tentative map) and the type of addressing (i.e., individual street addresses as compared to unit number off of a primary street
- g. *Other.* Such other requirements as may be specified by the Chief Building Official.

41. Bureau of Fire Department Clearance for Issuing Permits. Prior to the issuance of a Building Permit, the Project must comply with the 2019 California Fire Code, or as many be amended or updated by the City.

42. Recycling. Scrap construction and demolition material shall 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.

43. 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 Permittee will be required to have satisfied all of the following Public Works conditions. The Permittee is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works Permits may be found at the following: <http://www.sanjoseca.gov/devresources>.

- 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 Local Transportation Analysis has been performed for this Project based on a net new 4 AM peak hour trips. See separate Traffic Memo dated 2/26/25 for additional information. The following conditions shall be implemented:
 - A. Construct a 150-foot-long segment of Class II buffered bike lane with new shoulder striping along northbound Piedmont Road (between Sierra Road and the existing driveway serving the gas station).
 - B. Remove pork-chop island at the northeast corner of the Piedmont Road/Sierra Road intersection.
 - C. Relocate the existing VTA bus stop on northbound Piedmont Road north of Sierra Road closer to the intersection.
 - D. Provide two (2) 26-foot-wide, full-access driveways along Sierra Road. Outbound access to Sierra Road shall include stop control signage and markings.
 - E. Implement 25 feet of red curb adjacent to both sides of both Project driveways along Sierra Road to ensure adequate sight distance.
 - ii. This Project is subject to the City's US-101/Mabury Transportation Development Policy (TDP). The US-101/Mabury TDP requires new residential and commercial developments that generate vehicular trips at either of the policy interchanges to pay a Traffic Impact Fee (TIF) towards the upgrade of US-101/Oakland Interchange and construction of the US-101/Mabury Interchange. The 2025 TIF is \$49,412 for each Project peak hour trip that travels through either the of US-101/Oakland Interchange or the US-101/Mabury Interchange. This fee is subject to an annual escalation on January 1st per the Engineering News-Record Construction Cost Index for San Francisco.

- c. **Urban Village Plan.** This Project is located within the Sierra Road/Piedmont Road Urban Village which is a designated Urban Village per the Envision San José 2040 General Plan. Urban villages are designed to provide a vibrant and inviting mixed-use setting to attract pedestrians, bicyclists, and transit users of all ages and to promote job growth.
- d. **Street Vacation.** A street vacation is required to accomplish the land use plan as shown. The street vacation process requires further discretionary approval by the City Council and the Project will be subject to this process prior to Public Works Clearance. The preliminary title report indicates the Permittee owns the street in fee. Upon vacation, no further action by the City is required.
- e. **Grading/Geology**
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. All onsite storm drainage conveyance facilities and earth-retaining structures four (4) feet in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permits prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains, and inlets. The Project shall provide storm drainage calculations that adhere to the latest California Plumbing Code as adopted under City of San José Municipal Code Section 24.04.100 or submit a stamped and signed engineered design alternative for Public Works' discretionary approval and must be designed to convey a 10-year storm event.
 - iii. 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.
 - iv. Because this Project involves a land disturbance of one or more acres, the Permittee is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Stormwater Pollution Prevention Plan (SWPPP) for controlling stormwater discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - v. A Geologic Hazard Clearance was issued on 7/24/24 and is good for three (3) years from the date of issuance.
 - vi. A geologic report addressing the potential hazards of fault rupture, slope instability, and erosion must be submitted to and accepted by the City Engineering Geologist prior to environmental clearance or zoning approval.

- f. **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), including site design measures, source controls, and numerically sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
 - i. The Project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed and the 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 included on the final Stormwater Control Plan.
 - iii. A post-construction Final Report is required by the Director of Public Works from a civil engineer that all post-construction stormwater 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.
- g. **Stormwater Peak Flow Control Measures.** The Project is located within a Hydromodification Management Area but will not create and/or replace one acre or more of impervious surface, therefore it is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- h. **Flood Zone X.** The Project site is not within a designated Federal Emergency management Agency (FEMA) 100-year floodplain. Flood Zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for Zone X.
- i. **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.
- j. **Parks.** This residential Project is subject to the payment of fees in lieu of land dedication under either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San José Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San José Municipal Code).
- k. **Undergrounding.** The In-lieu Undergrounding Fee shall be paid to the City for the frontage adjacent to Piedmont 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 base fee is \$622 per linear foot of frontage and is subject to change every January 31st based on the Engineering News Record's City Average Cost Index for the previous year. The Project will be

required to pay the current rate in effect at the time the Public Works Clearance is issued.

I. Street Improvements.

- i. Construct 10' wide City Standard detached sidewalk along the Sierra Road Project frontage.
 - ii. Construct 10' wide City Standard detached sidewalk with 4' by 5' tree wells along the Piedmont Road Project frontage.
 - iii. Construct two 26' wide City Standard driveways along Sierra Road Project frontage. Red curb to be installed adjacent to driveways to ensure adequate sight distance.
 - iv. Construction 150-foot-long segment of Class II buffered bike lane with new shoulder striping along northbound Piedmont Road (between Sierra Road and the existing driveway serving the gas station). Install flexible delineators north of the driveway adjacent to the proposed biotreatment area of the Project site as a transition from the Class II buffered bike lane to future planned Class IV separated bikeway.
 - v. Remove pork-chop island at the northeast corner of the Piedmont Road/Sierra Road intersection. This may include extension of the curb line, removal of the westbound right-turn pocket on Sierra Road, and implementation of ADA-compliant curb ramps and restriping. No signal modification is required with the existing signal pole to remain in place.
 - vi. Relocate the existing bus stop on Piedmont Road and construct a new 10' by 55' concrete bus pad closer to the intersection of Piedmont Road/Sierra Road. A VTA permit is required for this construction. Please contact permits@vta.org to obtain the permit and allow a minimum of two weeks for processing.
 - vii. Install stop control signing/markings at the private streets/public street interfaces.
 - viii. Install 3" conduit with 3" innerduct along Piedmont frontage.
 - ix. Developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the Project frontage.
 - x. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- m. **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.

n. **Street Trees.**

- i. The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within the 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 the park strip. Obtain a Department of Transportation street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
- ii. Replace any missing street trees in empty tree wells or park strips along Sierra Road and match existing trees 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.
- iii. Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over six (6) feet in height that are proposed to be removed.

o. **Private Streets.** Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.

p. **Referrals.** This Project should be referred to the Valley Transportation Authority (VTA).

50. Revocation, Suspension, Modification. This Permit may be revoked, suspended or modified by the City Council, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Permit was not abated, corrected, or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected, or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

In accordance with the findings set forth above, a permit to use the subject property for said purpose specified above is hereby approved.

The effective date of this Planned Development Permit shall be the effective date of the Planned Development Rezoning Ordinance for File No. PDC23-008 passed for publication

on May 20, 2025 (the “Planned Development Rezoning Ordinance”) and shall be no earlier than the effective date of said Planned Development Rezoning Ordinance.

ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.

MARCH 25, 2025

JOB NO. 21-162

EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING ALL OF PARCEL 2 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD SEPTEMBER 11, 1984 IN BOOK 533 OF MAPS, PAGE 43 OF SAID SANTA CLARA COUNTY. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWESTERLY CORNER OF SAID PARCEL 2 SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD MAY 17, 1955 IN BOOK 57 OF MAPS, PAGES 26-27;

THENCE HEADING EASTERLY ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL 2, NORTH 59° 46' 55" EAST, A DISTANCE OF 145.34 FEET;

THENCE, NORTH 44° 50' 44" EAST FOR A DISTANCE OF 57.97 FEET;

THENCE, NORTH 60° 40' 14" EAST FOR A DISTANCE OF 186.00 FEET;

THENCE, SOUTH 84° 29' 41" EAST FOR A DISTANCE OF 58.40 FEET;

THENCE, NORTH 59° 46' 10" EAST FOR A DISTANCE OF 169.00 FEET;

THENCE, SOUTH 29° 13' 00" EAST FOR A DISTANCE OF 222.94 FEET;

THENCE, SOUTH 59° 46' 55" WEST FOR A DISTANCE OF 383.46 FEET TO A BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET;

THENCE SOUTHERLY ALONG LAST MENTIONED CURVE FROM WHICH A RADIUS POINT BEARS SOUTH 30° 13' 05" EAST THROUGH A CENTRAL ANGLE OF 17° 04' 57" AN ARC DISTANCE OF 50.69' TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET;

THENCE SOUTHERLY ALONG LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 17° 04' 57" AN ARC DISTANCE OF 50.69';

THENCE, NORTH 21° 56' 00" WEST FOR A DISTANCE OF 200.00 FEET;

THENCE, SOUTH 59° 46' 55" WEST FOR A DISTANCE OF 150.00 FEET;


THENCE, NORTH 21° 56' 00" WEST, A DISTANCE OF 32.34 FEET TO THE
POINT OF BEGINNING.

CONTAINING 118,067 SQUARE FEET (2.710 ACRES) OF LAND, MORE
OR LESS


BASIS OF BEARINGS: THE BEARING NORTH 21°56'00" WEST AS FOUND
MONUMENTED ON PIEDMONT ROAD, AS SHOWN ON THAT CERTAIN PARCEL
MAP FILED FOR RECORDED IN BOOK 533 OF MAPS AT PAGE 43, SANTA
CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS
SHOWN.

A PLAT ENTITLED "EXHIBIT B" IS ATTACHED HERETO AND MADE A
PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING PLAT WERE PREPARED
BY ME OR PREPARED UNDER MY DIRECTION.



JOHN GAYLORD
L.S. 9931
CIVIL ENGINEERING ASSOCIATES, INC.



3/25/2025

DATE

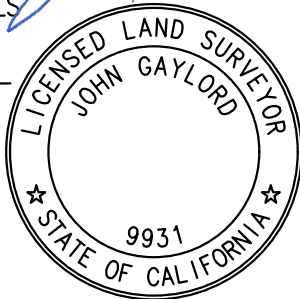
SURVEYOR'S STATEMENT

THIS PLAT WAS PREPARED BY
ME OR UNDER MY DIRECTION.

JOHN GAYLORD, PLS

3/25/2025

DATED



LEGEND

- DISTINCTIVE BOUNDARY
- RIGHT-OF-WAY LINE
- EXISTING LOT LINE
- CENTER LINE
- EXISTING EASEMENT
- TIE LINE
- POB POINT OF BEGINNING

REFERENCES

- [1] PARCEL MAP - 533 M 43
- [2] TRACT 5457 - 334 M 46
- [3] CITY OF SAN JOSE SURVEYOR'S OFFICE FIELD BOOK 1428 PAGES 50 & 52
- [4] TRACT 7702 - 539 M 13-14
- [5] PARCEL MAP - 548 M 5

BASIS OF BEARINGS

THE BEARING NORTH 21°56'00" WEST AS FOUND MONUMENTED ON PIEDMONT ROAD, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORDED IN BOOK 533 OF MAPS AT PAGE 43, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS FOR ALL BEARINGS SHOWN ON THIS PLAT.

EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION



**Civil
Engineering
Associates**

Civil Engineers • Planners • Surveyors

28 Railway Avenue
Campbell, CA 95008
T: (408) 453-1066

BY: CH

DATE: 3/25/2025

SCALE: 1"=100'

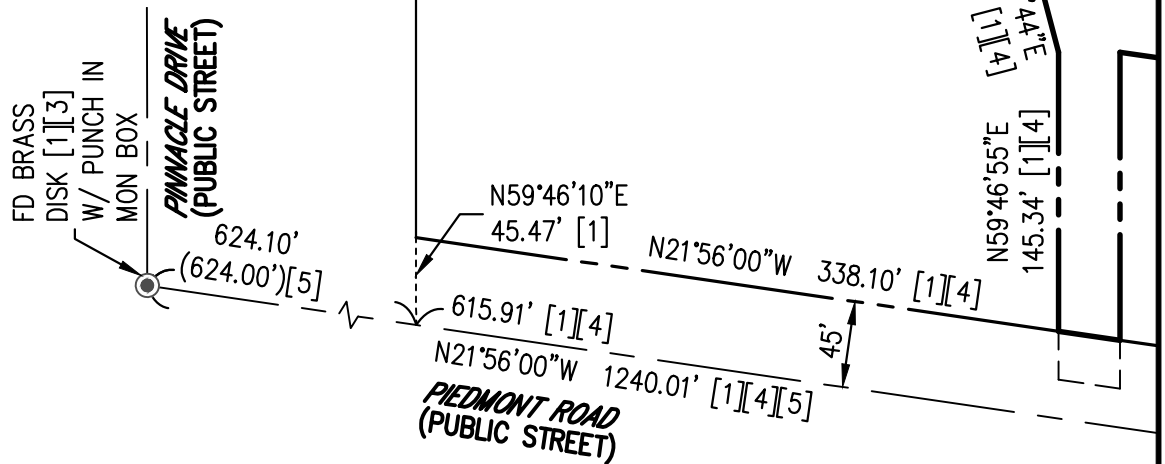
JOB NO. 21-162

1 OF 2

SHT.NO.

21162 PLAT BOUNDARY.dwg Mar 25, 2025

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N33°46'46"E	48.96'
L2	N39°48'16"W	27.19'
L3	N33°47'38"E	61.41'
L4	N39°47'44"W	59.71'
L5	N88°34'48"E	43.48'
L6	N00°27'37"W	24.17'
L7	N88°34'42"E	53.33'
L8	N00°30'02"W	51.69'



LEGEND

	DISTINCTIVE BOUNDARY
	RIGHT-OF-WAY LINE
	EXISTING LOT LINE
	CENTER LINE
	EXISTING EASEMENT
	TIE LINE
POB	POINT OF BEGINNING

EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION



**Civil
Engineering
Associates**

Civil Engineers • Planners • Surveyors

28 Railway Avenue
Campbell, CA 95008
T: (408) 453-1066

BY: CH
DATE: 3/25/2025
SCALE: 1"=100'
JOB NO. 21-162

2 OF 2
SHT.NO.