

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A PLANNED DEVELOPMENT PERMIT, SUBJECT TO CONDITIONS, TO EFFECTUATE THE PLANNED DEVELOPMENT ZONING DISTRICT (FILE NO. PDC16-007) AND TO ALLOW THE CONSTRUCTION OF 61 RESIDENTIAL UNITS IN EIGHT (8) MANUFACTURED HOMES WITH SIX OR EIGHT PRIVATE UNITS, COMMUNITY ROOM/OFFICE SPACE, COMMUNITY GARDEN, AND PUBLIC LIBRARY ON A 5.97-GROSS ACRE SITE LOCATED ON THE EAST SIDE OF EVANS LANE APPROXIMATELY 170 FEET NORTHERLY OF CANOAS GARDEN AVENUE (0 EVANS LANE)

FILE NO. PD18-007

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on February 14, 2018 an application (File No. PD18-007) was filed by the applicant, Allied Housing, for a Planned Development Permit to effectuate the Planned Development Zoning District (File No. PDC16-007) and to allow the construction of 61 residential units in eight manufactured homes each with six or eight private units, community room/office space, community garden, and public library, on a 5.97 gross acre site, on that certain real property situated in the R-M(PD) Planned Development Zoning District and located on the east side of Evans Lane approximately 170 feet northerly of Canoas Garden Avenue (0 Evans Lane, 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,” which is 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 hearing on said application on December 5, 2018, 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 recommendations of the City's Planning Commission and City's Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this City Council received in evidence a development plan for the subject property entitled, "Evans Lane Community Village," dated revised on October 15, 2018, 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 all of the evidence presented at the Public Hearing, the City Council finds that the following are the relevant facts regarding this proposed project:

1. **Site Description and Surrounding Uses.** The project site is located on the east side of Evans Lane approximately 170 feet northerly of Canoas Garden Avenue. The 5.97-gross acre site consists of two lots that are currently vacant with no improvements. The property is adjacent to a residential street (Evans Lane). Surrounding uses include multi-family residential to the north, a mobilehome park to the east, a social service agency to the south, and a church and single-family homes to the west across Almaden Expressway.
2. **Project Description.** The project consists of 61 residential units in eight manufactured homes with six or eight private units each, community room/office space, community garden, and satellite public library on a 5.97-acre site. The residential units are one-story with a maximum height of 14 feet. The community room/office space will be restricted for the residents use and would serve for socializing, group events, and classes. Office space would be utilized by Abode Services' staff and other service providers that would provide case management and support services for residents. The building will have a maximum height of 20 feet. There is common open space throughout the site, including a private dog park which will be open for community use. A non-profit group will operate the community garden. The satellite public library will have a maximum height of 20 feet. The project would develop at a density of approximately 10 dwelling units per acre. The project provides 41 off-street parking spaces connected by the private driveway with access from Evans Lane. These parking spaces will be for the residents, Abode staff, and other service providers who provide case management for the residents, library staff and patrons, and community garden participants.
3. **General Plan Conformance.** The subject site has a Mixed Use Neighborhood land use designation on the General Plan Land Use/Transportation Diagram. This designation is intended for moderate density residential development (30-95 dwelling units per acre) as well as a broad range of commercial uses, and is applied to existing neighborhoods that were historically developed with a wide variety of housing types, including a mix of residential densities and forms. This designation supports commercial

or mixed-use development integrated within the Mixed Use Neighborhood area. This designation should be used to facilitate new infill development within an existing area that does not have an established cohesive urban character. The project is located in a neighborhood with a variety of housing types, such as multi-family residential, mobilehomes, townhomes, and single-family homes. The project proposes a mix of uses that includes residential units toward the interior of the site and commercial (library/community garden) space along the street frontage.

The project would facilitate a development with 61 residential units, a community space/office, community garden, and satellite public library.

1. Affordable Housing H-2.1: Facilitate the production of extremely low-, very low-, low-, and moderate- income housing by maximizing use of appropriate policies and financial resources at the federal, state, and local levels; and various other programs.
2. Affordable Housing H-2.2: Integrate affordable housing in identified growth locations and where other housing opportunities may exist, consistent with the Envision General Plan.
3. Affordable Housing H-2.8: Facilitate the production of affordable and safe housing for workers who provide goods and services to San José residents and businesses.
4. Housing: H-1.19: Explore and facilitate opportunities to incorporate innovative design and program features into affordable housing developments, such as neighborhood hubs, community gardens, car-sharing, and bike facilities to increase access to health and transportation resources.

Analysis: The project will provide much needed affordable housing with half of the units dedicated as Permanent Supportive Housing units for chronically homeless individuals. Fifteen units will be restricted to persons with an Area Median Income (AMI) of 50% and 15 units at 60% AMI. The manager's unit will be unrestricted. The unique design, using recycled shipping containers, combines privacy of individual units with common open space and support services. The project site is located in the Curtner Light Rail/Caltrain Urban Village area and is within 2,000-feet of public transit. The project will provide a community room for residents that will serve as additional congregating space, event space and will serve other needs for the residents. The library will provide access to materials and other literacy services to a community that lacks close access to these services. The community garden will provide an additional source of fresh fruits and vegetables to a neighborhood that lacks convenient access to healthy foods and markets. The closest grocery store (Chavez Super Market) is located 2.1 miles from the project site.

5. Vibrant Neighborhoods VN-1.7: Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access,

and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.

6. Community Design CD-1.8: Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.

Analysis: The project will enhance the street presence on Evans Lane with pedestrian-scaled buildings and landscaping elements that provide a safe and engaging walking environment. The project will be required to construct a 9-foot wide sidewalk along Evans Lane. As shown in the Landscape Tree Plan, eight street trees will be planted along Evans Lane, as well as several other trees in the front setback of the project site. The community garden will include a four-foot decorative fence and decorative trellis entrance. The area in front of the library will have seating and enhanced landscaping.

7. Parking Strategies TR-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Urban Villages and other Growth Areas.

Analysis: The Development Standards for the project require parking at a rate of 0.25 per unit. Additionally, parking will be shared between uses on the site. The reduced rate was selected based on the population—chronically homeless and low-income—that would reside in the units. Additionally, the parking ratio is consistent with other similar projects. The site is located within 1,000 feet of a light rail station and bus line service.

8. EC-1.1 EC-1.1 Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review.
9. EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
 - Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or
 - Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.

Analysis: The project shall implement standard permit conditions during all phases of construction on the project site. The applicant will include appropriate site and

building design, building construction and noise attenuation techniques to meet the City's standard of 45 dBA DNL for interior noise levels in residences. The applicant will be required to achieve the 60 dBA DNL standard for exterior noise levels using noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas, as currently designed. Additionally, amplified sound will not be allowed in the outdoor common space areas or the interior areas of the residential community building. The hours of use for these spaces will be limited between 6:00 a.m. and 10:00 p.m. daily.

4. **Zoning and Planned Development Zoning Conformance.** The site is zoned A(PD) Planned Development Zoning and LI Light Industrial Zoning. The site is surrounded by other Planned Development Zoning Districts, Residential Zoning Districts, and Light Industrial Zoning Districts. The RM(PD) Planned Development Zoning District would facilitate the development of a permanent supportive housing development, a public library, and a community garden.

Given the configuration and the size of the units, the project will be subject to the development standards in Chapter 20.80, Part 15 Single Room Occupancy Facilities of the Municipal Code:

SRO Development Standards	
1	Individual SRO living units may not have separate external entryways.
2	Laundry facilities must be provided in a separate room at the ratio of one (1) washer and one (1) dryer for every twenty (20) units or fractional number thereof.
3	A cleaning supply storeroom and/or utility closet with at least one (1) laundry tub with hot and cold running water must be provided on each floor of the living unit building.
4	The SRO living unit facility shall provide interior common space based on the unit size as follows: 3.0 sq. Ft for every unit over 180 sq. Ft. In size.

Access to the residential units is controlled through fencing and one point of entry from the community room lobby. The project is providing seven washer/dryer units, where three are required pursuant to the SRO Development Standards, as well as a separate cleaning/store room. Based on 61 units, the minimum required interior common open space is 183 square feet. The project will provide an interior common open space of 755 square feet as shown on the approved plans.

The project will be subject to the following height maximums:

Use	Feet
Residential Buildings	14 feet
Library and Community Room (office space)	20 feet

The residential buildings are designed with a maximum height of 11.5 feet. The library and community building have an interior height of 14 feet and both buildings have a 6-

foot tall architectural feature, made of composite slats and a metal roof, which results in a 20-foot tall building.

The required parking is as follows:

Use	Units/Square footage	Ratio for Vehicle Parking	Required
Residential Units	61 units	0.25 per unit	16
Office Use (community room)	3,200-sf	1 per 250-sf of floor area	6
Library	2,900-sf	1 per 300-sf open to the public	7
Community Garden (agricultural use)	1,200-sf	1 per employee	3
TOTAL			32

Use	Units/Square footage	Ratio for Bicycle Parking	Required
Residential Units	61 units	1 per unit	61
Office Use (community room)	3,200-sf	1 per 4,000-sf of floor area	3
Library	2,900-sf	1 per 4,000-sf of floor area open to the public	3
Community Garden (agricultural use)	1,200-sf	1 per 10 employees	3
TOTAL			70

The zoning requires a minimum of 32 vehicle parking spaces and 70 bicycle parking spaces. The project will provide a total of 45 vehicle parking spaces and 89 bicycle parking spaces, thereby exceeding the minimum required. Parking spaces will be for the residents, Abode and other service providers who provide case management for the residents, library staff and patrons, and community garden participants. Residential parking spaces will be shared with the library and community center during events that generate more parking demand.

5. **Residential Design Guidelines.** The project is consistent with the Residential Design Guidelines and achieves an attractive residential environment in conjunction with viable and functional commercial activities. Specifically, the project conforms to the following guidelines from Chapter 25 Mixed Use Development:

Guideline A. Pedestrian Orientation. Mixed use projects should include direct and attractive pedestrian access to all nearby commercial area, transit stops, and transit stations. Sidewalks and walkways should be wide, separated from conflicting activities and bordered by attractive landscaping, most importantly by street and/or shade trees.

Guideline F. Relationship to the Street. Active connections between buildings and the street, for example residential and retail entries, porches, stairs, decks, courtyard, and windows should be maximized.

Analysis: The project enhances the pedestrian area by fronting public-serving buildings and activities (library and community garden) onto the street and provides landscaping along the public street frontage. Eight street trees will be planted along Evans Lane. Connective elements such as walkways and common landscaped areas, are also employed.

Guideline B.3. Mix of Uses. Commercial uses within mixed use projects should be of the variety that directly serve and support the surrounding neighborhood and/or promote pedestrian traffic or public transit.

Analysis: The project would provide a library and community garden, uses which would directly serve the surrounding community and residents.

Guideline C. Interface between Uses. 2-The residential portions of projects and buildings should be self-contained and inappropriate access to them from non-residential spaces should be precluded. and 3-Commercial hours of operation should be limited to avoided adverse impacts on the residential uses within the project.

Analysis: The residential buildings are self-contained and access to them from non-residential spaces is controlled through fencing and one point of entry via the community room lobby. In addition, the hours of operation of the library and community garden will be limited to normal business hours to avoid adverse impacts on the residential uses within the project.

Guideline H. Building & Site Design, Horizontal Mixed Use. 1-The exterior building design, including roof style, color, materials, architectural form, and detailing, should be consistent or at least compatible, among all buildings in a complex and on all elevations of each building to achieve design harmony and continuity within the project and with its surroundings. 2- Connective elements such as walkways, common landscaped areas, building orientation, and unfenced property lines should be employed and are strongly encouraged.

Analysis: The exterior building design, including color, materials, architectural form, and detailing are consistent among all buildings as they employ composite slats and corrugated metal, trellises and wood-like panels. The glazing on the library and community room and variety of colors help break up the massing of the buildings. Connective elements such as walkways and common landscaped areas, are also employed.

Guideline M. Open Space Location. Open space should be located where it is protected from the activities of commercial area and adjacent public streets. Both

private and common open space areas should be oriented toward the interior of the project to provide noise buffering from surrounding uses.

***Analysis:** The project's common open space areas are oriented toward the interior of the project to provide noise buffering from surrounding uses.*

6. **Environmental Review.** An Addendum to the March 2016 Initial Study/Mitigated Negative Declaration (IS/MND) for the Evans Lane Transitional Housing Project adopted by the City Council on June 28, 2016 (Resolution No. 77876) was prepared for the Evans Lane Community Village Project (the "project") under the provisions of the California Environmental Quality Act of 1970 (CEQA), as amended, and the CEQA Guidelines including the State and local implementing regulations. CEQA Guidelines Section 15164 states that an addendum to an adopted mitigated negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

An addendum is not circulated for public review but is included in or attached to the final adopted CEQA document. Since adoption of the 2016 IS/MND, changes to the project have been proposed, which are the subject of the Initial Study/Addendum for the proposed project. The 2016 Initial Study identified subsurface cultural resources that could be uncovered and disturbed during construction of the proposed project, resulting in a significant impact to archaeological materials. Mitigation measures were identified in the 2016 Initial Study that, with implementation, would reduce the impact to less than significant. Those mitigation measures would also apply under the Addendum prepared for the project. A traffic impact analysis (TIA) was conducted for the current project in November 2018 by Hexagon Transportation Consultants because although the project would have fewer residential buildings than the previously analyzed project, the addition of a satellite public library and community garden could generate different traffic patterns which could have the potential to change the impact of the previously analyzed project. The TIA analyzed the level of service (LOS) for key (or "study") intersections for both existing and background conditions. The results of the TIA found that all study intersections are projected to operate at acceptable levels of service during each of the peak hours analyzed. Therefore, traffic impacts are less than significant. No new or more significant environmental impacts beyond those identified in the 2016 IS/MND have been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified. For these reasons, a supplemental or subsequent EIR or mitigated negative declaration is not required, and the Addendum to the 2016 IS/MND is the appropriate CEQA document for the proposed project.

7. **Planned Development Permit Findings:** Chapter 20.100 of the San José Municipal Code establishes evaluation criteria for the issuance of a Planned Development Permit. These criteria are applied to the project based on the above-stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and

subject to the conditions set forth in the proposed permit. In order to make the Planned Development Permit findings pursuant to Section 20.100.720 of the San José Municipal Code and recommend approval to the City Council, Planning Commission must determine that:

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

Analysis: As described in the General Plan conformance analysis, the project is consistent with the General Plan land use designation of Mixed Use Neighborhood, and supports General Plan policies related to Affordable Housing, Community Design, Vibrant Neighborhood, and Parking Strategies. The project will provide much needed extremely-low and very low income housing with supportive services. The project will also enhance the existing conditions with a library and community garden.

2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property;

Analysis: As described above, the project conforms in all respects to the Planned Development Zoning's Development Standard. Single-room occupancy units is a conditional use, and all buildings are below the maximum building heights. The project is also consistent with the required parking ratio and maintains all the required setbacks.

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

Analysis: The project is subject to and conforms to the Public Outreach Policy for Pending Land Use and Development Proposals. An on-site notice was posted on the subject property and staff responded to questions and concerns from neighbors regarding the project. In addition to the City sponsored community meeting, the applicant held several targeted meetings with the adjacent property owners to discuss the project and take input on the design.

4. 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;

Analysis: The proposed project is for a new development consisting of 8 buildings with a total of 61 residential units, a residential community room, a dog park, open space, community garden and library. All buildings will be one story in height and incorporate a modern design that is compatible and aesthetically harmonious. The public serving buildings will face Evans Lane and include landscaping elements that are visually pleasing and create a safe, walkable environment. The residential buildings are setback many from Evans Lane and include open space areas with tables, benches and chairs for the residents' use.

5. The environmental impacts of the project, including, but not limited to aesthetics, air quality, noise, and transportation/traffic, 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: As stated above, an Addendum to the March 2016 Initial Study/Mitigated Negative Declaration (IS/MND) for the Evans Lane Transitional Housing Project adopted by the City Council on June 28, 2016 (Resolution 77876) was prepared for the Evans Lane Community Village Project under the provisions of the California Environmental Quality Act of 1970 (CEQA), as amended, and the CEQA Guidelines including the State and local implementing regulations. No new or more significant environmental impacts beyond those identified in the 2016 IS/MND have been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified and mitigation identified in the previous IS/MND would still apply.

The project is an infill residential use that is similar to the surrounding urban and residential area, is located in an area that has access to existing public services and utility systems, and would not result in an increase in traffic at key intersections near the project. Given the size and scope of the project for permanent supportive housing and affordable housing residential use, will not have an unacceptable negative effect on adjacent property or properties.

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.

CONDITIONS

1. **Acceptance of Permit.** Per Section 20.100.290(B) of Title 20 of the San José Municipal Code, should the permittee fail to file a timely and valid appeal of this Planned Development 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 Planned Development Permit; 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 of 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.** The Planned Development Permit shall automatically expire four

(4) years from and after the date of issuance hereof by the City Council, if within such time period, a Building Permit has not been obtained or the use, if no 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 may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20 of the San José Municipal Code. The Permit Adjustment/Amendment must be approved prior to the expiration of this Planned Development 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 Planned Development Permit shall be deemed acceptance of all conditions specified in this permit and the permittee'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 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 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. **Conformance to Plans.** The development of the site shall conform to the approved Planned Development Permit plans entitled, "Evans Lane Community Village," dated revised on October 15, 2018, on file with the Department of Planning, Building and Code Enforcement, as may be amended subject to City's approval, and to the San José Building Code (San José Municipal Code, Title 24), as amended. The plans are referred to herein as the "Approved Plan Set."

6. **Planned Development District Effectuated.** Once this Planned Development Permit is accepted, the use of land 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.
7. **Scope and Use Authorization of the Planned Development Permit.** This Planned Development Permit allows the construction of 61 residential units in eight manufactured homes each with six or eight private units, community room/office space, community garden, and public library, on a 5.97-gross acre site, in accordance with the approved development plans and uses consistent with the General Development Standards of the Planned Development Zoning District.
8. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local, state and federal laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as conditioned.
9. **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 Permit incorporated by reference in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code.
10. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance or that adversely affects the peace, health, safety, morals or welfare of persons residing or working in the surrounding area or be detrimental to public health, safety or general welfare. Any such nuisance shall be abated immediately upon notice by the City.
11. **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.
12. **Anti-Graffiti.** During construction, the permittee shall remove all graffiti from buildings, walls and other surfaces within 48 hours of defacement. Upon project completion and/or transfer of ownership, the property owner, and/or Maintenance District shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
13. **Loitering.** Loitering shall not be allowed in the public right-of-way adjacent to the subject site.
14. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
15. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.

16. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
17. **Building and Property Maintenance.** The property owner or management company shall maintain the property 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.
18. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set. Any change in building colors and materials shall require a Permit Adjustment.
19. **Emergency Vehicle Access.** The project will be required to meet standard permit conditions for emergency vehicle access.
20. **Hours of Use.** The hours of use for outdoor common space areas and the interior areas of the residential community building will be limited between 6:00 a.m. and 10:00 p.m. daily. Amplified sound will not be allowed in these areas.
21. **Affordable Housing.** The development is subject to the City's Inclusionary Housing Ordinance (IHO) and each of the conditions below:
 - a. The permittee must execute and record their City Affordable Housing Agreement memorializing the IHO obligations against the property and any contiguous property under common ownership and control prior to earliest of: issuance of any building permits, or approval of any parcel or final map.
 - b. Permittee must strictly comply with each requirement of the approved Affordable Housing Compliance Plan, the Affordable Housing Agreement, and any other applicable requirements of the IHO.
 - c. No building permit may be issue until the Affordable Housing Agreement is recorded against the property. No building permit may be issued except consistent with the requirements of the IHO and the proposed Plan to fulfill the affordable housing obligations.
 - d. No Temporary Certificate of Occupancy, Certificate of Occupancy, or Notice of Completion for any units shall be issued until all requirements of the IHO and Affordable Housing Agreement are met.
22. **Building Division Clearance for Issuing Permits.** Prior to the issuance of any Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. Construction Plans. The permit file number, PD18-007, shall be printed on all construction plans submitted to the Building Division.

- b. **Americans with Disabilities Act.** The permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA), including paths of travel connecting all buildings on the site.
 - c. **Emergency Address Card.** The permittee shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
 - d. **Street Number Visibility.** Street numbers of the buildings shall be easily visible at all times, day and night.
 - e. **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.
23. **Construction and Demolition Hours.** Construction, demolition, and grading activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. This includes the staging of equipment and construction personnel. The construction hours shall be printed on all plans for the project used to construct the project. Interior construction activities that do not generate any audible noise impacts at residential properties are allowed on Saturdays between 9:00 a.m. and 5:00 p.m.
24. **Demolition of Structures.** No demolition permits may be issued prior to the submittal of foundation or structural building permits. Demolition Permits may be issued prior to the Final Map approval.
25. **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.
26. **Landscaping Maintenance.** The permittee shall maintain on-site landscaping areas and landscaping areas along the public right-of-way areas/streets to the satisfaction of the Director of Public Works.
27. **Irrigation Standards.** The permittee 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 José 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.
28. **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.

29. **Street Cleaning and Dust Control.** During construction, permittee 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, permittee shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.
30. **Recycling.** Scrap construction and demolition material should be recycled. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
31. **Lighting.** All exterior lighting shall be as shown on the approved plans. 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.
32. **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.
33. **Mechanical Equipment.** The location of mechanical equipment (AC Units) shall be located as shown on the approved plans and shall be screened from view.
34. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
35. **Subdivision of Site.** With the exception of building demolition, improvements associated with this permit cannot occur until the subject property is lawfully subdivided by an approved and recorded final map, or in accordance with Government Code sections 66428(a)(2) if applicable.
36. **Single Room Occupancy Facilities.** The project shall be subject to the following conditions:
 - a. Individual SRO living units may not have separate external entryways. Access to the residential units will be through the community room lobby.
 - b. Laundry facilities must be provided in a separate room at the ratio of one (1) washer and one (1) dryer for every twenty (20) units or fractional number thereof.
 - c. A cleaning supply storeroom and/or utility closet with at least one (1) laundry tub with hot and cold running water must be provided in the Community Room.
 - d. The SRO living unit facility shall provide interior common space based on the unit size as follows: 3.0 sq. ft. for every unit over 180 sq. ft. in size.
37. **On-site Property Management.** As a condition of approval, the project is required to provide 24-hour, on-site property management.

38. **Heights.** The maximum allowed height for Residential Buildings is 14 feet. The Library and Community Room (office space) will have a maximum height of 20 feet.
39. **Vehicle and Bicycle Parking.** Vehicular and bicycle parking will be provided as included in the development standards.
40. **Public Works Clearance for Building Permit(s):** Prior to the issuance of Building permits, 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. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.
- a. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
- b. **Transportation:**
- i. A Traffic Impact Analysis has been performed for this project based on 18 AM and 44 PM peak hour trips. The analysis found that the subject project will be in conformance with the City of San José Transportation Level of Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts. The analysis indicates that the signalized intersection would continue to operate at an acceptable LOS during both the AM and PM Peak hours of traffic with the additional trips generated by the project. See separate Traffic memo dated 11/13/18 for additional information.
 - ii. Reconstruct median and install striping improvements to the Canoas Garden Avenue/Almaden Expressway/Evans Lane intersection to allow left turns on Evans Lane (see figure 13 in the approved traffic report from Hexagon Transportation Consultants dated November 12, 2018).
 - iii. Construct speed bump along Evans Lane frontage upon project completion. Contact Department of Transportation-Neighborhood Traffic Managements for exact location.
- c. **Urban Village Plan:** This project is located in 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. **Grading/Geology:**

- i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. Due to the historic drainage of the site, the Hydromodification (HM) Basin shall be sized to hydraulically store a 100-year storm event
 - iii. All on-site storm drainage conveyance facilities and earth retaining structures 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 permit 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 2013 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10-year storm event.
 - iv. 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.
 - v. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - vi. 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 report should also include, but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. 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.
- e. **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) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.

- i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
- ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- f. **Sewage Stormwater Peak Flow Control Measures:** The project is located in a Hydromodification Management (HM) area and will create and/or replace one acre or more of impervious surface. The project must comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14) which requires demonstrating that post-project runoff is less than or equal to the estimated pre-project rates and durations.
 - i. The project's HM plan and sizing calculations have been reviewed and this project will be in conformance with City Policy 8-14.
 - ii. Final inspection and maintenance information for the HM controls must be included on the final HM plans.
- g. **Flood: Portions in Zone AH, Elevation 131.00' North American Vertical Datum of 1988 (NAVD88) & Zone D:** The following apply to proposed structures in flood zone AH only:
 - i. Elevate the lowest floor of the residential structures, including basements, to or above 131.00' NAVD88.
 - ii. Elevate the lowest floor of the non-residential structures to or above 131.00' NAVD88 or floodproof to the same elevation. For insurance rating purposes, the building's floodproofed design elevation must be at least one foot above the base flood elevation to receive rating credit.
 - iii. If the structure is to be floodproofed, a Floodproofing Certificate (FEMA Form 086-0-34) for each structure, floodproofing details, and if applicable, a Flood Emergency Operation Plan and an Inspection & Maintenance Plan are required prior to the issuance of a Public Works Clearance.
 - iv. An Elevation Certificate (FEMA Form 086-0-33) for each proposed structure, based on construction drawings, is required prior to issuance of a building permit. Consequently, an Elevation Certificate for each built structure, based on finished construction is required prior to issuance of an occupancy permit.
 - v. 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.
 - vi. Construction materials used below 131.00' NAVD88 must be resistant to flood damage.

- vii. Provide flood vent openings for all enclosures below the base flood elevation, except basements (ex. crawlspace, at-grade garages). The design must either be certified by a registered professional engineer or meet the following requirements:
 - 1) Provide flood vent openings on at least two exterior walls/doors of each enclosure to automatically equalize the lateral pressure of the floodwaters.
 - 2) The bottom of each opening shall be no higher than twelve inches above the exterior adjacent grade.
 - 3) 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.
- h. **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 prior to Public Works clearance.
- i. **Parks:** This residential project is subject to the payment of park 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).
- j. **Street Improvements:**
 - i. Remove existing AC berm and sidewalk and construct curb, gutter, and sidewalk along Evans Lane with a 9-foot wide detached sidewalk. This includes a 0.5-foot wide curb, 4-foot park strip, and 5-foot wide sidewalk. The project will be required to provide a 30-foot curb to curb street section and should align with the existing street improvements adjacent to the project. A street easement dedication will be required for the proposed street improvements.
 - ii. Proposed driveway widths along Evans Lane to be 26 feet per City Standard Detail R-5.
 - iii. Close unused driveway cut.
 - iv. Construct speed hump along Evans Lane frontage upon project completion. Contact DOT-NTM for exact location.
 - v. 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.
 - vi. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.

- vii. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
 - k. **Storm:** Provide an agreement with Santa Clara County allowing the connection of the proposed on-site storm system to the existing storm drain connection at the SCC Evans Lane Wellness Recovery Center (APN 455-31-054). If an agreement with Santa Clara County is not fully executed a storm main extension from the nearest existing system will be required.
 - l. **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.
 - m. **Street Trees:** 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 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 in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
 - n. **Referrals:** This project should be referred to the County Roads and Airports Departments.
41. **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 by City Council Resolution No. _____.

42. Environmental Project Conditions

a. AIR QUALITY.

- i. The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:
 - 1) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - 2) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - 3) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- 4) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
 - 5) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - 6) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - 7) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - 8) Post a publicly visible sign with telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.
- ii. The following measures would be required for all future long-term residential development proposals on the project site as a condition of project approval to reduce exposure to TAC emissions and avoid significant risks to health and safety:
- 1) Project-specific analysis for all future development proposals on the project site shall include a detailed TAC emissions analysis completed by a qualified air quality consultant, consistent with BAAQMD standards.
 - 2) Based on the findings of the TAC emissions analysis, the qualified air quality consultant shall determine performance standards for air filtration systems for all residential buildings on-site, if required.
 - 3) Once building construction is complete, the air filtration systems shall be tested by a qualified air quality consultant to ensure that the systems are operating as designed. A report of the findings shall be submitted to the Supervising Environmental Planner, Planning, Building and Code Enforcement for review and approval prior to issuance of occupancy permits.
 - 4) An ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration systems shall be prepared and submitted to the Supervising Environmental Planner, Planning, Building and Code Enforcement for review and approval prior to issuance of a building permit.

This maintenance plan is typically developed by the contractor responsible for designing and constructing the HVAC system for the project.

- 5) The use agreement and other property documents shall: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks; (2) include assurance that new owners or tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

b. **LIGHT AND GLARE.**

The proposed project would be required, as a condition of approval, to comply with General Plan policies CD-1.1, CD-1.17, and City Council Lighting Policy 4-2.

c. **BIOLOGICAL RESOURCES.**

The final site design will place all proposed structures to avoid existing trees within the project site boundary. Trees along the street frontage will be retained to the extent feasible. Any trees on-site or adjacent to the site that would be damaged or removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

The species of replacement trees to be planted will be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. If all trees on-site are removed, 10 trees will be replaced at a 4:1 ratio and eight trees will be replaced at a 2:1 ratio with minimum 24-inch box trees, for a total of 48 trees. The proposed project would be required to meet the minimum tree replacement standard through on-site tree plantings.

d. **GEOLOGY AND SOIL.**

- i. All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized.
- ii. Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
- iii. Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.

e. **WATER QUALITY.**

To reduce potential construction-related water quality impacts the project is required to implement the following measures:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered.
- All paved access roads, parking areas, staging areas, and residential streets adjacent to the construction sites shall be swept daily with water sweepers.
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- 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 may also be installed at the request of the City.

f. FLOOD ZONE.

The project shall comply with the City's Special Flood Hazard Area Regulations (San José Municipal Code Chapter 17.08).

- i. Adequate surface drainage and access for a refuse hauler shall be provided;
- ii. All manufactured homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the manufactured home is at or above the base flood level. If elevated on pilings:
 - 1) The lots shall be large enough to permit steps;
 - 2) The pilings shall be placed in stable soil no more than ten feet apart; and
 - 3) Reinforcement shall be provided for pilings more than six feet above the ground level
- iii. No manufactured homes shall be placed within a regulatory floodway except in existing manufactured home parks and subdivisions pursuant to regulations promulgated by the Federal Emergency Management Agency (Title 44, Emergency Management and Assistance Section 60.3, subsection (d)(4).

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g. NOISE.

i. Construction-related noise.

- 1) Construction hours within 500 feet of residential uses will be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, with no construction on weekends or holidays.
- 2) Staging areas and construction material areas shall be located as far away as possible from adjacent land uses.
- 3) The Director of Planning and residential neighborhoods within proximity of the project site shall be notified in writing by the developer of the construction schedule at least seven days prior to the start of construction.
- 4) Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
- 5) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- 6) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- 7) Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- 8) Prohibit all unnecessary idling of internal combustion engines;
- 9) The contractor will prepare a detailed construction plan identifying a schedule of major noise generating construction activities. This plan shall identify a noise control 'disturbance coordinator' and procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. This plan shall be made publicly available for interested community members.
- 10) The disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

ii. Interior noise.

The residential units on-site would be required to comply with the California Building Code and the interior 45 dBA DNL per City and State standards. It is likely that units nearest Almaden Expressway and SR 87 may require additional sound proofing while units in the interior of the site may meet the 45 dBA interior noise requirements with standard building construction. Consistent with City requirements, an acoustical analysis following protocols in the City-adopted California Building Code would be required, as a condition of project approval, after final site design and prior to issuance of building permits for the proposed project and all subsequent development projects under the proposed General Plan amendment to demonstrate that residential development on-site can meet interior noise standards consistent with Policy EC-1.1.

iii. Noise at Open Space within the Project Site.

As a condition of project approval, the final site design will require some open space areas to be shielded from traffic noise by the proposed mobile home units. The following measures would be required as a condition of project approval to ensure future development is located in areas where noise levels are appropriate for the proposed use:

- Project-specific analysis for all future development proposals on the project site shall include a detailed noise analysis completed by a qualified noise consultant, consistent with City and State standards.
- Based on the findings of the noise analysis, project design features will be identified to reduce ambient noise levels in outdoor use areas to acceptable levels, per City standards.
- Once building construction is complete, noise measurements will be taken by a qualified noise consultant in all outdoor use areas to ensure that City noise standards have been met. A report of the findings will be submitted to the Director of Planning, Building and Code Enforcement for review and approval prior to issuance of occupancy permits.

41. Revocation, Suspension, Modification. This Planned Development Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council, as applicable, 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 of Chapter 20.100 of Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Planned Development 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**.

EFFECTIVE DATE

The effective date of this Permit (File No. PD18-007) shall be the effective date of the Planned Development Rezoning Ordinance for File No. PDC16-007 approved for publication on _____, 20__ (the "Planned Development Rezoning Ordinance") and shall be no earlier than the effective date of said Planned Development Rezoning Ordinance.

ADOPTED this _____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
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.

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL A:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN AN INCORPORATED AREA OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF LOT 7 AND LOT 8, AS SHOWN IN BOOK "N" OF MAPS AT PAGE 85, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL ONE

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 7; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 7, SOUTH 39° 11' 29" EAST 280.50 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 7; THENCE ALONG THE LINE COMMON TO SAID LOTS 7 AND 8, SOUTH 50° 53' 00" WEST 588.14 FEET TO THE NORTHEASTERLY LINE OF THE LAND DESCRIBED IN THAT CERTAIN DEED OF RIGHT-OF-WAY RECORDED IN BOOK 4691 AT PAGE 390 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG LAST SAID NORTHEASTERLY LINE NORTH 06° 18' 50" WEST 333.71 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 7; THENCE ALONG LAST SAID NORTHWESTERLY LINE NORTH 50° 53' 00" EAST 406.99 FEET TO THE POINT OF BEGINNING. CONTAINING 139,566 SQUARE FEET, MORE OR LESS.

PARCEL TWO

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 8; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 8, SOUTH 39° 11' 29" EAST 122.78 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 14077825 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE NORTHWESTERLY LINE OF SAID DOCUMENT THE FOLLOWING TWO COURSES: SOUTH 50° 21' 21" WEST 277.87 FEET AND SOUTH 50° 53' 00" WEST 371.91 FEET TO THE NORTHEASTERLY LINE OF THE LAND DESCRIBED IN THAT CERTAIN DEED OF RIGHT-OF-WAY RECORDED IN BOOK 4691 AT PAGE 388 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG LAST SAID NORTHEASTERLY LINE THE FOLLOWING TWO COURSES: NORTH 22° 59' 54" WEST 56.55 FEET AND NORTH 06° 18' 50" WEST 84.48 FEET TO THE LINE COMMON TO SAID LOTS 7 AND 8; THENCE ALONG SAID COMMON LINE NORTH 50° 53' 00" EAST 588.14 FEET TO THE POINT OF BEGINNING. CONTAINING 77,909 SQUARE FEET, MORE OR LESS.

THE BEARING OF SOUTH 50° 53' 00" WEST FOR THE NORTHEASTERLY LINE OF LOT 8, AS SHOWN ON THE CANOAS GARDEN TRACT, FILED IN BOOK "N" OF MAPS AT PAGE 85, WAS TAKEN AS THE BASIS OF BEARINGS FOR THESE DESCRIPTIONS.

APN: 456-09-016

PARCEL B:

PARCEL ONE:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF LOT 8 OF THE CANOAS TRACT AS SHOWN ON THE MAP ENTITLED "MAP OF CANOAS GARDEN TRACT" FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON FEBRUARY 19, 1912 IN BOOK "N" OF MAPS, PAGE 85 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF THE HEREINABOVE MENTIONED LOT 8 FROM WHICH THE MOST EASTERLY CORNER OF SAID LOT 8 BEARS N 52° 07' 57" E., 31.88 FEET;

THENCE ALONG SAID SOUTHEASTERLY LINE S 52° 07' 57" W., 237.48 FEET; THENCE LEAVING SAID SOUTHEASTERLY LINE N 37° 52' 03" W., 154.58 FEET; THENCE N. 51° 36' 18" E., 269.01 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 8; THENCE ALONG SAID NORTHEASTERLY LINE S 38° 00' 03" E., 115.77 FEET TO THE MOST NORTHERLY CORNER OF THE PARCEL DEEDED TO THE STATE OF CALIFORNIA AND RECORDED SEPTEMBER 17, 1985 IN BOOK J460, PAGE 581 OFFICIAL RECORDS OF SANTA CLARA COUNTY; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL FROM A TANGENT BEARING OF S 2° 07' 14" E ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 799.99 FEET, THROUGH A CENTRAL ANGLE OF 3° 44' 01" AND AN ARC LENGTH OF 52.13 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL TWO:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A 20.00 FEET WIDE EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES ACROSS A PORTION OF LOT 8 OF THE CANOAS TRACT AS SHOWN ON THE MAP ENTITLED "MAP OF CANOAS GARDEN TRACT" FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON FEBRUARY 19, 1912 IN BOOK "N" OF MAPS, PAGE 85, THE CENTER LINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF THE HEREINABOVE DESCRIBED LOT 8, SAID CORNER BEING ON THE MONUMENT LINE OF CANOAS GARDEN AVENUE AS SHOWN ON THE RECORDS OF SURVEY FILED FOR RECORD IN BOOK 361 OF MAPS, AT PAGE 19 AND BOOK 658 OF MAPS, AT PAGE 21 AND 22, SANTA CLARA COUNTY RECORDER'S OFFICE, THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LOT 8 N. 52° 07' 57" E, 94.74 FEET TO INTERCEPT THE RIGHT OF WAY AND EASEMENT LINE AS GRANTED TO THE COUNTY OF SANTA CLARA, BY EMIL R. BUCHSER AND HERMAN R. BUCHSER BY DEED ON FEBRUARY 10, 1960, AND FILED IN BOOK 4691, PAGE 388, OFFICIAL RECORDS OF SANTA CLARA COUNTY, THENCE LEAVING SAID BOUNDARY AND PROCEEDING ALONG SAID RIGHT OF WAY AND EASEMENT LINE N. 21° 44' 58" W, 129.00 FEET TO THE TRUE POINT OF BEGINNING OF THE CENTER LINE OF THE INGRESS AND EGRESS EASEMENT; THENCE LEAVING SAID RIGHT OF WAY AND EASEMENT LINE ALONG THE CENTER OF THE 20.00 FEET WIDE EASEMENT HEREIN DESCRIBED THROUGH A CURVE TO THE LEFT FROM A TANGENT BEARING OF N 57° 27' 12" E WITH A RADIUS OF 130.00 FEET, THROUGH A CENTRAL ANGLE OF 24° 25' 44" AND AN ARC LENGTH OF 55.43 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 190.00 FEET, THROUGH A CENTRAL ANGLE OF 19° 06' 29" AND AN ARC LENGTH OF 63.36 FEET; THENCE N 52° 07' 57" E., 272.65 FEET TO THE TERMINUS OF SAID CENTER LINE, FROM SAID TERMINUS THE MOST EASTERLY CORNER OF SAID LOT 8 BEARS S 37° 52' 03" E., 141.00 FEET, THENCE N. 52° 07' 57" E, 269.36 FEET.

APN: 456-09-017