

STAFF REPORT
PLANNING COMMISSION

FILE NO.: PDC08-051

Submitted: September 12, 2008

PROJECT DESCRIPTION:

Planned Development Rezoning from the R-1-1 Single-Family Residence Zoning District to the A(PD) Planned Development Zoning District to allow up to seven single-family detached residential units on a 0.85 gross acre site.

Existing Zoning	R-1-1 Single-Family Residence
Proposed Zoning	A(PD) Planned Development
General Plan	Medium Low Density Residential (8 DU/AC)
Council District	10
Annexation Date	February 8, 1971
SNI	N/A
Historic Resource	N/A
Redevelopment Area	N/A
Specific Plan	N/A

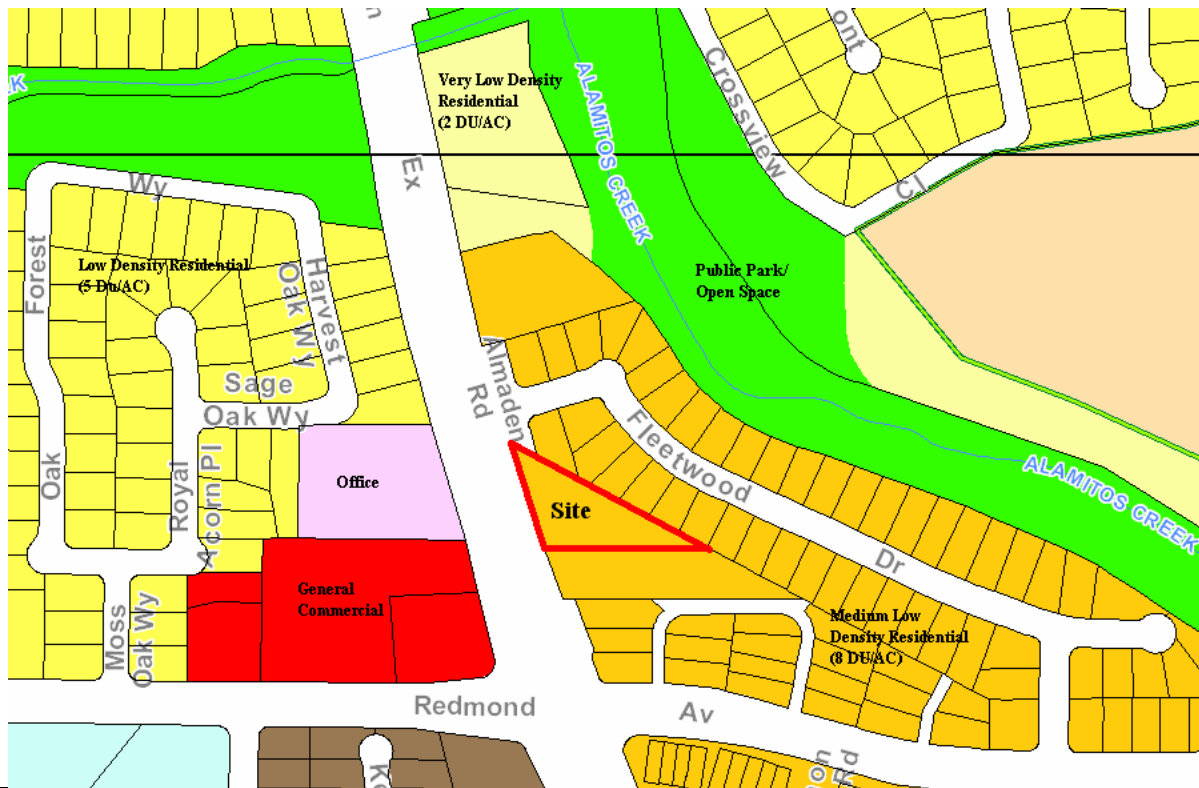
LOCATION:

East side of Almaden Expressway, approximately 300 feet north of Redmond Avenue.

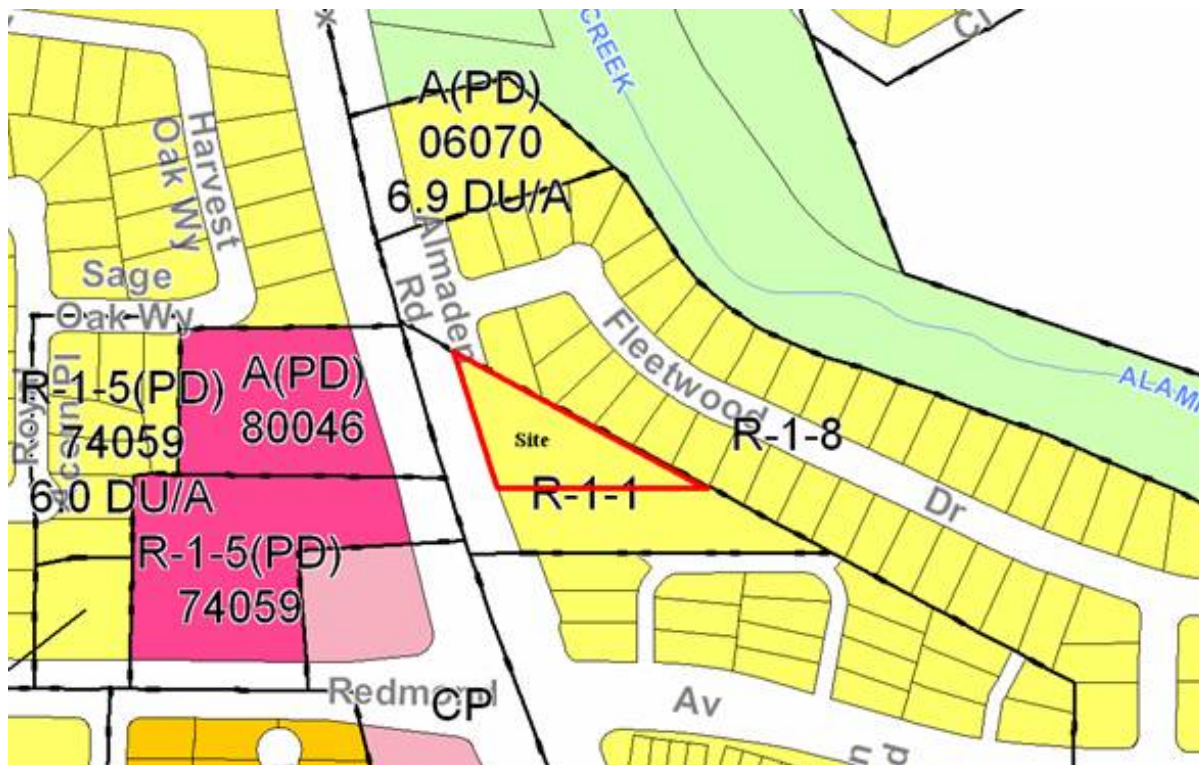
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed Planned Development Rezoning to allow for the development of up to seven single-family detached dwelling units on the subject site for the following reasons:

1. The proposed Planned Development Rezoning is an infill project on a constrained site that conforms to the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC) under the Discretionary Alternate Use Policy-Two Acre Rule.
2. The proposed Planned Development Rezoning to increase the number of permitted single-family detached residential units on the subject site is consistent with the goals and policies of the San Jose 2020 General Plan, specifically:
 - a. The Growth Management Major Strategy, as the change will facilitate infill development within an urbanized area.
 - b. The Housing Major Strategy, as the project will maximize the infill housing opportunity in a form that is compatible with the surrounding development pattern.
 - c. Residential Land Use Policy No. 14 as the single-family residential development is designed with limited access to arterial streets.
 - d. Urban Design Policy No. 3 as the single-family residential development provides internal circulation within neighborhoods.
3. The project is consistent with the Residential Design Guidelines.

BACKGROUND & DESCRIPTION

The applicant, Michael Roberts Construction, Inc., is requesting to rezone the subject 0.85 gross acre site located on the east side of Almaden Expressway, approximately 300 feet north of Redmond Avenue from R-1-1 Single-Family Residence District to A(PD) Planned Development Zoning District to allow up to seven single-family detached homes, which is at a net density of 10.6 DU/AC.

The existing use of the site is a single-family detached residence that has been converted to an office use that includes three associated accessory structures. All of the existing buildings are proposed for demolition as a part of this project. The residential structure proposed for demolition is Ranch style and was constructed in 1950. This zoning application proposes small lot, three (3) story, single-family detached units that are accessed from the extension of Almaden Road, a public street, and off of a new private drive that will be shared with the adjacent Hudson Property located to the south. Each unit has four bedrooms and an attached two-car garage. Access to the site will occur from Fleetwood Drive.

Site and Surrounding Land Uses

The subject site is triangular in shape and is bounded by single-family detached residential to the north, east, and south and Almaden Expressway to the west. All adjacent residential properties have a General Plan land use designation of Medium Low Density Residential (8 DU/AC). The site is developed with a single-family residence that has been converted into an office and currently houses University Construction. The Hudson property, located adjacent to the subject site to the south, is developed with a vacant single-family residence and various accessory structures. The demolition of structures on both sites will be required to accommodate the new shared private driveway.

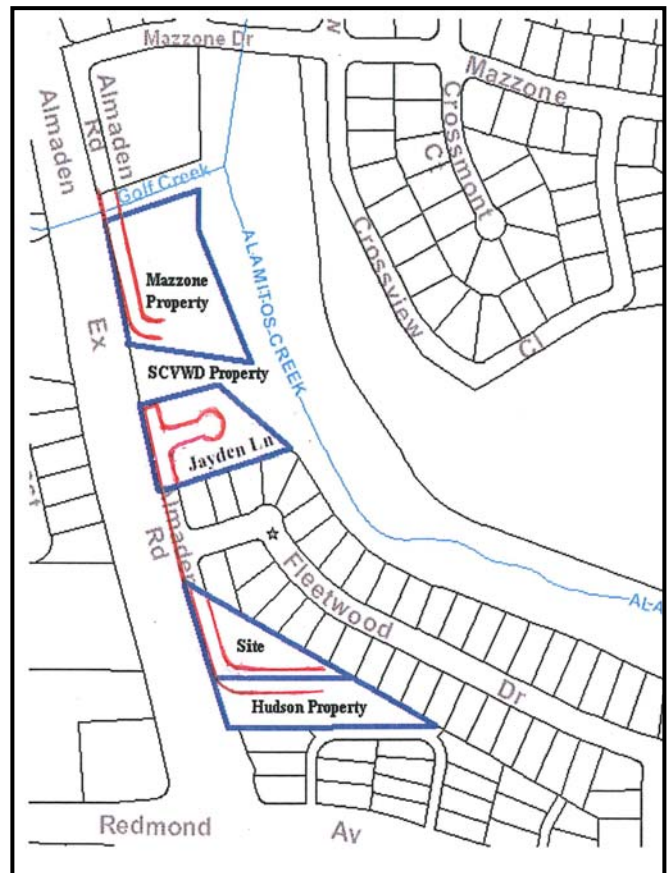
Previous Planning Approvals Affecting the Project Site

On June 5, 2007, the City Council approved a Planned Development Rezoning (File No. PDC06-070), commonly known as Jayden Lane, on an adjacent site at 16310 Almaden Road, which is situated just north of the subject site. The approved Planned Development Zoning allows for the development of up to six (6) single-family detached residential units on the 1.07 gross-acre site, at a density of 6.9 DU/AC. The density of the Jayden Lane project is consistent with the General Plan land use designation for the site of Medium Low Density Residential (8 DU/AC). As a part the Jayden Lane Planned Development Zoning, the City Council included the recommendation that at the time that the three (3) underutilized properties to the north and south of the subject site are proposed for development, staff shall explore the feasibility of alternative access to those sites utilizing Almaden Expressway and that staff should proactively study and analyze access with the Santa Clara County Roads & Airports Department. The purpose of the alternative access study was to explore vehicular access that would reduce or avoid reliance on access through Fleetwood Drive.

The three other undeveloped properties mentioned in the Council recommendation include the subject site and two others (Mazzone and Hudson), which are all located along Almaden Expressway between Redmond Avenue and Mazzone Drive. The Mazzone and Hudson properties have pending Planned Development Rezoning applications on file.

Since receiving this direction from City Council, City staff has worked with the Santa Clara County (SCC) Roads and Airports Department to discuss the potential for the implementation of the acceleration and deceleration lane. In a letter dated April 23, 2009, the SCC Roads and Airports Department states that they prefer no access directly to or from Almaden Expressway and that the existing Almaden Road frontage road should be extended to each site from its stubbed locations to form a continuous frontage road.

On September 1, 2009, a community meeting was held with area residents to discuss access and traffic movement as it relates to the four key undeveloped properties noted on the illustration above. Based on the discussion of that meeting, City staff sent a letter to the County with specific access design questions. The County responded that based on their adopted Future Width Line Study (FWL), the minimum spacing between openings is 600 feet, and the design for a frontage road that connects to the expressway would not comply with the FWL standards. Given the 600 foot requirement, it is not possible to design an access route with direct access from Almaden Expressway to all four of the sites. Specifically, the center of the subject site is approximately 340 feet from Redmond Avenue, which is less than the 600 feet required.



Development of the sites noted in the above illustration would be accessed from frontage roads that do not connect to Almaden Expressway.

Therefore, access to the subject site may only occur through Fleetwood Drive. However, the Mazzone property could be accessed independently from the north via Mazzone Drive. The County also had concerns about limited sightlines around the required soundwall, traffic that would be required to merge

through a bicycle lane, and the opportunity for the illegal mid crossing of Almaden Expressway to access Jeffery Fontana Park that is located across the expressway to the west. (All of the correspondence between the City and the County can be found attached to this staff report.)

It should be noted that there are access points on Almaden Expressway that do not meet the current adopted Future Width Line Study (FWL). However, in a majority of the cases the access was constructed prior to the current adopted requirements and specifically in the case of the site at the northeast corner of Almaden Expressway and Coleman Road, the site did not have any alternative access as the sites in question.

In order to provide connectivity between the existing and new neighborhoods, staff has also studied the extension for Almaden Road between Fleetwood Drive and Mazzone Drive. The community has expressed opposition to this connection. The portion of the Santa Clara Valley Water District (SCVWD) site located between the Jayden Lane project and the Mazzone property, would need to be acquired or an easement secured to provide this connection. This would also require the relocation of an above-grade vault. Given the difficulty and cost of relocating an above-grade vault, and the community opposition, staff is proposing that Fleetwood Drive and Mazzone Drive not be connected via Almaden Road. However, at the time of development of the Mazzone property and the Jayden Lane property, a pedestrian, bicycle, and Emergency Vehicle Access (EVA) connection should be provided across the SCVWD property.

In conclusion, an acceleration and deceleration lane from Almaden Expressway cannot be designed to provide safe access to all four development sites. The existing Almaden Road frontage road is partially constructed and intended to provide access to these sites. In addition, direct access to and from the expressway is inconsistent with the following San Jose 2020 General Plan Policies:

- Residential Land Use Policy No. 14, which : Single-family and duplex residential development should be designed with limited access to arterial streets as follows:
 - (1) No direct frontage or access on six lane arterials or within 350 feet of the intersection of two arterials.
 - (2) No direct frontage or access on four lane arterials; direct frontage or access is strongly discouraged.
 - (3) The use of frontage roads, corner lots, open-end cul-de-sacs or other street design solutions for access is encouraged.
- Urban Design Policy No. 3: Residential subdivisions should be designed to provide for internal circulation within neighborhoods, prevent through vehicular traffic from traversing neighborhoods, and encourage pedestrian and bicycle connections between neighborhoods and to adjacent commercial uses and transit facilities.

In addition, the number of trips or traffic on Fleetwood Drive that would be added by the proposed development on the subject site, the Hudson property, and the approved development of the Jayden Lane project, would be 210 daily trips, which combined with the 500 daily existing trips from existing residences on Fleetwood Drive (710 total daily trips). This is well within the daily capacity of 1,500 trips for Fleetwood Drive.

ANALYSIS

The primary issues for this proposed zoning include: 1) conformance with the San Jose 2020 General Plan, 2) neighborhood connectivity and circulation, 3) site design, 4) sustainability, and 5) conformance with the California Environmental Quality Act (CEQA).

Conformance with the San Jose 2020 General Plan

On June 16, 2009 the City Council denied a General Plan Amendment, File No.GP08-10-01, to change the San Jose 2020 General Plan Land Use/Transportation Diagram land use designation on the subject site from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8 - 16 DU/AC). This would have potentially allowed up to 12 units on the site. The amendment request was denied because there was concern that such an increase in density would not blend with and enhance the existing neighborhood. Maintaining the existing land use designation would ensure the neighbors that the new development in their neighborhood would be more reflective of the existing development.

The site's Medium Low Density Residential (8 DU/AC) land use designation is typified by 5,445 to 6,000 square-foot subdivisions that are prevalent in San Jose, and is the density at which the surrounding single-family detached residential neighborhood is built. A majority of the adjacent Fleetwood Drive neighborhood have lot sizes between 6,000 and 7,000 square feet (7 to 8 DU/AC), with the smallest lot at 5,917 square feet and the largest lot at 9,315 square feet. The project proposes a density of 10.6 DU/AC, which slightly exceeds the allowable 8 DU/AC of the Medium Low Density Residential land use designation. Under the existing 8 DU/AC, 5.5 units could be allowed.

The proposed project is an infill development that proposes the use of the General Plan Discretionary Alternate Use Policy Two Acre Rule which can allow for an increase in density and still be deemed in compliance with the General Plan Land Use/Transportation Diagram land use designation for the subject site. One of the goals of the General Plan is to encourage infill development. The Two Acre Rule states that for some infill sites, physical or environmental constraints may require innovative design solutions. To further this objective, existing parcels of two acres or less may have an allowed use other than that designated on the Land Use/Transportation Diagram as follows; parcels with a residential land use designation may be developed at a higher or lower density range. The appropriate density for a given site should be determined based on compatibility with surrounding land uses. Projects developed under this policy should be of exceptional design. The design expectations are not as high for projects that do not seek to utilize the Two Acre Rule.

With the use of the Two Acre Rule, the applicant is able to increase the number of units by 1.5 for a total of seven units, a modest increase compared to that which could have occurred if the previous General Plan Amendment had been approved. The proposed project meets the requirements of the Two Acre Rule in that; (1) it is located on an infill site that is constrained by its triangular shape, (2) the site design includes the extension of Almaden Road to the south across the site which will also provide access to the Hudson property, (3) the site design provides large rear setbacks in excess of those required under the standard R-1-8 Single-Family Residence Zoning District and the Residential Design Guidelines from the existing single-family detached residence rear yards to the east, (4) and the unique site design provides shared driveways that allow for increased landscaping along the new street and drive. Further discussion of these elements and how they exceed typical standards is included in the Site Design section of this report below.

In addition, the proposed project on the subject site is consistent with the following General Plan Goals and Policies as discussed in the following:

1. **Growth Management Major Strategy:** The purpose of a growth management strategy is to find the delicate balance between the need to house new population and the need to balance the City's budget, while providing acceptable levels of service.

The proposed project will facilitate infill development within an urbanized area. Infill development can be more easily supported by existing infrastructure and facilities such as libraries, schools, parks, community centers and commercial amenities.

2. Housing Major Strategy: This strategy seeks to maximize housing opportunities on infill parcels already served by the City and to consider the addition of new residential lands only when the City is confident that urban services can be provided.

The proposed project will maximize the infill housing opportunity and at the same time be compatible with the surrounding development pattern.

3. Urban Conservation Policy No. 2: The City should encourage new development which enhances the desirable qualities of the community and existing neighborhoods.
The proposed project would allow for the development of under utilized land that would complete the adjacent neighborhood.
4. Neighborhood Identity Policy No. 3: Public and private development should be designed to improve the character of existing neighborhoods. Factors that cause instability or create urban barriers should be discouraged or removed.

The character of the existing neighborhood is 6,000 to 7,000 square foot lots with one to two story single-family detached homes. The proposed project provides a consistent development pattern and vehicular, pedestrian and bicycle access between the existing development and the proposed. This project will facilitate the completion of the existing Fleetwood Drive neighborhood.

5. Residential Land Use Policy No. 24: New residential development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development, the adjoining neighborhood, transit access points, and nearby commercial areas.

The conceptual site design includes the extension of a private street with a sidewalk from Fleetwood Drive through the site thereby connecting the new development with an existing pedestrian network and the adjacent neighborhood.

Neighborhood Connectivity and Circulation

The subject site is accessed via an extension of Almaden Road, including sidewalk, curb, and gutter, from the north along the western edge of the property and terminating at the southern property line. At the southern terminus of the new extension, the street will turn into a private shared driveway that will be used by four of the units on the subject site and by the proposed development on the Hudson property. The Almaden Road extension will provide access to the subject site, the Hudson property to the south, and connect these two new developments with the existing Fleetwood Drive neighborhood. The property owner of the subject site and that of the Hudson property have negotiated an easement and maintenance agreement that will allow for the construction of the shared private driveway, which straddles the shared property line, the construction of the extension of Almaden Road and any necessary structure demolition required to construct the access.

Site Design

This zoning application proposes small lot, three-story, single-family detached residences. The lot sizes range from 3,100 to 4,500 square feet, with most of the lots being approximately 3,300 square feet. The primary site design issue for this proposed zoning is the conformance of the proposed development standards with the Residential Design Guidelines, as discussed below.

Consistent with the guidelines, the proposed units are oriented towards the street and towards the shared private driveway, all have private yards, and four of the units have a shared driveway that allows for increased landscaping to improve the streetscape and reduce impervious surface. This design allows for a greater amount of front yard landscaping than would be provided with a typical lot with a front facing garage. The units either have a front facing garage or a side facing garage. The units with a front facing garage have the garage setback past the front of the house so that the front entrance of the house is the dominant feature and not the garage, which is consistent with the intent of the guidelines. Units with side facing garages have visible front entries and no visible garage doors from the street. In addition, the different unit orientations will avoid a repetitious streetscape consistent with the intent of the Guidelines. The project design details and final site design will be refined and effectuated through the subsequent Planned Development Permit process.

Setbacks

The Guidelines recommend that the front setback to the first and second floor living area be at least 15 feet, 12 feet to a porch, 12 feet to a non entry side of an attached garage and 18 feet for the entry of an attached garage. The project provides a front setback between eight and 12 feet, and in one location 5 feet. Due to the triangular shape of the site and the need to provide a greater rear setback for each lot to respond to the existing single-family detached residences that border the property to the east, a reduced front setback is appropriate as the new lots do not abut the front of any existing single-family residence. In addition, the reduced front setback in combination with the shared driveways provides a greater amount of landscaping than if the lots were designed with the front setbacks as recommended by the Guidelines (5,679 square feet of combined front yard landscaping versus 4,065 square feet with a standard site layout and setbacks).

The Guidelines recommend that the side setback from living area to interior lot line is four feet. Consistent with this recommendation, the project provides a four foot minimum side setback.

The Guidelines recommend a rear setback of 15 feet. The project provides large rear setbacks in excess of what is required (average of 32 feet). Due to the sites triangular shape, there are two pinch points at which the setback is five feet at one point of the triangle and 20 feet at the other. However, this site design provides the greatest overall setback from the existing single-family detached residence rear yards located to the east of the site.

Height

The Guidelines recommend a maximum building height of 30 feet and two stories. The project proposes a maximum of 35 feet and three stories. However, the proposed third story is sensitively designed to appear as if the house is only two-stories. The 35 foot height limit is consistent with many two story homes in the City as the R-1-8 Single-Family Residence Zoning District allows a maximum building height of 35 feet.

Parking

The Guidelines recommend that single-family detached units provide two covered parking spaces per unit plus one off-lot parking space for units with a driveway apron and 1.3 off-lot parking spaces for units without a driveway apron. The off-lot parking spaces should be located within 150 feet of each unit, which includes on street parking. Consistent with the guidelines, the project proposes for each unit to have a two car garage. One unit has a driveway apron and six do not. The Guidelines require for the project to provide nine off-lot parking spaces and consistent with this, the project proposes 10 spaces.

Open Space

The Guidelines recommend a minimum of 500 square feet of private open space per unit. The project proposes a minimum of 600 square feet of open space per unit, which exceeds the recommended amount. The Guidelines recommend common open space for projects that exceed 20 units. As this project is for seven units no common open space is required.

Sustainability

This project is subject to the City of San Jose Green Building Ordinance for New Construction Private Development. A future Planned Development Permit for this project will be conditioned to submit a green building checklist prior to issuance of a building permit. At this time, it is not known if the proposed project intends to include any green building measures.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was adopted on May 26, 2009, and states that the proposed Planned Development Rezoning will not have a significant effect on the environment. The primary issues addressed in the Initial Study include the potential impacts of the physical development of the site on; biological resources, cultural/historic resources, hydrology and water quality, and noise. The MND includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. The mitigation measures will be included in the development standards of the Planned Development Zoning. The entire MND and Initial Study are available for review on the Planning web site at: www.sanjoseca.gov/planning/eir/MND.asp

PUBLIC OUTREACH/INTEREST

The property owners and occupants within a 1,000-foot radius were sent public hearing notices for the Planning Commission and City Council hearings. This staff report has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

As discussed above in the Previous Planning Approvals Affecting the Project Site section of this report, on September 1, 2009, a community meeting was held with area residents to discuss access and traffic movement as it relates to the subject site and the Mazzone, Woodrum and Jayden Lane properties. Specific project design issues were not discussed at this meeting.

On October 15, 2009, a community meeting for the proposed Planned Development Rezoning was held at the Almaden Winery Community Center, of which 17 area neighbors were present. The neighbor's expressed concern about how the subject property would be accessed and that it should not occur through Fleetwood Drive, but directly off of Almaden Expressway. There were also concerns that the parking provided was not adequate and guest parking would overflow into the existing neighborhood, seven units are too many and that there should be six as allowed under the land use designation, utility undergrounding, and traffic in and out of the neighborhood as there are already long wait lines at the signals.

undergrounding, and traffic in and out of the neighborhood as there are already long waits lines at the signals.

Previous to these two community meetings, there was a neighborhood meeting held on April 28, 2009 at the Almaden Branch Library to discuss the General Plan Amendment that was denied by the City Council on June 16, 2009. There were 31 area neighbors present at this meeting. The neighbor's expressed concern over the proposed increase in density because it would not be compatible with the existing neighborhood. Specifically, development at that density would have lot sizes that are much smaller than the surrounding neighborhood. There was also a concern about overflow parking occurring on Fleetwood Drive and there was much concern about how the subject property would be accessed. The neighbors indicated that the subject site along with the undeveloped properties to the north and the undeveloped property to the south, as well as, the approved, but undeveloped, Jayden Lane project to the north, should have jointly planned access that does not occur through Fleetwood Drive, but directly off of Almaden Expressway. The Fleetwood neighborhood did not support the proposed General Plan Amendment if access to the subject site will occur via Fleetwood Drive.

Project Manager: Lesley Xavier **Approved by:** Akoni Davidson **Date:** 1/6/10

Owner/Applicant:	Attachments:
<u>Owner:</u> Ron and Phyllis Woodrum 16430 Almaden Expressway San Jose, CA 95120 <u>Applicant:</u> Michael Roberts Construction, Inc. 1660 Dell Avenue Campbell, CA 95008	<ul style="list-style-type: none"> ▪ Development Standards ▪ Plan Set ▪ Correspondence between the Santa Clara County (SCC) Roads and Airports and the City of San Jose ▪ Neighborhood Correspondence

FILE NO. PDC08-051
DEVELOPMENT STANDARDS

EASEMENT RECORDATION:

- Prior to the approval of a Planned Development Permit, the property owner of the subject site (APN: 696-24-002) and that of the adjacent Hudson property (APN: 696-24-001) shall have executed and recorded an easement and maintenance agreement that will allow for the construction of the shared private driveway, which straddles the shared property line, the construction of the extension of Almaden Road as a private or public road, and any necessary structure demolition required to construct the access.

MINIMUM LOT SIZE: 3,100 square feet

USE/MAXIMUM NUMBER OF UNITS: Up to 7 single-family detached units

SETBACKS

Front – Lot 1: 5 feet from back of sidewalk to garage
8 feet from back of sidewalk to 1st and 2nd floor living space

Lots 2, 3, 5, and 6: 12 feet to side facing garage and/or porch
15 feet to 1st and 2nd floor living space

Lots 4 and 7: 8 feet from back of sidewalk to garage
11 feet to 1st and 2nd floor living space

Side – 4 feet

Rear – Lots 1 and 7: Average of 15 feet
Lots 2, 3, and 5: Average of 39 feet
Lot 4: 10 feet minimum
Lot 6: Average of 20 feet

(Average dimension is measured from the mid point and two outside corners of the rear face of the building to the rear property line)

BUILDING HEIGHT: 35 feet/3 stories

PARKING REQUIREMENTS:

- Two covered parking spaces per unit plus one off-lot parking space for units with a driveway apron (17 feet in length or greater) and 1.3 off-lot parking spaces for units without a driveway apron.

PRIVATE OPEN SPACE:

- A minimum of 600 square feet of open space per unit

ACCESSORY STRUCTURES/BUILDINGS:

- Permitted as of right, per Chapter 20.30, Part 5 Accessory Buildings and Structures, of the Zoning Ordinance, as amended.

SECONDARY UNITS:

- Second units are not permitted.

MINOR ARCHITECTURAL PROJECTIONS:

- Minor architectural projections such as, fireplaces and bay windows, may project into any setback or building separation by up to 2 feet for a length not to exceed 10 feet or 20% of the building elevation length.
- Minor additions which conform to the above setbacks do not require approval of the Director of Planning, Building, and Code Enforcement.

ARCHITECTURAL DESIGN:

- The architectural design of the houses shall conform to the standards of the Single-Family Design Guidelines.

ENVIRONMENTAL MITIGATION

- I. AIR QUALITY** – The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site.
- a. Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
 - c. Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d. Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; and
 - e. Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

II. BIOLOGICAL RESOURCES –

a. All trees that are to be removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio

Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage: (1) The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees. (2) An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact Todd Capurso, PRNS Landscape Maintenance Manager, at 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees. (3) A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. Contact Rhonda Berry, Our City Forest, at (408) 998-7337 x106 to make a donation. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

The following tree protection measures will also be included in the project in order to protect trees to be retained during construction:

Pre-construction treatments

1. The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.

2. Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

During construction

1. No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
 2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
 3. Supplemental irrigation shall be applied as determined by the consulting arborist.
 4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
 5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
 6. Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
 7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.
- b. **Raptors.** If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

- c. **Bats.** Surveys for roosting bats shall be conducted by a qualified biologist no more than thirty (30) days prior to any building demolition or removal, construction activities or Oak tree relocation and/or removal. If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony. Buffer zones may include a 200-foot buffer zone from the roost and/or timing of the construction activities outside the maternity roosting season (after July 31 and before March 1). If an active nursery roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats may be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such exclusion shall occur under the direction of a bat biologist, by sealing openings and providing bats with one-way exclusion doors. In order to avoid excluding all potential maternity roosting habitat simultaneously, alternative roosting habitat, as determined by the bat biologist, should be in place at least one summer season prior to the exclusion. Adjacent Oaks and Oak Woodland areas should be preserved to the maximum extent feasible as potential bat roosting habitat. Bat roosts should be monitored as determined necessary by a qualified bat biologist, and the removal or displacement of bats shall be performed in conformance with the requirements of the CDFG. A biologist report outlining the results of pre-construction surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading, building, or tree removal permit.

III. CULTURAL RESOURCES –

- a. If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.
- b. If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)
- c. In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
 1. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected

to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

2. A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

IV. GEOLOGY AND SOILS –

- a. The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.
- b. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report).

V. HAZARDS AND HAZARDOUS MATERIALS –

- a. In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.
- b. All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
- c. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or

coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

VI. HYDROLOGY AND WATER QUALITY –

Construction Measures

- a. The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San Jose, California 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.
- b. The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:
 1. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season.
 2. Utilize on-site sediment control BMPs to retain sediment on the project site;
 3. Utilize stabilized construction entrances and/or wash racks;
 4. Implement damp street sweeping;
 5. Provide temporary cover of disturbed surfaces to help control erosion during construction;
 6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Post-Construction Measures

- c. Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled "No Dumping – Flows to Bay" to the satisfaction of the Director of Planning, Building and Code Enforcement.
- d. The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.
- e. The project shall comply with applicable provisions of the following City Policies: 1) Post-Construction Urban Runoff Management Policy (6-29), which establishes

guidelines and minimum BMPs for all projects and requires numerically sized control measures for applicable projects; and 2) Post-construction Hydromodification Management Policy (8-14), which requires flow modification controls for applicable projects.

- The project will elevate the lowest floor above the flood level and obtain an Elevation Certificate (FEMA Form 81-31) for each structure prior to the issuance of a building permit.
- or
- The applicant shall submit a Flood Study to demonstrate that there are no flooding impacts due to the development of the site since there is currently no floodway mapped on portions of the Alamos Creek. (Although the City of San Jose will submit a Letter of Map Revision (LOMR) to FEMA to re-establish this floodway, this would delay the project.)
 - Due to the project sites former use an orchard, a pesticide evaluation of the shallow soil shall be conducted prior to the approval of building permits. A minimum of 10 samples composite in a 4 to 1 ratio is required. The pesticide evaluation shall be submitted to the City of San Jose Environmental Services Department (ESD), Municipal Environmental Compliance.

VII. NOISE –

- a. Construct an acoustically-effective barrier approximately 6 to 8 foot high fence or wall along the property lines of the four lots along Almaden Expressway as identified in the Traffic Noise Assessment Study.
- b. Install sound control windows as identified in the Traffic Noise Assessment Study.

Mechanical Ventilation

- a. All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.
- b. As this project is in an area with a noise level between 60 DNL and 70 DNL, this project will include mechanical ventilation, which will allow the windows to be closed for noise control and will reduce the noise levels inside the units by 25 DNL
- c. Install windows and glass doors so that the sliding window and glass door panels form an air-tight seal when in the closed position and the window and glass door frames are caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration.

Construction

- d. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- e. Weekend construction hours, including staging of vehicles, equipment and construction materials, shall be limited to Saturdays between the hours of 9 a.m. to 5 p.m. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Exterior generators, water pumps, compressors and idling trucks are not permitted. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site. The Director of Planning, at his discretion, may rescind provisions to allow extended hours of construction activities on weekends upon written notice to the developer.
- f. The developer will implement a Construction Management Plan approved by the Director of Planning, Building and Code Enforcement to minimize impacts on the surrounding sensitive land uses to the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:
 1. Early and frequent notification and communication with the neighborhood of the construction activities.
 2. Prohibit unnecessary idling of internal combustion engines.
 3. Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.
 4. The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
 5. Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

VIII. PUBLIC SERVICES –

- a. In accordance with California Government Code Section 65996, the developer shall pay a school impact fee, to the School District, to offset the increased demands on school facilities caused by the proposed project.

IX. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

- a. The project shall conform to the City’s Park Impact Ordinance (PIO) and Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38).

PUBLIC WORKS CLEARANCE

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **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.
2. **Transportation:** This project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes less than 15 Single Family detached units.
3. **Grading/Geology:**
 - a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - b) The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
4. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City’s Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires

implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29 to the maximum extent practicable.

- a) The project's preliminary Stormwater Control Plan and numeric sizing calculations need revisions.
- b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.

5. **Flood: Zone AE, Elevation Range from 219.50' to 220.50' North American Vertical Datum of 1988 (NAVD88), approximately 216.50' to 217.50' NGVD29**

- a) Elevate the lowest floor, including basement, to the applicable elevation above the ranges of 219.50' to 220.50' NAVD88.
- b) An Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, is required prior to issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required for each built structure prior to issuance of an occupancy permit.
- c) If applicable, provide 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:
 - i) Provide vent openings on at least two exterior walls of each enclosure to automatically equalize the lateral pressure of the floodwaters. The bottom of each opening shall be no higher than twelve inches above the exterior adjacent grade. Provide a minimum of two vent openings having a total net area of not less than one square inch per one square foot of enclosed area
- d) Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage

6. **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.

7. **Sanitary:** Submit a conceptive sanitary sewer plan with pipe slopes, surface elevations, and invert elevations at the PD permit stage.

8. **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 Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code).
9. **Street Improvements:**
 - a) Per a County letter dated November 10, 2009, the most effective access option is an access via a new public street which is an extension of Almaden Road from Fleetwood Drive. This is reflected on the project plans.
 - b) Construct and dedicate the entire proposed right-of-way width of the Almaden Road extension, approximately 45'. Provide a minimum 30' curb-to-curb width and 9' wide detached sidewalk that include a park strip.
 - c) Construct a masonry sound wall along the project's Almaden Expressway frontage.
 - d) At PD Permit stage, show pedestrian access between Fleetwood Drive and Almaden Expressway.
 - e) Close unused driveway cuts along Almaden Expressway.
 - f) Proposed driveway width to be 26'.
 - g) Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.
 - h) 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.
10. **Sanitary:** The project is required to submit plan and profile of the sewer mains with lateral locations for final review and comment prior to construction.
11. **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.
12. **Street Trees:** 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 a park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings. The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only. Contact the City Arborist at (408) 277-2756 for the designated street tree.
13. **Referrals:** This project should be referred to the County Roads and Airports Department and the Santa Clara Valley Water District.

County of Santa Clara

Roads and Airports Department



101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2400

November 10, 2009

Ms. Maria Angeles
Project Engineer,
City of San Jose Department of Public Works
Development Services Division
200 E. Santa Clara Street
San Jose, CA 95113

Subject: Access along the east side of Almaden Expressway between Winfield Boulevard and Redmond Avenue

Dear Ms. Angeles,

We've reviewed your October 22, 2009 letter containing a summary of the community meeting held on September 1, 2009 at the Almaden Community Center to solicit neighborhood input regarding access to Almaden Expressway for future development projects. Your letter also contains City's recommendation and five questions to the County regarding County standards. Our response to the five questions are as follows:

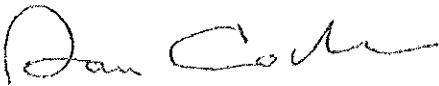
1. We are assuming your question refers to the frontage road design included in Alternative 3. The type of design shown in this alternative operates best as a one-lane one-way facility to limit the opportunity for confused motorists to enter Almaden going the wrong direction. The frontage road could be maintained by either city or county, depending on agreement details, so if it is city maintained the width could be determined by the city to city standards. Since the frontage road blends into the expressway at either end, to match county widths, we'd suggest the frontage road be at least 22 feet wide (2 feet left side curb shy away, 12 feet lane, 8 feet shoulder). For the area beyond the frontage road and fully on the expressway, acceleration/deceleration lanes should be at least 20' wide (12 feet lane, 8 feet shoulder).
2. Based on the adopted Future Width Line Study (FWL - see attachment), 600' is the standard minimum spacing between openings.
3. The standard minimum length of the acceleration lane required to safely merge onto the expressway is 300 feet of acceleration lane plus 200 feet of taper, or 500 feet total. While we suggest the consultant for the City or the developer should provide an evaluation of the weaving traffic design and operational impacts, a rough rule of thumb has been to use the design speed times lane width, or in this case $55 \times 12 = 660$ feet. Any analysis should consider the volume of vehicles weaving, the Almaden traffic, and the unique geometry that this location presents, specifically there is a blind area for cars exiting the proposed frontage access road and merging out from behind the proposed soundwall onto the expressway to the north. A potential design solution to address the limited sight lines would be to construct a continuous merge lane from the north end of the frontage road all the way to Winfield Boulevard.
4. The existing vault owned by Santa Clara Valley Water District that is within the proposed area of the acceleration/deceleration lane (frontage road) should ideally be relocated out of the right of way or at least adjusted in horizontal and vertical attributes so as not to present a hazard to

traffic, if county is to maintain that area. If the area is to be maintained by city, other standards could apply.

5. Alternative 3, as submitted, will not comply with the County's adopted FWL standards. Others items of concern include bicycles and pedestrians. Expressway bicycle riders will stay on the expressway shoulder west of the frontage road, and, in Alternate 3, would have to cross frontage road traffic twice (decel and accel). With regard to pedestrians, the 2008 Expressway Plan Update included adoption of routes for pedestrians seeking to move along the expressway alignments. The map for Almaden is shown at: <http://www.sccgov.org/rda/expressways2/almadenpedroute.pdf>
Note that continuous pedestrian facilities are planned for the east side of Almaden, and this will need to be accommodated in the design. Past experience with other neighborhoods has shown a neighborhood preference to keep pedestrians on the expressway side of the sound wall. Of most concern, however, is that directly across and on the west side of Almaden Expressway is a City Park, including a children's playground. Jeffrey Fontana Park, has an eastern-facing monumental sign adjacent to the expressway, that together with the openness of the park to the expressway creates a mid-block entrance that will attract users to the park. The proposed opening on the east side of Almaden Expressway will entice pedestrians and bicyclist to illegally cross the expressway directly to Fontana park without using Redmond Avenue or Winfield Boulevard signalized crossings. This is an additional hazard that can be introduced with the proposed opening for the development.

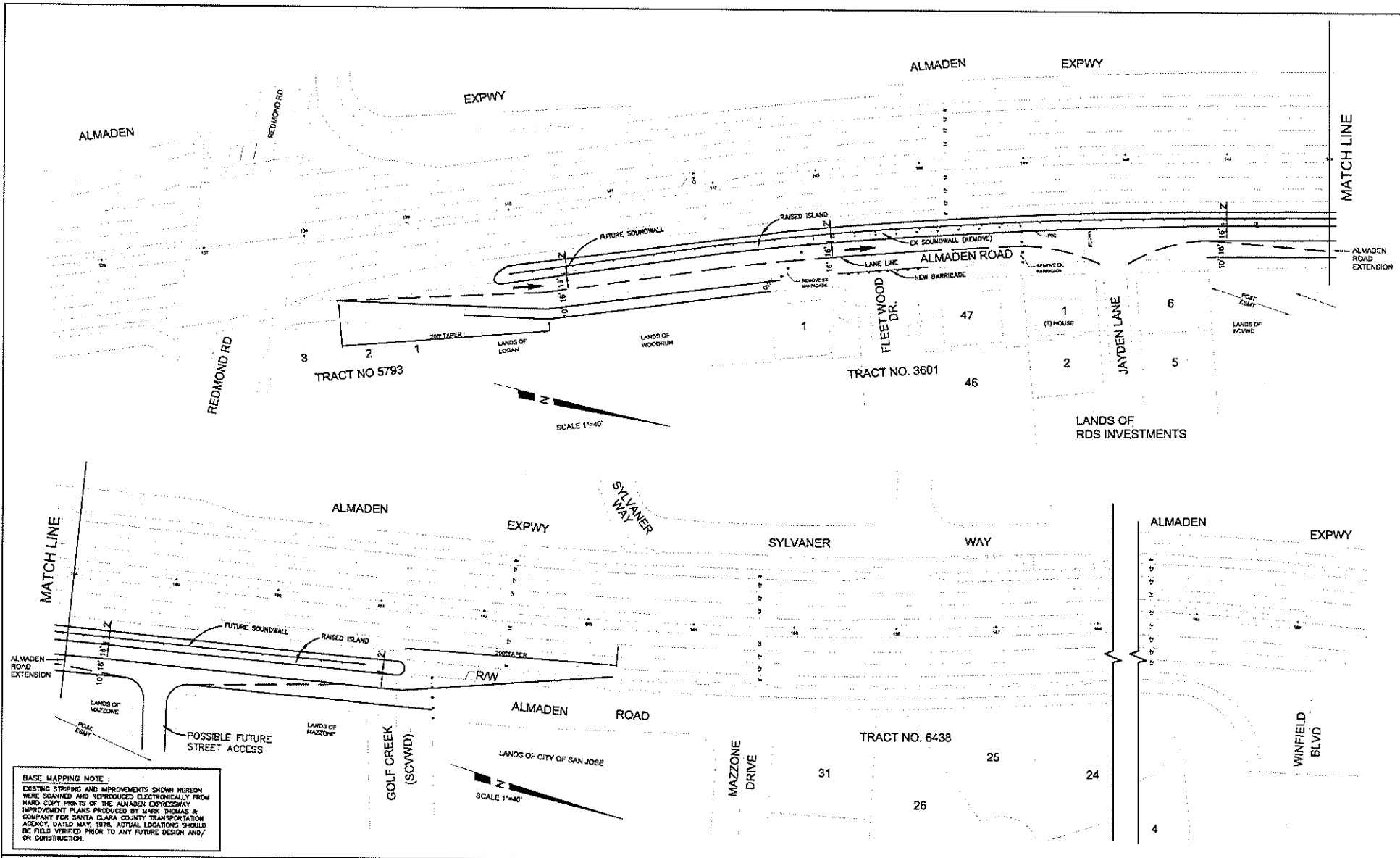
If you have any questions, please contact me at (408)573-2492

Sincerely,



Dan Collen,
Deputy Director
Infrastructure Development

Attachment: Access Openings, Ruth and Going FWL
cc: Colleen Valles, MJM, MLG, MA, WRL, RN, FL, File



BASE MAPPING NOTE:
 EXISTING STRIPING AND IMPROVEMENTS SHOWN HEREON WERE SCANNED AND REPRODUCED ELECTRONICALLY FROM HARD COPY PRINTS OF THE ALMADEN EXPRESSWAY IMPROVEMENT PLANS PRODUCED BY MARK THOMAS & COMPANY FOR SANTA CLARA COUNTY TRANSPORTATION AGENCY, DATED MAY, 1978. ACTUAL LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY FUTURE DESIGN AND/OR CONSTRUCTION.



DESIGN BY:
PANG ENGINEERS, INC.
 TRAFFIC AND TRANSPORTATION CONSULTANTS
 PO BOX 4255 MOUNTAIN VIEW, CA 94040
 (550) 948-1000 FAX: (550) 941-PANG

DRAWN BY:
ALLIED ENGINEERING COMPANY
 A DIVISION OF BILUM CONSULTING ENGINEERS, INC.
 CONSULTING ENGINEERS, ARCHITECTS
 AND LAND PLANNERS
 3176 WILHELM STR. SAN JOSE, CA 95117
 TEL: (408) 241-3900 FAX: (408) 241-3907

CONCEPTUAL ACCESS STUDY AS REQ'D BY CITY OF SAN JOSE
ALTERNATIVE 3
 ALMADEN EXPRESSWAY AUXILIARY LANE
 ON ALMADEN ROAD

DRAWN BY: JED
 CHECKED BY: GLP
 DATE: 02/07/07
 SCALE: 1" = 40'

DEPARTMENT OF PUBLIC WORKS
 SAN JOSE, CALIFORNIA

 APPROVED BY: [Signature]
 CHIEF OF PUBLIC WORKS
 CITY OF SAN JOSE
 CAPTAIN OF SILICON VALLEY
 SHEET 4 OF 4

October 22, 2009

Dan Collen, Deputy Director
Infrastructure Development
Roads and Airports Department
County of Santa Clara
101 Skyport Drive
San Jose CA 95110-1302

Dear Dan:

SUBJECT: Access Along Almaden Expressway
Between Winfield Boulevard and Redmond Avenue

This letter is to request responses from your staff to assist us with the access recommendations for the proposed development projects near Fleetwood Drive.

City and County staff attended a community meeting held last September 1, 2009 at the Almaden Community Center to solicit neighborhood input regarding traffic access to Almaden Expressway for future development projects. The City also received a copy of County Supervisor Don Gage's letter dated August 31, 2009 that stated County staff's reservations about granting direct access to Almaden Expressway. A copy is enclosed for your reference.

Based on City analyses and County input, City staff will be recommending access from Fleetwood Drive through a partially-connected frontage road (Almaden Road), with no new connection to Almaden Expressway. In addition, this frontage road will not be connected to the "Lands of Mazzone" property.

While we are confident that the Fleetwood access is the best solution, we are asking for your help in answering the questions below that involve the County standards in order to address the concerns from the neighborhood and the Planning Commission regarding a direct access to Almaden Expressway ("Alternative 3"). Please refer to the attached "Alternative 3" plan.

1. What is the required minimum curb-to-curb width for a deceleration/acceleration lane along Almaden Expressway? Is it preferable to have a single-one-way lane? What is the minimum lane width?
2. A new driveway will be needed for the "Lands of Woodrum" shown on the Alternative 3 plan. What is the minimum distance from a new driveway opening to the intersection of Redmond Avenue and Almaden Expressway if we were to construct a deceleration lane at this location?

Mr. Dan Collen
October 22, 2009
Subject: Access Along Almaden Expressway
Page 2 of 2

3. What is the minimum length of acceleration lane required to safely merge onto the expressway? Is there a required minimum distance from the end of the acceleration lane to the next intersection (McAbee Road) for vehicles to safely merge onto the expressway and make a left or U-turn at the intersection?
4. There is an existing above-ground vault owned by the Santa Clara Valley Water District that will be within the proposed acceleration/deceleration lane. Can this vault be protected in-place or will it require relocation?
5. Are there any other safety standards that are not met by the Alternative 3 plan that are not covered in the above questions?

Again, we would like to thank you and other County staff for your assistance. Please contact me at (408) 535-6817 or Karen Mack at (408) 535-6816 if you have any questions.



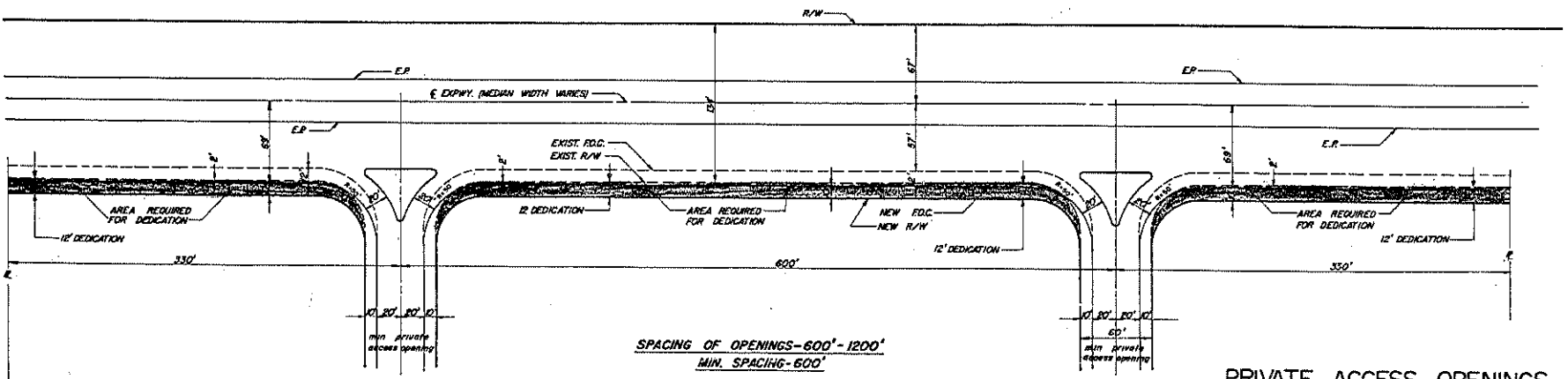
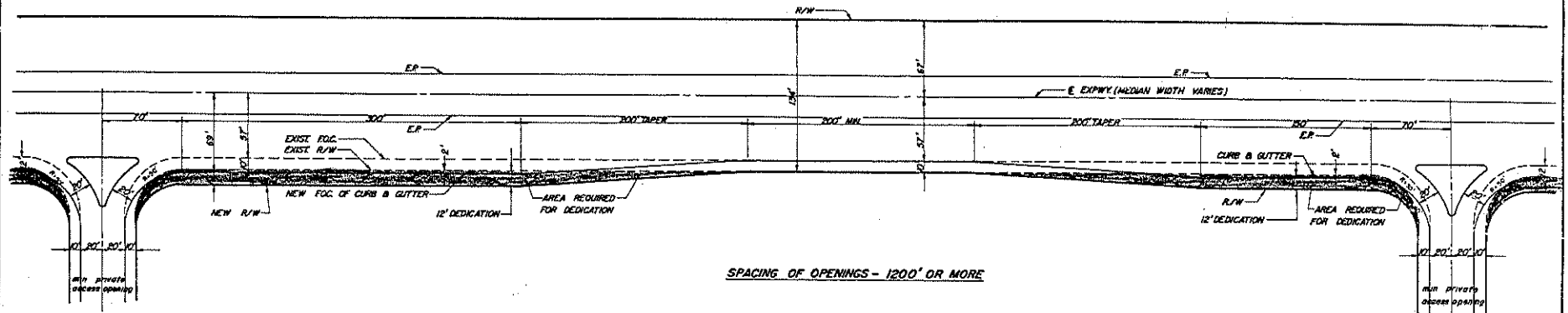
MARIA ANGELES
Project Engineer
Development Services Division

RD:mba/km
Q:\Project Files\3-18405

Enclosures: 8/31/09 Letter from County Supervisor Don Gage
"Alternative 3" Access Plan

c: Mike Enderby, Planning

PRIVATE ACCESS OPENINGS
RIGHT TURNS ONLY



PRIVATE ACCESS OPENINGS
RIGHT TURNS ONLY
FIGURE 3
PAGE 32

Xavier, Lesley

From: dksams@aol.com
Sent: Sunday, August 30, 2009 9:14 PM
To: Office of Councilmember Nancy Pyle
Cc: dow5m@yahoo.com; Xavier, Lesley; strangis@aol.com
Subject: Almaden Valley Development between Redmond Ave and Mazzone Dr

Dear Council Member Pyle,

We are residents who recently moved into the Almaden Hills Estates development less than 1 year ago. Part of the reason that we chose to relocate to this San Jose neighborhood was the fact that it is quiet and exclusive with only one entrance/one exit. By having a limited number of households within Almaden Hills Estates, we have the unique opportunity to really get to know our neighbors and to keep a closer watch out for unwanted intruders and crime. The new proposed development between Redmond and Mazzone, as we understand it, may bring through traffic to our neighborhood connecting us to Fleetwood Drive. This in our opinion would not only change the day to day living environment that we currently enjoy but would also stand to negatively impact our future property values. Therefore, we strongly suggest that the city reconsider options for building a deceleration lane off of Almaden Expressway to access the new developments. By doing so, the homeowners in our area and the Fleetwood Drive homeowners could maintain the current limited access which has afforded the high standard of living that we are each accustomed to. We would furthermore suggest that the cost of the access lane be included in the overall cost to the developer since they are the ones who stand to benefit the most financially from the new project.

We appreciate this opportunity to have our thoughts heard and look forward to attending the upcoming community meeting on Sept. 1st.

Thank you and best regards,

Dana and Stacey Sams
1026 Crossbow Court, San Jose

cc:
Almaden Hills Estates Homeowners Association
Lesley Xavier, City of San Jose Planning Division
Jerry Strangis, Project Consultant

8/31/2009

Xavier, Lesley

From: Laura Jacobs [lajacobs@ix.netcom.com]
Sent: Friday, August 21, 2009 10:49 AM
To: Office of Councilmember Nancy Pyle
Cc: Xavier, Lesley; strangis@aol.com; george bettisworth; lbrown@nikon.com; dauerx831@aol.com; mkg@usa.com; elliot_kerry@yahoo.com; nancy_wilson@sjusd.org; Hanh Thompson
Subject: Proposed Developments adjacent to Almaden Expressway near Redmond and Mazzone Drive

Dear Ms. Pyle,

I am a resident of the Almaden Valley Estates development. It has recently been brought to my attention by my homeowners association that there is a proposed development being discussed that would dramatically change the layout and the traffic pattern of our quiet and exclusive neighborhood.

The project I am referring to is the one that would open up the dead end of Mazzone Drive and connect it with Fleetwood drive.

I am strongly against this measure as I feel that it would have a very negative impact on traffic flow in our neighborhood, which only has one entrance through Winfield. With the proposed new building of approximately 34 single family homes, there is the potential of at minimum, 140 extra car trips per day through our neighborhood (assuming 2 cars per family and two trips per day per car). This additional traffic would be expected to create huge back ups at the Almaden/Winfield intersection.

In addition to the traffic concerns, I am also very concerned about additional access to our currently quiet neighborhood and the potential for crime. At this time our neighborhood enjoys one entrance and one exit. Most of us in the community purchased here for just this reason. The closed nature of this community has offered us the ability to keep a closer watch on the happenings internally as well as having a deterrent effect on criminals looking for quick and easy ways in and out of housing developments. Having additional exits and attaching other neighborhoods would create a more suitable environment for crime.

Finally, I am very concerned about our property values. In this recessionary environment we have all endured a drop in the values of our homes. However, with this new development accessing our neighborhood and the increased negatives of traffic and the loss of our exclusivity, all the realtors that I have had conversations with have concurred that our property values would be seriously impacted in a negative way.

Because of all the negative ramifications with this access road I would like to suggest that you seriously reconsider the options for this project. I feel that the most beneficial option to everyone involved, Almaden Estates, Fleetwood Drive, the property owners and the developers would be to have a deceleration lane built off of Almaden Expressway that allowed access to these new developments while still allowing Almaden Estates and Fleetwood Drive to retain their closed end streets. I have heard that this option has been dropped due to the cost and the work involved in coming up with a feasible solution. However, I would suggest that those who stand to gain by developing the sites should be held responsible for the costs to develop the entire project, which should include accessibility.

I appreciate your time in considering this letter. I look forward to attending the September 1 meeting and finding a solution that benefits everyone.

Sincerely,

Laura Jacobs
Xavier Lelong
5942 Crossmont Circle
Almaden Valley Estates

cc: Almaden Valley Estates Homeowners association board of directors

8/24/2009

Xavier, Lesley

From: capage0519@aol.com
Sent: Tuesday, May 26, 2009 3:14 PM
To: MayorEmail; Office of Councilmember Nancy Pyle; don.gage@bos.sccgov.org; Angeles, Maria; Sutherland, Kathy; Xavier, Lesley; Horwedel, Joseph; mike.enderby@sajoseca.gov
Subject: Fleetwood Homes Project
Follow Up Flag: Follow up
Flag Status: Purple

After our Public Community Meeting in April, I feel the general consensus is we are NOT in favor of the General Planned Amendment proposed by Project No: GP08-10-01 and PDC08-051. In 2007 Jayden Lane was approved for rezoning to a PD to allow for 6 single family homes on a parcel just a little over an acre in size. The Fleetwood Homes project is requesting rezoning to Medium Density Residential allowing for 8-16 DU/AC on **less** than an acre. This would mean much smaller lots and reduced parking. The applicant is also proposing to build 8 two story homes with a loft. This style of architecture is completely incompatible with the existing neighborhoods. With the grading that has to take place prior to building the homes, this will make them even higher giving the existing neighbors restricted views of the hills they have so much come to enjoy.

Another of our concerns is that traffic would be increased on Fleetwood Dr. if Alternative 3 were not followed through with. There is not only one project that will effect the traffic on Fleetwood, but in the future there will be 4 projects. It has been approximately 2 years ago that the City recommended Alternative 3. In fact, in a memo from Councilmember Pyle to Mayor Reed and City Council, dated June 5, 2007, she stated that Alternative 3 is acceptable to the Santa Clara County Roads and Airport Department, with the requirement of land dedication from the other properties, and as an INTERIM condition, until the other sites develop, access would be via Fleetwood Dr. The homeowners on Fleetwood have no problem with this.

Maria Angeles received a letter from William R. Lee, Senior Civil Engineer with the Land Development and Survey, Roads and Airports Department dated April 23, 2009. There is a paragraph that states, "If City decides on "Alternative 3" or other hybridized alternative, RAD is open to discussion with the City. It seems the homeowners on Fleetwood have continually been told the County will not allow Alternative 3 to be implemented. Apparently this is not completely true.

Then there is the proposed Sycamore Terrace Project at the Northeast corner of Almaden Expressway and Coleman Road. This proposed project is to consist of 32 single family attached residential units on approximately 1.4 acres. Ingress/egress for this project will be off of Almaden Expressway.

It appears there me be a lack of communication or interpretation between departments. This seems like an opportune time to get this resolved once and for all. The homeowners have to face this same issue every time a developer decides it is time to do something with his property. We feel it is like a "*divide and conquer*" situation.

Connie Page
1060 Fleetwood Dr.
San Jose, CA 95120

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Xavier, Lesley

From: page douglas [douglas_a_page@yahoo.com]
Sent: Tuesday, May 26, 2009 3:44 PM
To: Horwedel, Joseph; Office of Councilmember Nancy Pyle; Xavier, Lesley; Sutherland, Kathy; mayore@sanjoseca.gov; Angeles, Maria; Enderby, Mike
Cc: Connie Page
Subject: Amendment to general plan, Woodrum / Strangis, FILE #GP08-10-1 & PDC08-051
Follow Up Flag: Follow up
Flag Status: Purple

Currently there are four pieces of property on Almaden Expressway that are in some phase of development, Hudson Property, Woodrum / Strangis, Jayden Lane, and Mazzoni. These four properties were addressed over 2 years ago by the residents of Fleetwood Drive, who requested that they all be considered jointly for ingress & egress from Almaden Expressway. It was recommended at that time to get the developers of those properties to address a method for ingress and egress. This was evidently never followed through with. Now the Woodrum / Strangis developers are requesting a change to the city general plan to allow R8 to R16 zoning for that piece of property, with a special PD allowance. This will allow 8 DUs to be built on .85 acres, or the equivalent of 9.5 DUs per acre. The presented plan requires ingress and egress via Fleetwood Drive, with no accessibility to Almaden Expressway. If this is allowed, the Hudson property will become an island by itself, with no access other than the expressway. So, property #1, Hudson will have access via the expressway, property #2, Woodrum / Strangis wants access to & from Fleetwood, and property #3, Jayden lane has Almaden Expressway access, property #4, Mazzoni, undeclared. The Jayden Lane property has already dedicated property for access to and from Almaden Expressway, Hudson properties has no other choice, and Mazzoni's property access would logically be from the expressway as well. The only logical solution is to **not allow** Woodrum / Strangis any zoning other than R8 maximum. This would allow them to develop 6 DUs instead of 8 on a plot of land that is 25% smaller than the Jayden Lane property. I asked Mr. Bo, the architect for Woodrum / Strangis, if he had done a layout of the property with 6 DUs rather than eight which might allow for more parking, namely 2 covered & 2 driveway, his answer was that "it wouldn't pencil out". That is very strange considering that the Jayden Lane property was purchased 3 years ago, at high market value, and the Woodrum / Strangis property was purchased over 10 years ago, when values were much less, and it seems to have "penciled out" for Jayden Lane, even with property dedicated for expressway access.

There are many other issues to be considered in the development of the Woodrum / Strangis property, lot size, parking, and of course the height issue. The proposed document presented showed 3 story homes, they called them 2 story with a loft, but the loft is a full 8 foot ceiling bedroom and bathroom which pencils out 3 stories to me. If the property is graded to 220 ft elevation that would be about 6 foot higher than the existing properties before they build the 3 stories, the floor level of the balconies and bedrooms of these DUs would be about 26 foot higher than the backyards of the existing homes. I would consider this to be a serious privacy issue. In addition to the privacy issue there would be a deprivation of view for many of the existing homes. For over 45 years these residents have had a view of Mount Um Uh Num and of the hills to the north where the golf course is now. If the grade level is built up 6 foot and the new construction allowed to go to 31 foot over grade, the roof tops will be high enough to seriously restrict the views of the people who have lived here for decades. This would be a serious restriction to the quality of life that people have enjoyed.

Sincerely,

Douglas A. Page

Please help save Fleetwood Drive.

Currently Fleetwood is a one block neighborhood backing Los Alamitos Creek, composed of 48 homes. Quiet, residential, close knit. There are currently plans for the 4 properties along Almaden Expressway, north of Redmond to be developed. They are in various phases. The developers and the planning department would like to access all of these developments through Fleetwood Drive. The amounts to as many as 30 new homes. They cite traffic studies which indicate that this increase is with "acceptable" levels. We vehemently disagree.

When the first property, Jayden Lane, came through the city council, under the leadership of our representative, Nancy Pyle it was suggested at such time as the remaining properties were up for development/approval that "alternative 3" be explored-Access to all 4 properties via Almaden Expressway. It is not the option that the developers or the planning department prefer. The current rules about acceleration/deceleration make it a poor choice, DESPITE the fact that we have provided evidence of numerous locations in the neighborhood where the access is direct from the expressway, with much shorter acceleration/deceleration: Shadowbrook, Cloverhill, Almaden Nursery, Almaden Lake Park for example. We are also aware of new development being considered for Almaden/Coleman where access will be from the Expressway, on a much busier intersection. The current proposal for the Woodrum property will cut off access for the corner property (Hudson). When asked how he will access his property/development the planning department says from the Expressway. We will ask for a variance. Why for one and not for all of them? If we need more room, move the bus stop. These solutions seem so simple, why do none of the experts come up with them.

At the time of the Jayden Lane discussion we were told that alternative 3 would be discussed/studied. Nothing has happened. Apparently planning feels that the developer should foot the bill for the exploration. Why? The planning department also seems to have forgotten the flood plane discussion. One of our neighbors works for the Water District and advises that the City is out of compliance with FEMA requirements which state that a study must be done.

Another sore point. Emergency vehicles coming down Fleetwood Drive to respond to Fire (engines specifically) cannot make the corner. It is too tight of a turn. The fire department advises that in an emergency they can cut through the front yard of the corner property if necessary. How is this good city planning? Why can't we work together to find a solution which meets all of the needs. It feels as though the existing residents don't matter to the City or the County. There was a time when Fleetwood Drive was the thoroughfare of the neighborhood. That changed when Redmond went through and the street was blocked off. No one who purchased property since that time had any idea that it was not a permanent situation. Many of us based our purchase on the nature of this quiet street. If you open Fleetwood, it will not only serve the residents of the new developments, but will once again become the method that many people each day(Leland High School students for example) use to avoid the light at

Almaden and Redmond. This will increase the number of trips per day by many hundred. Again, not acceptable.

Who will compensate me when the value of my property declines due to the change in the nature of the block?

Who will step up and acknowledge that the City and County officials need to protect the rights of the existing residents despite the potential loss of some new development. We feel abandoned, angry and frightened. No one seems to care at all.

The neighbors of Fleetwood Drive are not objecting to development. We believe that people have a right to maximize use of their property. We just believe that we have rights too. That the new need not be at the expense of the old. It is more than possible to access the new developments from Almaden Expressway. It might not be the cheapest way, or the preferred way (might lose some of the land to right of way), but it is the fair way. Developers develop, neighbors appeased, everyone looks good.

Thank you for your attention. This issue seems so very simple to me, I hope that you can see your way to some real planning.