SUPPLEMENTAL

COUNCIL AGENDA: 01-29-08
ITEM: 11.3

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: January 25, 2008

Approved Christine F. Shippey Date 1-25-08

COUNCIL DISTRICT: 10
SNI: Hoffman/Via Monte

SUPPLEMENTAL TRANSMITTAL MEMO

SUBJECT: CP07-072 & ABC07-006. APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY A CONDITIONAL USE PERMIT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE OFF-SALE OF BEER, WINE AT A PROPOSED GROCERY STORE (WHOLE FOODS) LOCATED IN THE AREA GENERALLY BOUND BY BLOSSOM HILL ROAD ON THE NORTH, GALLUP DRIVE TO THE WEST, MESA DRIVE TO THE SOUTH, AND ALMADEN EXPRESSWAY TO THE EAST. THE PROPOSAL INCLUDES DEMOLITION OF 78,409 SQUARE FEET OF EXISTING COMMERCIAL BUILDINGS AND CONSTRUCTION OF 80,800 SQUARE FEET RESULTING IN A TOTAL OF 122,584 SQUARE FEET FOR COMMERCIAL USES.

REASON FOR SUPPLEMENTAL

Please find attached two memoranda from the Department of Public Works, which were not available at the time of preparation of the original staff report.

Susan Walton
for JOSEPH HORWEDEL, DIRECTOR
Planning, Building, and Code Enforcement

For questions please contact Susan Walton at (408) 535-7800.

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Edward Schreiner
Planning and Building

FROM: Norman Mascarinas
Public Works

SUBJECT: **INITIAL RESPONSE TO DEVELOPMENT APPLICATION**

DATE: 01/23/08

Approved EL Date 1/23/08

PLANNING NO.: CP07-072
DESCRIPTION: Conditional Use Permit to allow construction of 122,584 square feet for commercial uses on a 10.2 gross acres site and permit the off-sale of alcohol for a Whole Foods (Mandatory denial by PC 12/10/07)
LOCATION: generally bound by Blossom Hill Road on the north, Gallup Drive to the west, Mesa Drive to the south, and Almaden Expressway to the east
P.W. NUMBER: 3-00952

Public Works received additional information on the subject project on 1/07/08 and submits the following comments and requirements.

Actions / Revisions Required:

1. **Street Improvements:**
   a) Adjust driveway openings on Blossom Hill Road to facilitate a smoother ingress/egress for delivery trucks to the site.
   b) Show the redesign of the left turn pocket from westbound Blossom Hill Road to Plaza Way.
   c) Reconfigure southwest corner curb alignment of Almaden Expressway and Blossom Hill road intersection to remove the "free" running right turn movement.

2. **Sanitary:** Submit a sanitary sewer plan if construction of new laterals is proposed.

Project Conditions:

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.

3. **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.

4. **Transportation**:
   a) The projected traffic for this project was reviewed and found to be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts.
   b) An operational analysis was completed by Hexagon Transportation Consultants. The study included Trip Generation Estimates, Driveway Access Analysis, and Truck Access and Circulation.
   c) The study concluded the following:
      i) The Net increase in trips is minimal based on the general shopping center trip rates but it should be noted that a Whole Foods Grocery would generate more traffic than a fully utilized Rite Aid drugstore.
      ii) Improvements are required at the driveway east of the Shell gas station and west of the Plaza Way entrance on Blossom Hill Road. Included in the improvements will be the curb realignment at the southwesterly corner of Blossom Hill Road and Almaden Expressway which will remove the "free" right turn from eastbound traffic onto Almaden Expressway.
      iii) Adjacent driveways located on Almaden Expressway northerly of the Shell gas station shall remain and will require no improvements at this time. In the future a reciprocal easement shall be granted to the adjacent Shell gas station and the driveways will be consolidated.
   d) For additional clarification please review the supplemental traffic memo that was dated 01/016/08 and included with this memo.

5. **Grading/Geology:**
   a) A grading permit is required prior to the issuance of a Public Works Clearance.
   b) 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.
   c) 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.
   d) The Project site is within the State of California Seismic Hazard Zone. 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). A recommended depth of 50 feet should be explored and evaluated in the investigation.

6. **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 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.
   a) 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.
   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.

7. **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.

8. **Reimbursement**: The developer will be required to reimburse the City for costs advanced for the construction of street improvements along Blossom Hill Road in accordance with City Ordinance #19663.

9. **Street Improvements**:
   a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
   b) Remove and replace curb, gutter, and sidewalk along project frontage.
   c) Proposed driveway width to be 26'.
   d) Existing driveways located on Blossom Hill Road east of intersection shall be redesigned to allow access such that delivery trucks would not require all three eastbound travel lanes on Blossom Hill Road.
   e) Redesign the left turn pocket from westbound Blossom Hill Road to the Plaza Way driveway to accommodate an additional left turn lane. The improvements shall include median reconstruction, realigning Blossom Hill Road, and may include right-of-way dedication and utility relocation.
   f) Redesign curb on the northeast corner of Almaden Expressway and Blossom Hill Road intersection, this curb realignment will help resolve the existing operational problems while not affecting access to and from the gas station, the shopping center or Mesa Drive. In the future reciprocal easements will be granted and the

driveways will be consolidated to help further alleviate problems at this access point. The improvements may require utility modifications.

g) Install handicap ramp at the corner of Blossom Hill Road and Almaden Expressway.

h) Improvements along Almaden Expressway shall be coordinated with the County of Santa Clara Roads and Airport Department prior to approval of this permit.

i) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.

j) 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. (To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.)

10. **Complexity Surcharge**: Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.

11. **SNI:** This project is located within the Hoffman/Via Monte SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.

12. **Sanitary**:

a) Submit a conceptive sanitary sewer plan at the PD permit stage.

b) The project is required to submit plan and profile of the private sewer mains with lateral locations for final review and comment prior to construction.

13. **Electrical**:

a) 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

b) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.

c) Provide clearance for electrical equipment from driveways, and relocate driveway or electrolier. The minimum clearance from driveways is 10' in commercial areas.

d) Provide clearance for electroliers from overhead utilities and request clearance from utility companies. Clearance from electrolier(s) must provide a minimum of 10' from high voltage lines; 3' from secondary voltage lines; and 1' from communication lines.

e) To assist the Applicant in better understanding the potential cost implications resulting from these requirements, the electroliers along the project frontage can be evaluated during the Planning permit review stage. The Applicant will be

required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 15 working days.

14. **Street Trees**:
    a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
    b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
    c) Replace any missing street trees in empty tree wells or park strips along Blossom Hill Road and match existing trees per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Obtain a DOT street tree planting permit for any proposed street tree plantings.
    d) Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.

15. **Median Island Improvements**: The Redevelopment Agency has expressed the desire to install landscaping improvements in the median island along the project frontage on Blossom Hill Road. The possible widening, lane reconfiguration, dedication and frontage improvements will be coordinated with the Redevelopment Agency.

16. **Referrals**: This project should be referred to the County Roads and Airports Department.

Please contact me at (408) 535-6812 if you have any questions.

Norman Mascarinas
Norman Mascarinas
Project Engineer
Transportation and Development Services Division

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CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Edward Schreiner
Planning and Building

FROM: Norman Mascarinas
Public Works

SUBJECT: **SEE BELOW**

DATE: 01/23/08

Approved

Date 1/23/08

SUBJECT: Whole Foods Grocery Store located at
Almaden Expressway and Blossom Hill Road
PW NO. 3-00952 (CP07-072)

We have completed an operational traffic analysis for the subject project. The project, as proposed will replace a 40,194 sq. ft. Rite Aid drugstore, 8,489 sq. ft Goodyear tire center, 29,726 sq. ft. strip retail with a 60,5000 sq. ft. Whole Foods grocery store, 12,500 sq. ft. new strip retail and a 7,800 sq. ft. video store expansion. The proposed project results in a net increase of 2,391sq.ft. to the existing shopping center. The project is located in an area generally bound by Blossom Hill Road on the north, Gallup Drive to the west, Mesa Drive to the south, and Almaden Expressway to the east.

The report presents the trip generation rates for a fully utilized shopping center. The trip generation rates are characteristic of a neighborhood shopping center. However, the proposal for the Whole Foods is anticipated to generate traffic from an extended neighborhood that could include a 10 – 20 mile radius of customers. The existing Whole Foods are located in Los Gatos, Cupertino, and Sunnyvale with a new store opening on The Alameda approximately 8 miles from this site. Therefore, it is anticipated that the area will experience a noticeable increase in traffic surrounding the site since the existing shopping center is not generating a significant amount of traffic. The report does state the updated shopping center will generate approximately 588 AM and 1214 PM peak hour trips

ACCESS

The existing shopping center has four frontages along the public right-of-way. The single driveway along Almaden Expressway is along the east boundary and provides right-turn in/out only. Mesa Drive contains one full-access driveway but is across from residential neighborhood and City staff recommends this driveway be limited to customers only and no store deliveries. Gallup Drive contains one full-access driveway and City staff recommends this driveway be limited to customers only as well. The main project frontage, Blossom Hill Road, contains one full-access signalized driveway that also provides access to Almaden Fashion Plaza to the north and one right-turn in/out only driveway closer to Almaden Expressway.

TRUCK ACCESS

The two driveways along Blossom Hill Road are the recommended access for truck traffic and circulation. The truck turning templates submitted show a potential conflict with existing traffic along Blossom Hill Road although this section of the roadway is three lanes in each direction. Modifications to the driveways along these designated truck routes should be designed to minimize the intrusion across all three lanes of traffic.

OPERATIONAL ANALYSIS

Plaza Way

An operational analysis was performed at the main signalized access along Blossom Hill Road at Plaza Way to determine what the demand for left-turns into the site with the proposed Whole Foods. The report concluded that the two pockets serving left-turns into the site along Blossom Hill Road and Gallup Drive were adequate to serve the estimated queue. However, the intersection of Almaden Expressway and Blossom Hill Road is considered a highly congested intersection and precaution should be taken to ensure that the project queue does not back up or adversely affect this intersection. Therefore, the installation of a double-left turn into the site is highly recommended and would require modifications to the traffic signal, median island and onsite drive aisle.

Almaden Expressway

Along the Almaden Expressway frontage there are two adjacent driveways, one right-turn in/out only serving the Shell Gas Station which is not a part of this project and one right-turn in/out only serving this site. The report concludes the site driveway along Almaden Expressway would experience a substantial increase in traffic. It is important to note that driveways located this close together would not be permitted under the current policies.

An operational analysis was performed along the frontage to study the existing right-turn movement from eastbound Blossom Hill Road to southbound Almaden Expressway. Operational problems in the field were observed and identified existing conflicts with the southbound weaving and the existing free-running right along this frontage. With the addition of the project traffic, the operational problems would be exacerbated. In order to address these conflicts, the report includes a conceptual plan that would realign the curb to eliminate the free-running right and all right-turns in this quadrant would be controlled by the traffic signal. This would improve the existing circulation along the site and could allow for temporary operations of the two adjacent driveways until such a time that the gas station applies for a site renovation.

This frontage is along Almaden Expressway is under County jurisdiction and would require review and approval by the County of Santa Clara Roads and Airport Department.

RECOMMENDATION

1. Truck Access – modify the onsite drive aisles and driveways so that delivery trucks would not require all three eastbound travel lanes on Blossom Hill Road.
2. Plaza Way Access- Construct second left-turn along Blossom Hill Road. This will require traffic signal modification, median island modification and onsite drive aisle modification to receive two left-turns into the site.
3. Almaden Expressway – Realign the curb on the southwest corner of the Almaden Expressway and Blossom Hill road intersection to eliminate the free-running right turn and control right turns with the traffic signal. This would require modification of the existing pork chop island, traffic signal modification and coordination and approval by the County of Santa Clara Roads and Airport Department.
4. Provide a reciprocal easement for the Shell gas station and project site for a future shared driveway. Ultimately, only one driveway along Almaden Expressway would be allowed.
5. Restrict driveways along Gallup Drive and Mesa Drive to customers only.

We conclude that the subject project is in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3). Therefore, a determination for a negative declaration can be made with respect to traffic impacts.

If you have any questions, please call me or Karen Mack at extension 5161.

Norman Mascarinas
Project Engineer
Transportation and Development Services Division