

SUPPLEMENTAL



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: February 20, 2008

Approved

Date

COUNCIL DISTRICT: 4
SNI AREA: N/A

SUPPLEMENTAL TRANSMITTAL MEMO

SUBJECT: PDC06-120. CONSIDERATION OF AN ORDINANCE REZONING THE REAL PROPOERTY LOCATED BETWEEN LOS ESTEROS ROAD AND GRAND BOULEVARD (675 LOS ESTEROS ROAD) FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO EXPAND RESOURCE RECOVERY AND RECYCLING OPERATIONS TO CONSTRUCT AN APPROXIMATELY 200,000 SQUARE FOOT MATERIALS RECOVERY FACILITY BUILDING AND ALLOW 24-HOUR OPERATIONS ON A 52.5 GROSS ACRE SITE.

REASON FOR SUPPLEMENTAL OR REPLACEMENT

Please find attached revised Draft Development Standards for the Zanker Material Recovery Facility Planned Development Rezoning with minor text clarifications/revisions requested by the applicant and reflecting a slight change in the maximum height limit of the landfill crest from 48 feet to 50 feet, to be in conformance with the citywide height limit of the San Jose General Plan.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

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

Attachment:

Revised Draft Development Standards

ZANKER ROAD MATERIAL PROCESSING FACILITY – ZONING CONDITIONS

DEVELOPMENT STANDARDS

Tonnage Limits

The facility shall accept a maximum of 5,000 tons of waste per day and shall landfill a maximum of 350 tons per day.

Height Limit

The maximum height of the landfill shall not exceed 50 feet above MSL. The maximum height of the stockpiles and baled materials (resource recovered) shall at no time exceed 20 feet. The maximum building height limit of the Material Recovery Facility (MRF) not to exceed 70 feet above grade.

Hours of Operation

The site can be operated 24 hours per day, 7 days per week. It will be closed on major holidays (New Year's Day, Easter, Thanksgiving and Christmas).

Landfill Closure

The on-site landfill operation shall close by the year 2021. Post-closure maintenance and monitoring of the landfill will continue for a minimum of 30 years after official landfill closure. Material Recovery facility operation to commence after the closure of the landfill.

Proposed Uses for the Landfill After Closure

The project proposes to utilize the top deck area of the closed landfill for operations that are ancillary to the proposed MRF operations in the southern portion of the site. These ancillary operations would include 1) employee parking, 2) truck/equipment parking, 3) temporary material storage, 4) a fueling station for trucks and equipment, 5) and a recovered soils and materials yard.

Access

Modify the driveway so it intersects Los Esteros Road at an angle closer to 90 degrees.

Sanitary

Possible sanitary sewer connections and options available to the project include but not limited to:

- a) Truck hauling of waste water to San Jose/Santa Clara Water Pollution Control Plant.
- b) Connection to existing 10-inch sanitary line located across Los Esteros Road from ZMPF.
- c) Connect to sanitary sewer system in the Community of Alviso via new pipeline through designated open space land owned by Zanker Road Resources Management, Ltd.
- d) Connect to sanitary sewer system in the Community of Alviso new pipeline down Los Esteros Road right-of-way

- e) Connect to sanitary sewer system in the Community of Alviso via new pipeline down federally-owned road located north of ZMPF

WASTE STREAM

According to Waste Discharge Requirements (WDRs) for the site only non-hazardous and non-decomposable waste would be landfilled at the site. Green waste, food waste and decomposable municipal solid waste would be processed in the MRF and transported to off-site approved composting facilities. No materials associated with the acceptance, screening handling, or transfer of yard/green wastes, food wastes, and MSW would be landfilled on-site at the ZMPF. As defined by Title 14, hazardous wastes, infectious wastes, liquid wastes, friable asbestos and sludges will not be accepted.

Zanker MRF Mitigation Measures

Air Quality:

1) Implementation of the measures recommended by BAAQMD and those listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. Measures to reduce diesel particulate matter and PM2.5 from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided.

Dust (PM10) Control Measures:

- Water all active construction areas at least twice daily and more often during windy periods.
- Cover all hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on any unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- During renovation and demolition activities, removal or disturbance of any materials containing asbestos or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.

Biology:

1) The developer shall have a qualified biologist complete a survey and prepare a report not more than one month prior to construction activities to determine the presence of Burrowing Owls on the site. If owls are present on the site, a mitigation program shall be developed in conformance with the requirements of the California Department of Fish and Game and the U.S. Wildlife Service. If mitigation includes relocation, owls shall not be relocated during the nesting season (March through August). Prior to the issuance of any grading or building permits, the developer shall submit a biologist's report to the City's Environmental Principal Planner to the satisfaction of the Director of Planning indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies.

2) If possible, construction shall 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 completed 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 completed 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 contractor shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner and the Director of Public Works prior to the start of construction.

Geology and Soils:

- 1) A detailed, design-level geotechnical investigation for the project shall be completed by the applicant and shall be reviewed and approved by the City Geologist, prior to approval of a PD Permit for any phase of the project. The geotechnical investigation shall identify and describe the specific engineering practices to be used to reduce or avoid all possible geologic hazards on the site, which shall be incorporated into the project design. It is anticipated that fill and waste under the building locations would be over-excavated. The specific approaches to be implemented will be based on additional site studies and final project design.

Hydrology and Water Quality:

1) Post-Construction Mitigation Measures

- When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of San José. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site.
- All post-construction Treatment Control Measures (TCMs) will be installed, operated, and maintained by qualified personnel. On-site inlets will be stenciled in conformance with City requirements and cleaned out a minimum of once per year, prior to the wet season