



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** March 1, 2007

**COUNCIL DISTRICT:** # 2  
**SNI AREA:** Not Applicable

**SUBJECT: PDC 06-095. PLANNED DEVELOPMENT REZONING FROM THE IP-INDUSTRIAL PARK ZONING DISTRICT TO THE A (PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW APPROXIMATELY 24,000 SQUARE FEET OF COMMERCIAL USES ON AN APPROXIMATELY 2.18 ACRE SITE.**

## **RECOMMENDATION**

The Planning Commission voted 7-0-0, to recommend that the City Council approve the proposed Planned Development Rezoning from the IP-Industrial Park Zoning District to the A (PD) Planned Development Zoning District to allow approximately 24,000 square feet of commercial uses on an approximately 2.18 gross acre site.

## **OUTCOME**

Should the City Council approve the Planned Development Rezoning as recommended by the Planning Commission, up to approximately 24,000 square feet of commercial uses may be built on the subject 2.18 gross-acre site, consistent with the attached Development Standards for the subject rezoning. This future development would be subject to additional Development Permits.

## **BACKGROUND**

On February 28, 2007, the Planning Commission held a public hearing to consider a Planned Development Rezoning from the IP Zoning District to the A (PD) Planned Development Zoning District to allow approximately 24,000 square feet of commercial uses on a 2.18 gross-acre site.

The item was pulled from the Consent Calendar by Commissioner Kamkar, who wanted to congratulate the applicant on a good site design and to ask for clarification regarding storm water issues / solutions for the project, which staff provided. Commissioner Kamkar stressed to the applicant the importance of regular maintenance of on site water filters and vegetative swales.

No one else spoke in favor of or in opposition to the proposed project.

## ANALYSIS

The proposed rezoning of the site from the IP-Industrial Park Zoning District to the A (PD) Planned Development Zoning District, is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Combined Industrial Commercial, and provides an opportunity to further important goals and strategies of the General Plan.

## POLICY ALTERNATIVES

Not Applicable.

## PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

A Community Meeting was held on May 9, 2006. One neighbor showed up and expressed a general interest in the project. All correspondence received to date has been attached to this report.

## COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

## FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

## COST SUMMARY/IMPLICATIONS

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

March 1, 2007

**Subject:** PDC 06-095

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**BUDGET REFERENCE**

Not applicable.

**CEQA**

CEQA: Resolution No. 70021.

  
*for* JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Susan Walton at 408-535-7847.

cc: RBR Silver Creek, Attn: Brandon Bain, 985 University Avenue, Suite 12, Los Gatos, CA 95032  
John Schwarz, David J. Powers & Associates, Inc., 1885 The Alameda, Suite 204, San Jose, CA 95126  
Bill Hagman/ Dennis Meidinger, The Hagman Group, 1990 The Alameda, San Jose, CA 95126  
James Rees, 16330 Kennedy Road, Los Gatos, CA 95030  
D. J. Edwards, JMH Weiss, Inc., 150 Almaden Boulevard, # 700, San Jose, CA 95113  
Bob Valderrama, Purchasing Manager, Integrated Device Technology, 6024 Silver Creek Valley Road,  
San Jose, CA 95138

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San José, California 95113

Hearing Date/Agenda Number  
P.C. 02-28-07 Item: *3a*

File Number  
PDC 06-095

Application Type  
Planned Development Rezoning

Council District  
2

Planning Area  
Edenvale

Assessor's Parcel Number(s)  
678-93-016

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Jeff Roche

Location: Southeasterly side of Silver Creek Valley Road, at the southerly terminus of Fontanoso Way

Gross Acreage: 2.18

Net Acreage: 2.18

Net Density: N/A

Existing Zoning: IP – Industrial Park

Proposed Zoning: A (PD) Planned Development Proposed Uses: Approximately 24, 000 square feet of commercial uses

### GENERAL PLAN

Completed by: JR

Land Use/Transportation Diagram Designation  
Combined Industrial Commercial

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: JR

North: Industrial Park

IP – Industrial Park

East: Industrial Park

IP – Industrial Park

South: Industrial Park

IP – Industrial Park

West: Industrial Park

IP - Industrial Park

### ENVIRONMENTAL STATUS

Completed by: JR

Environmental Impact Report Addendum approved on 05/10/06  
 Negative Declaration circulated on  
 Negative Declaration adopted on

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: JR

Annexation Title: Riverside No. 36

Date: 12/05/83

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: *February 14, 2007*

Approved by: *Susan Walton*  
 Action  
 Recommendation

### APPLICANT/OWNER/DEVELOPER

RBR Silver Creek  
Attn: Brandon Bain  
985 University Avenue, Suite 12  
Los Gatos, CA 95032

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: Jeff Roche

**Department of Public Works**

See attached memorandum (dated, 01/12/07).

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**Other Departments and Agencies**

See attached memorandum from the Environmental Services Department (dated, 09/14/06), the Fire Department (dated, 09/11/06 and 02/08/07), and Municipal Water (dated, 09/08/06).

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**GENERAL CORRESPONDENCE**

None received.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant, RBR Silver Creek, is proposing to rezone the subject 2.18 gross acre site from the IP – Industrial Park Zoning District to the A (PD) Planned Development Zoning District, to allow the construction of approximately 24,000 square feet of commercial uses. The project is being processed as a Planned Development Zoning due to its location in the middle of an industrial park, its visibility located on a major street that serves the Edenvale Redevelopment Area, and the interest in somewhat limiting the possible commercial uses on the site in the future, generally to those that would serve the industrial park uses in the area, and would not create an incompatible interface.

**Existing Site Conditions and Surrounding Uses**

The project site is located on the southerly side of Silver Creek Valley Road, at the southerly terminus of Fontanoso Way, and is currently vacant. The site is surrounded on all four sides by industrial park uses.

**ENVIRONMENTAL REVIEW**

The environmental impacts of this project were addressed in the *Edenvale Redevelopment Plan Final Supplemental Environmental Impact Report (EIR)* certified by the City of San Jose City Council on November 21, 2000, and addended on May 10, 2006. This EIR addressed development in the Edenvale area including the subject property and evaluated geology, hydrology, air quality, traffic, biology and noise issues. An addendum to the EIR prepared for this rezoning concludes that the proposed project will not result in any additional impacts and that the EIR adequately addressed the impacts of this project. Based on the traffic studies prepared in the EIR and Addendum, the Public Works Department staff is satisfied that the proposed project conforms to the City's Transportation Level of Service Policy.

If the rezoning is approved, Planning staff will work with the applicant at the Planned Development (PD) Permit stage to ensure all required mitigation (such as tree replacement, pre-construction surveys for Burrowing Owls and nesting raptors) is incorporated into the project.

**GENERAL PLAN CONFORMANCE**

The site and the adjoining parcel to the northeast (APN 678-93-015), were the subject of a General Plan Amendment (File No. GP 06-02-01), in 2006. That Amendment changed the Land Use/ Transportation

Diagram designation on the site from Industrial Park to Combined Industrial/Commercial. The Amendment included both vacant parcels to ultimately facilitate the development of one integrated commercial project in the future.

The proposed commercial uses are consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Combined Industrial/Commercial (CI/C). The CI/C Designation is intended for a compatible mixture of these uses, with the uses of the Light Industrial, Industrial Park, and General Commercial land use categories appropriate. The General Plan also states that uses should be arranged on the site in a manner that avoids land use incompatibilities. As currently proposed, staff has concluded that this site situates commercial uses in a compatible manner, in that the project has been designed to complete and share an access with an adjoining industrial park facility and that proposed setbacks will be compatible with development the area.

The General Plan Economic Development Policy encourages a mix of land uses in appropriate locations, which contribute to a balanced economic base, including industrial suppliers and services and commercial support services. The proposed uses will provide commercial support services in an area of South San Jose that currently lacks those uses. It is currently envisioned that the proposed development would consist of a combination of food service, supporting commercial uses, and office uses. As proposed, the uses allowed parallel the allowed uses of the CN – Commercial Neighborhood Zoning District, but specifically excluding hotels/motels and auto-related uses. Staff has proposed that hotels/ motels be excluded due to the size of the site and that vehicle related commercial uses be prohibited because they are not supportive of the surrounding industrial park uses.

Staff has concluded that the rezoning proposes uses that are compatible with the existing neighborhood and are designed to be neighborhood-serving retail/ commercial uses, and would provide expanded opportunities for development of commercial services to support the surrounding area.

## ANALYSIS

The primary issues associated with this proposal are (1) site design and (2) adequacy of parking.

### Site Design/ Access

The subject property is located adjacent to industrial park uses on all four sides, and is adjacent to a major street, Silver Creek Valley Road. Setbacks are proposed consistent with City Guidelines for Neighborhood Centers.

The project will take access from the “fourth leg” of the intersection of Fontanoso Way and Silver Creek Valley Road, and will complete the street improvements to the intersection. The proposed Site Plan shows truck turning radii consistent with City standards.

The applicant’s consultants have prepared a Conceptual Site Plan for the adjoining parcel (refer to Sheet 3a) to the northeast to demonstrate how the two parcels may be integrated in the future, when the remaining property develops. In order to minimize access points onto Silver Creek Valley Road, provide good circulation in the area, and facilitate the development of an integrated commercial center, this project is proposing a shared driveway and easement for the property to the northeast.

The applicant will continue to work with City staff as part of the Planned Development Permit (PD 06-060) process and Public Works Clearance to ensure that a safe and acceptable site access is achieved at the intersection of Silver Creek Valley Road and Fontanoso Way.

Staff is concerned about the need for good architecture in this industrial park area, and will continue to work with the applicant to ensure that this issue is addressed at the Planned Development Permit stage.

### Parking

The proposed parking area for the project will take access through the “fourth leg” of the intersection of Silver Creek Valley Road and Fontanoso Way, as described above under Site Design/Access. A total of 147 parking spaces are proposed to serve the project, resulting in a parking ratio of 1 space per 139 square feet (net). The proposed parking ratios are consistent with the Zoning Code requirements. Commercial uses are subject to a range of required parking ratios from (1) space per 40 square feet of dining area or (1) space per 2 ½ seats for restaurant uses (whichever requires the greater number of spaces), 1 space per 200 square feet for retail uses, to 1 space per 250 square feet for office uses, depending on the particular use. Based on an analysis of the proposed Site Plan, staff has concluded that the center’s proposed parking can accommodate a mix of restaurant, retail, and office tenants, but parking will need to be closely monitored. Because the Title 20 parking ratios vary so greatly between uses, staff has requested that a parking analysis be maintained for the property and be made available for review on demand. Staff will work with the applicant at the Planned Development Permit stage to ensure that on-site parking can accommodate a mix of tenants, particularly new restaurants, as they change over time. The draft Development Standards for this zoning require a parking analysis for all new tenants that will have a greater parking demand than the tenant they are replacing. This will ensure that the center can provide adequate parking for the mix of new tenants. A shared loading area is proposed in the center of the site.

### Conclusion

Based on the above analysis, staff concludes that the proposed project provides an opportunity to further important goals and strategies of the General Plan for economic development that the project is compatible with the surrounding neighborhood, and that the range of uses is consistent with available on-site parking.

### **PUBLIC OUTREACH**

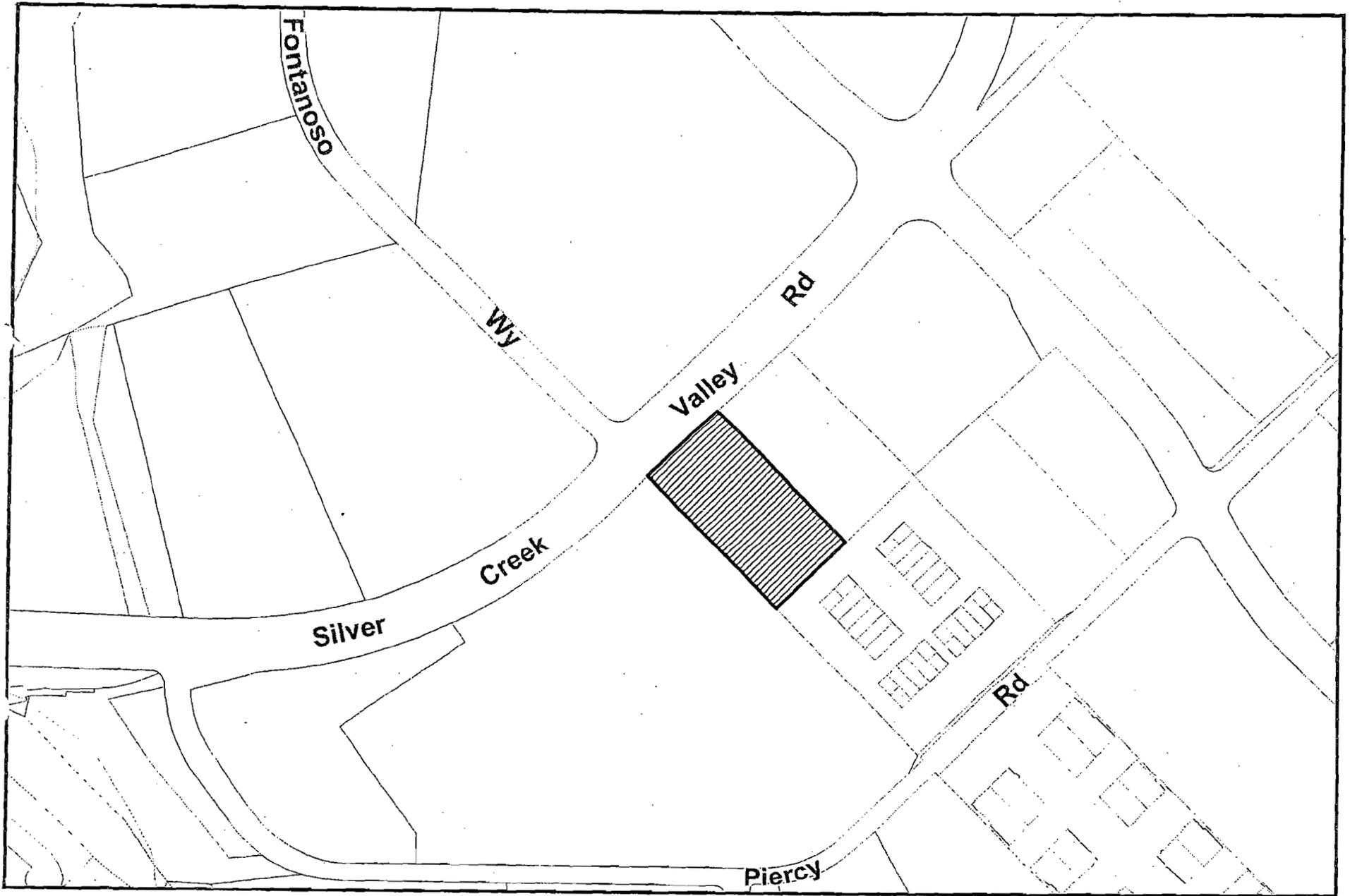
A notice of the public hearing was distributed to owners and tenants of all properties located within 500 feet of the project location. This staff report was made available on the City’s website prior to the hearing. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the project with interested members of the public. A Community Meeting was held for the project on May 9, 2006. One neighbor showed up and expressed a general interest in the project.

### **RECOMMENDATION**

Planning staff recommends approval of the subject Planned Development Rezoning for the following reasons:

1. The proposed project conforms to the site’s General Plan Land Use/Transportation Diagram designation of Combined Industrial/Commercial.
2. The project is compatible with existing and proposed land uses in the area.
3. The project is in substantial conformance with the Commercial Design Guidelines.

cc: John Schwarz, David J. Powers & Associates, Inc., 1885 The Alameda, Suite 204, San Jose, CA 95126  
Bill Hagman/ Dennis Meidinger, The Hagman Group, 1990 The Alameda, San Jose, CA 95126  
James Rees, 16330 Kennedy Road, Los Gatos, CA 95030  
D. J. Edwards, JMH Weiss, Inc., 150 Almaden Boulevard, # 700, San Jose, CA 95113  
Bob Valderrama, Purchasing Manager, Integrated Device Technology, 6024 Silver Creek Valley Road, San Jose, CA 95138



Scale: 1"= 300'  
Noticing Radius: 500 feet

**File No: PDC06-095**

**District: 2**

**Quad No: 130**

**DRAFT GENERAL DEVELOPMENT PLAN NOTES**

**PDC 06-095**

**Development Standards**

- Permitted Uses: Permitted uses shall be the permitted uses of the CN – Commercial Neighborhood Zoning District (except as noted below).
- Conditional Uses: Conditional Uses of the CN – Commercial Neighborhood Zoning District may be allowed upon the approval of a Planned Development Permit.
- Prohibited Uses The following uses are prohibited: hotel/ motel, vehicle related uses (including the following: accessory installation, gas or charge station, glass sales, installation and tinting, sale of vehicles, and tires, batteries, lube, oil change, smog check station, air conditioning servicing of vehicles).
- Maximum Building Height: Per the General Plan.
- Minimum Lot Size: 2-acres.
- Parking Requirements: Per Chapter 20.90 of Title 20.
- Minimum Setbacks: 15 Feet – Building adjacent to Silver Creek Valley Road.  
25 Feet – Parking adjacent to Silver Creek Valley Road  
5 Feet - Building and Parking (Sides and Rear)

**General Notes**

*Water Pollution Control Plan*

Pursuant to Part 2.75 of chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the city manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water control board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

## *DRAFT GENERAL DEVELOPMENT PLAN NOTES*

### *Archaeology*

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 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.

### *Parking Analysis*

The project developer shall prepare a parking analysis for all new tenants that will have a greater parking demand than the tenant they are replacing, to the satisfaction of the Director of Planning.

### *Tree Mitigation*

Each tree to be removed from the site shall be mitigated at the following ratios:

- Each tree removed less than 12" in diameter shall be replaced by one 15-gallon tree.
- Each tree removed less than 12" up to 18" in diameter shall be replaced by two 24-inch box trees.
- Each tree removed 18" in diameter or larger shall be replaced by four 24-inch box trees.

(Last revised on February 7, 2007)

**DATE:** 02/08/07

**TO:** Jeff Roche  
**FROM:** Nadia Naum-Stoian

**REVISED**

Re: Plan Review Comments

**PLANNING NO:** PDC06-095

**DESCRIPTION:** Planned Development Rezoning from the IP-Industrial Park Zoning District to the A (PD) Planned Development Zoning District to allow approximately 24,000 square feet of commercial uses on a 2.18 gross acre site.

**LOCATION:** Southeasterly side of Silver Creek Valley Road, and at the south terminus of Fontanoso Way.

**ADDRESS:** Southeasterly side of Silver Creek Valley Road, and at the south terminus of Fontanoso Way. (5976 SILVER CREEK VALLEY RD)

**FOLDER #:** 06 025593 ZN

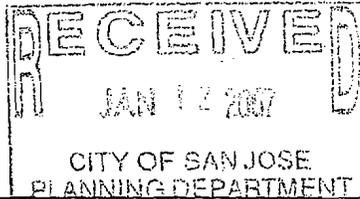
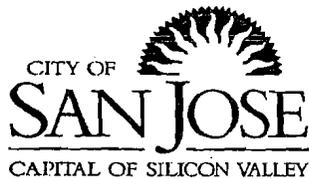
The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on information from drawings dated 12/20/06 and letter of response 1/9/07.

This project is approved for Fire apparatus access and fire flow.

All fire department connections shall be located within 100 feet from a standard fire hydrant.

Nadia Naum-Stoian  
Fire Protection Engineer  
Bureau of Fire Prevention  
Fire Department  
(408) 535-7699



# Memorandum

**TO:** Jeff Roche  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 01/12/07

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**PLANNING NO.:** PDC06-095  
**DESCRIPTION:** Planned Development Rezoning from the IP-Industrial Park Zoning District to the A (PD) Planned Development Zoning District to allow approximately 24,000 square feet of commercial uses on a 2.18 gross acre site.  
**LOCATION:** Southeasterly side of Silver Creek Valley Road, and at the south terminus of Fontanoso Way.  
**P.W. NUMBER:** 3-16982

Public Works received additional information for the subject project on 01/08/07 and submits the following comments and requirements.

## Project Conditions:

1. **Public Works Clearance for Building Permit(s):** Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.
2. **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.
3. **Sewage Fees:** In accordance with City Ordinance sewage treatment plant connection fees, less previous credits, are due and payable.
4. **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) 535-8350 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.
5. **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 preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed. At PD stage, submit the final Stormwater Control Plan and numeric sizing calculations.
  - 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.
6. **Flood: Zone D**
- a) The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.
7. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable.
8. **Transportation:** An in-house traffic distribution has been performed for this project based on 43 peak hour trips in addition to the allocated use. We conclude that the subject project will 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.

9. **Assessment District:**

- a) Assessor's parcel 678-93-016 is located within the boundaries of Improvement District 99-218SJ (Hellyer-Piercy), which sold bonds to fund the construction of the street improvements in the surrounding industrial development. The bonds are secured by the property based on its land use designation for industrial occupancy and no accommodation was made for other uses. A change in land use from industrial to retail and commercial use may require the pre-payment of the outstanding lien which is estimated to be approximately \$97,212 that is normally collected through annual assessments placed on the County property tax bills. Any subdivision of this parcel will trigger the need to submit and complete an amended assessment diagram to apportion the assessment to each resultant parcel.
- b) This parcel is located within the boundaries of Maintenance District 22 which is a fee for service to maintain the enhanced street island landscaping on Hellyer Avenue and on Silver Creek Valley Road between Piercy Road and Hellyer Avenue. The assessment for fiscal year 2006-07 is \$309.34, which is calculated at approximately \$146 per acre and is adjusted annually by the Consumer Price Index. Future year assessments will continue to be collected through the County property tax bills.

10. **Street Improvements:**

- a) At the PD Permit stage, applicant to show the location of the existing traffic signal poles on the plan so City staff can determine if a major modification will be needed at the intersection of Silver Creek Valley Road and Fontanoso Way.
- b) A traffic signal modification is required for Silver Creek Valley Road and Fontanoso Way in order to accommodate the necessary driveway modifications. Provide traffic signal easement for the detector loop and sidewalk easement for ramp encroaching into private property.
- c) This site is required to work with IDT to provide reciprocal ingress/egress easement agreements for this shared driveway. Prior to Public Works clearance, submit a copy of the recorded easement.
- d) Dedicate traffic signal/maintenance and sidewalk easements at Silver Creek Valley Road and project entrance prior to Public Works Clearance.
- e) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
- f) 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.

11. **Storm:** On-site storm system shall be connected to the existing public main on the IDT property.

12. **Sanitary:** Submit a sanitary sewer plan if construction of a lateral is proposed.

13. **Electrical:** Installation, relocation, or relamping of electrolier(s) along project frontage may be required.

**14. Street Trees:**

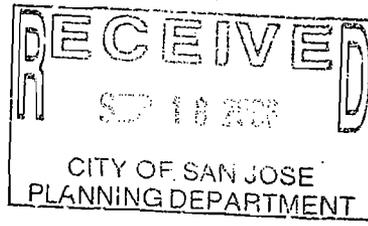
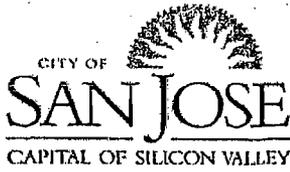
- a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
- b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
- c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings.

Please contact the Project Engineer, Vivian Tom, at (408) 535-6819 if you have any questions.



Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division

ES:vt



# Memorandum

## ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

**TO:** Jeff Roche  
Department of Planning,  
Building, & Code Enforcement

**FROM:** Geoff Blair  
Environmental Services Department

**SUBJECT:** Response to Development  
Application

**DATE:** Staff Review Agenda  
September 14, 2006

**APPROVED:** *Geoff Blair*      **DATE:** 09-14-06

PLANNING NO. :	PDC06-095
LOCATION:	5976 Silver Creek Valley Road. Southeasterly side of Silver Creek Valley Road, and at the south terminus of Fontanos Way.
DESCRIPTION:	Planned Development Rezoning from IP Industrial Park gross acre site.
APN:	67893016

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 277-3828.

Stormwater Runoff	San Jose/ Santa Clara Water Pollution Control Plant (Plant)	Source Control	South Bay Water Recycling (SBWR)	Green Building	Integrated Waste Management (IWM)	Water Efficiency
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Source Control

#### *Commercial*

The proposed development must conform to the City of San Jose (City) industrial waste discharge regulations<sup>1</sup>. Any non-domestic wastewater discharge into the sanitary sewer system will require Source Control staff to review and approve the final plans. An Industrial Wastewater Discharge Permit may also be required. Implementation of Best Management Practices (BMPs) adopted by the City for specific commercial groups may also be required.

The inclusion of any of the following commercial uses requires Source Control staff to review and approve the final plans:

- Restaurant
- Dry Cleaner
- Laundry
- Photoprocessor
- Analytical Lab
- Dentist
- Medical Clinic
- x-ray Clinic
- Pathological Lab

Contact Source Control staff at (408) 945-3000, if you have questions.

<sup>1</sup> In accordance with the San Jose Municipal Code, Chapter 15.14 - Industrial Waste Discharge Regulations

## **South Bay Water Recycling (SBWR)**

### ***Landscape Irrigation***

The proposed development has been identified as a potential future recycled water customer and is required to comply with Chapters 15.10 and 15.11 of the San Jose Municipal Code. The Code states that all new and rehabilitated landscaping for projects requiring a development permit from the City, and containing over 10,000 ft<sup>2</sup> of landscaped area, must design and construct their irrigation system to receive recycled water. The proposed development should connect their irrigation system to potable water until recycled water becomes available to the site.

The design and construction of the irrigation system must conform to SBWR Rules and Regulations and must be submitted to and approved by SBWR. Standard Details, Specifications and Notes are available to assist with the design and are available by calling (408) 277-3671. Questions regarding recycled water use or the approval process should be directed to SBWR staff at the above number.

**DATE:** 09/11/06

**TO:** Jeff Roche

**FROM:** Nadia Naum-Stoian

**Re:** Plan Review Comments

**PLANNING NO:** PDC06-095

**DESCRIPTION:** Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning to allow 24000 square foot retail/office space on a 2.18 gross acre site.

**LOCATION:** southeasterly side of Silver Creek Valley Road, and at the south terminus of Fontanoso Way

**ADDRESS:** southeasterly side of Silver Creek Valley Road, and at the south terminus of Fontanoso Way (5976 SILVER CREEK VALLEY RD)

**FOLDER #:** 06 025593 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on the following information from drawings dated 8/16/06 by The Hagman Gr.Arch.

Largest building: 9,254 sq. ft.

Construction Type: V N

Occupancy Group: M/B/S

Number of stories: 1

1. The project plans as submitted, do not comply with the Fire Code. The following are discrepancies noted:

- a) Fire apparatus access roads are not in accordance with the requirements of the SJFC. Fire Apparatus access is required all the way to the end of driveway by Bldg.C in order to reach all points of the exterior building within 150feet. Provide the 30/50feet turning radiaae at all points (looks like some of the islands need to be modified). Provide recorded easement for the shared driveway from street access. Comply with all requirements listed below.
- b) The plans do not indicate that the required fire flow of 2500GPM will be available at the project site. Please ask the applicant to immediately contact Tim Town of San Jose Municipal Water Service at 408- 277-3671 to get the water flow information.
- c) The plans do not show location of hydrants. The required fire flow shall be provided through 2 hydrants.

2. Please advise the applicant to submit plans to the Fire Department that provide the following information:

- a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:
- be at least 20 feet wide;
  - have an unobstructed vertical clearance of not less than 14 feet;
  - be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds;
  - have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
  - be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet; and
  - have a gradient less than or equal to 15%.
  - **Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)**
    - i) **Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked**
    - ii) **Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked**

- b) Location of fire hydrants. The average distance between hydrants shall not exceed 450 feet.

All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections.

- c) Available fire flow. Provide a copy of the letter from San José Municipal Water Service that indicates the water flow available.

**IF SOLD AS CONDOMINIUMS:**

The developer/owner shall create and maintain a Management Association which will be responsible for the 5-year inspection on the sprinkler system, per Title 19 and access to the riser room if applicable (exterior risers excepted).

All exterior structures shall be within 150 feet from an approved emergency vehicle access road without crossing property lines as per fire code. If crossing property lines recorded easement to be provided.\

**NOTE:** If each space will have an independent street address, separate sprinkler systems are required. In order to have one sprinkler system per building, the spaces shall be addressed as suites.

***Note:*** The plans shall be submitted to the Fire Department *by appointment only* (call Nadia Naum-Stoian) as soon as possible.

Nadia Naum-Stoian  
Fire Protection Engineer  
Bureau of Fire Prevention  
Fire Department  
(408) 535-7699



# Memorandum

**TO:** Jeff Roche  
Planning Department

**FROM:** Tim Town  
Municipal Water System

**SUBJECT:** Muni Water Comments  
On Proposed Development

**DATE:** September 8, 2006

San Jose Municipal Water System has reviewed the proposed development ~~PDC06-095~~ regarding a Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning to allow 24000 square foot retail/office space on a 2.18 gross acre site located at the southeasterly side of Silver Creek Valley Road at the south terminus of Fontanoso Way, and has the following comments:

This development is subject to the following fees:

Meter Fee  
Engineering & Inspection Fee

In addition, this development will be responsible for the cost of constructing water mains and services for the site. Any and all wells within the site shall be abandoned in accordance with Santa Clara Valley Water District regulations prior to receiving water service from Muni Water.

If you have any questions please contact me at 277-3671. Thanks for the opportunity to comment.

*Timothy S. N. Town*  
Timothy S. N. Town  
Associate Civil Engineer  
Municipal Water System