



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: April 26, 2012

COUNCIL DISTRICT: 9

SUBJECT: FILE NO. PDC12-001, A PLANNED DEVELOPMENT REZONING FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW FOR COMMERCIAL USES INCLUDING A RESTAURANT WITH A DRIVE-THROUGH ON THE SUBJECT 1.34 GROSS ACRE SITE LOCATED AT THE NORTHWEST CORNER OF CURTNER AND UNION AVENUES.

RECOMMENDATION

The Planning Commission voted 5-1-1 (Commissioner Cahan opposed, Commissioner Platten absent) to recommend that the City Council find the project in conformance with the California Environmental Quality Act (CEQA) and approve the proposed Planned Development Rezoning as recommended by staff.

OUTCOME

Should the City Council approve the Planned Development Rezoning as recommended by the Planning Commission and staff, the applicant would be able to move forward with a Planned Development Permit and subsequent building permits to allow for the construction of up to 9,400 square feet of commercial uses, including a drive through use, on the subject site.

BACKGROUND

On April 25, 2012, the Planning Commission opened a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed Planned Development Rezoning.

Staff provided introductory comments by stating that two additional comment letters from area residents inadvertently were not included in the packet and were handed out at the beginning of the meeting. As discussed in the staff report, the subject Planned Development Rezoning is consistent

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with the site's General Plan designation of Neighborhood/Community Commercial as the project proposes a new commercial building with an FAR of 0.175, below the maximum FAR of 2.0 and is one-story in height, which falls within the designated range of 1 to 4 stories in height. Additionally, the redevelopment of this site with a new commercial project will widen Curtner Avenue thereby providing a safe pedestrian and bicycle connection along the project frontage where such continuous facilities currently do not exist. It will also create a complete, seemingly integrated shopping center with smooth on-site vehicular and pedestrian circulation. The smaller size commercial building will also allow for typical neighborhood retail and service uses within walking distance of an existing established neighborhood.

The project as proposed is also consistent with City Council Policy 6-10: Criteria for the Review of Drive-Through Uses with the exception of the separation criteria. Per the Policy, drive-through facilities should be separated a minimum of 500 feet from any other drive-through facility. The proposed drive-through use is approximately 300 feet from the existing Wendy's Drive-through restaurant to the north of the site, however, the two drive-through lanes are substantially oriented towards different streets and physically separated by a proposed building. For this reason, staff feels that the project meets the intent of the use separation policy.

Finally, as this project is in the rezoning stage of the permit process, the hours of operation of the drive-through use will be dealt with at the Planned Development stage consistent with City's permitting process for such uses.

Peter Larko, representing the applicant, JP DiNapoli Companies, Inc., spoke on behalf of the project. He explained that the property owner had originally acquired the Lunardi's grocery store property adjacent to the subject site. While in the process of renovating this grocery store site, they noticed that the adjacent uses were a blight; the buildings are dilapidated, there is no landscaping, and there are parking and access issues. So, they also acquired these properties and came up with the proposed project that will ultimately create a complete neighborhood shopping center.

Following the applicant's presentation, two members of the public spoke on the item. The first speaker was the adjacent property owner of the medical office (behind Lunardi's) who was concerned about the widening of Curtner Avenue. With the widening of Curtner Avenue the patrons of the medical office building will now have to back directly out of their parking spaces onto Curtner Avenue. There will no longer be a turn around space, which causes a concern about accidents. Secondly, he was concerned about the location of the new trash enclosure. The existing Lunardi's dumpster is already smelly from meat and fish and there is a concern that a second dumpster will worsen the existing problem.

The second speaker, Chris Franceschini, noted that the existing zoning of CP Commercial Pedestrian is actually the appropriate zoning for the site as this area is intended to support pedestrian oriented retail at a scale that is compatible with the surrounding residential neighborhoods. He also stated his concern about the increase in green house gasses where he lives and that he does not believe that the "pre-fab" stucco architecture will enhance or complete the neighborhood. Finally he stated that the project does not meet the separation requirement from another drive-through use per the Council Policy and the project as proposed will not improve the quality of life, but will burden and cheapen the Cambrian Park neighborhood.

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The applicant provided follow-up comments by noting they are aware of the trash issue with Lunardi's and are currently working with them to improve the situation and the widening of Curtner Avenue along the project frontage will match up the existing curb line of the adjacent medical office building. In response to the dislike of the architecture the applicant stated that beauty is in the eye of the beholder.

Staff responded to the public comments by stating that this project will be coming back through the Planning Department for a Planned Development Permit and it is at that time that we get into the details of the architecture, landscaping and other site design details. It is at this time that staff will also take a closer look at the location of the proposed new trash enclosure.

The Commission then closed the public hearing and discussed the item. The Commission's comments focused on the idea that this development would be a positive addition to the neighborhood; and a high quality development. The Commission requested that the developer invest in high quality signage and work with adjacent property owner on roadway improvements along Curtner Avenue.

Commissioner Kline was opposed to the 1980s-style site design layout because it is anti-new urbanist principles. Pedestrian friendly elements, such as direct access to the street is precluded as a result of the drive-through lane. That said, he indicated his support of the project since it is consistent with policies and ordinances that are currently in place today.

A motion was made to approve the proposed rezoning per staff recommendation. The Chair of the Commission opposed the motion because she was not supportive of the new drive-through, which will add more congestion because the Wendy's drive-through stacking lane already backs up onto Union Avenue and it would add another fast food establishment with unhealthy food choices within walking distance of a school. The Chair also expressed an interest to see enhancements to the site to make biking safer and to improve the circulation in the Lunardi's parking lot. She did express appreciation for the proposed bank use.

The Planning Commission then voted 5-1-1 (Commissioner Cahan opposed, Commissioner Platten absent) to recommend that the City Council approve the proposed Planned Development Rezoning as recommended by staff.

ANALYSIS

A complete analysis of the issues regarding this project, including General Plan conformance, is contained in the staff report. This report is attached for reference.

EVALUATION AND FOLLOW-UP

If the zoning is approved, the applicant would be required to file subsequent development permits with the Planning Division in order to implement the project on the subject site.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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 1,000 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.

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.

CEQA

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building, and Code Enforcement for the subject rezoning. The documents were circulated for public review between March 29, 2012 and April 17, 2012.

/s/

JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Lesley Xavier, Project Manager, at 408-535-7852

STAFF REPORT
PLANNING COMMISSION

FILE NO.: PDC12-001

Submitted: January 10, 2012

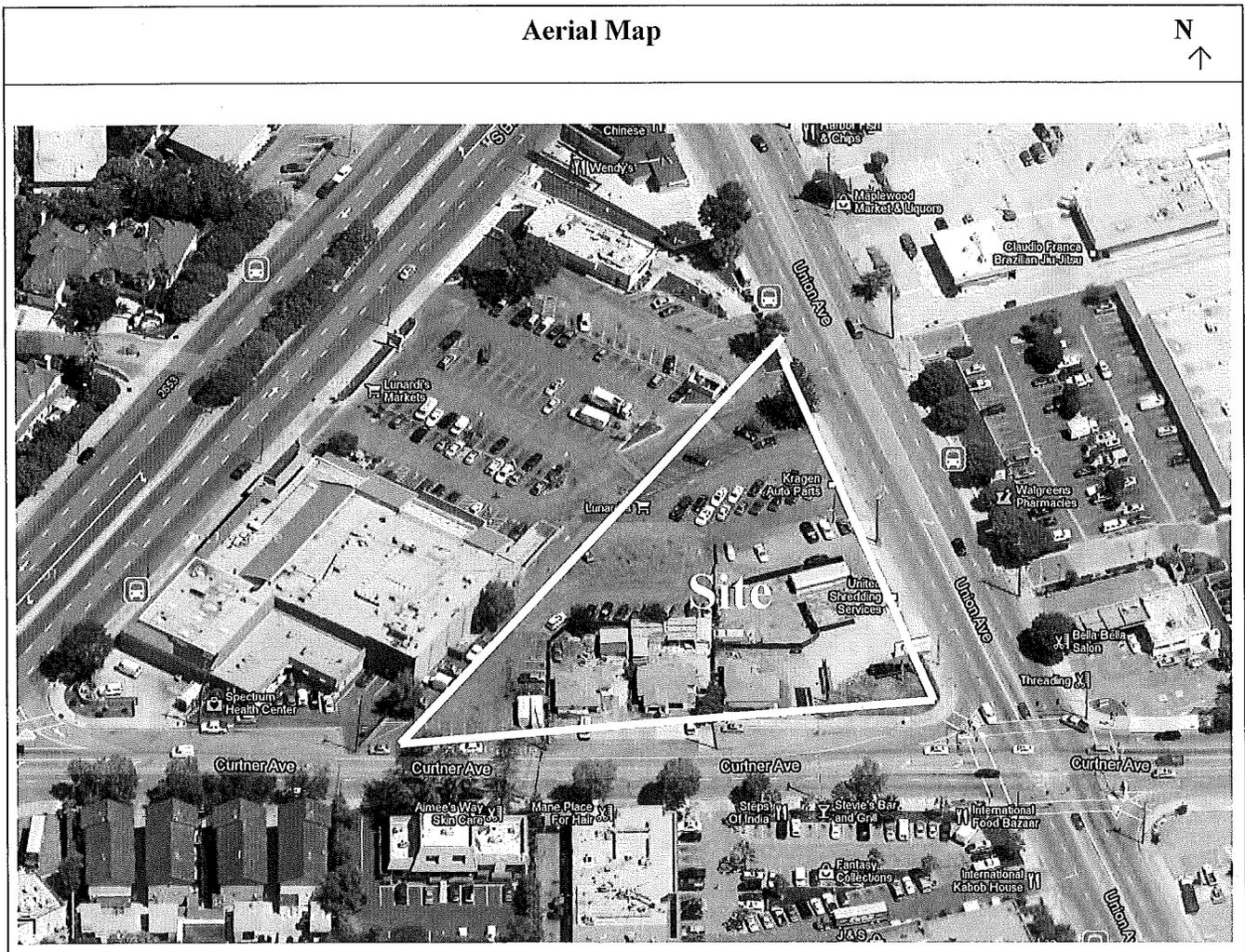
PROJECT DESCRIPTION:

Planned Development Rezoning from the CP Commercial Pedestrian Zoning District to the A(PD) Planned Development Zoning District to allow for commercial uses including a restaurant with a drive-through on the 1.34 gross acre site.

LOCATION:

Northwest corner of Curtner and Union Avenue.

Zoning	CP Commercial Pedestrian
Proposed Zoning	A(PD) Planned Development
General Plan	Neighborhood/Community Commercial
Council District	9
Annexation Date	March 19, 1957 (Camden No. 2)
SNI	NA
Historic Resource	NA
Redevelopment Area	NA
Specific Plan	NA



RECOMMENDATION

Planning staff recommends that the Planning Commission find that the project is conformance with the California Environmental Quality Act (CEQA) and recommend to the City Council approval of the proposed Planned Development Rezoning to the staff recommend CN(PD) Planned Development Zoning District as opposed to the requested A(PD) Planned Development Zoning District on the subject site for the following reasons:

1. There is no substantial evidence that the project will have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the proposed project was prepared in conformance with the California Environmental Quality Act (CEQA).
2. The proposed Planned Development Rezoning conforms to the Envision San Jose 2040 General Plan designation of Neighborhood/Community Commercial and applicable development policies.
3. The project is consistent with the Commercial Design Guidelines.
4. The project is consistent with Council Policy 6-10: Criteria for the Review of Drive-Through Uses.
5. The use of a base zoning district of CN-Commercial Neighborhood provides more flexible development opportunities should the applicant decide not to pursue a development plan as depicted on the plan set.

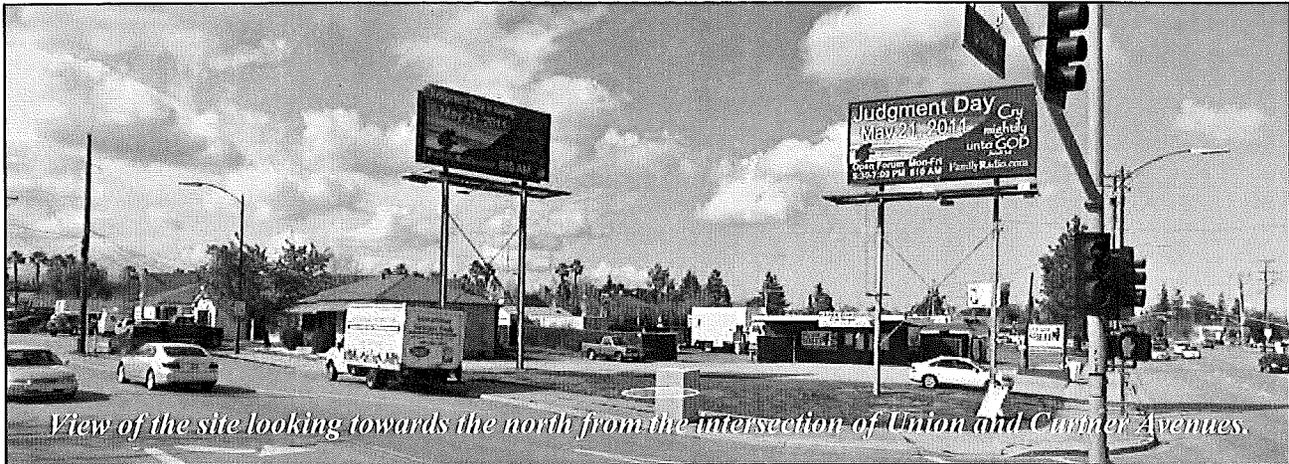
BACKGROUND & DESCRIPTION

On January 10, 2012, DiNapoli Companies, LLC applied for a Planned Development Rezoning on the subject site to allow for the development of commercial uses including a restaurant with a drive-through on the subject 1.34 gross acre site. A rezoning was filed because the current CP Commercial pedestrian Zoning District of the site does not allow for drive-through uses. Although, the proposed development could be accommodated with a rezoning to the CN-Commercial Neighborhood Zoning District and a subsequent Conditional Use Permit, but the applicant would like to secure the entitlement for the drive-through use with the first planning process.

The project proposes to demolish all of the existing structures on the site and redevelop it with a 9,400 square foot, one-story building with building elements up to 30 feet in height, surrounded by paved walkways, landscaping, a drive-through lane, and surface parking spaces.

Site and Surrounding Uses

The subject site is flat, triangular in shape and developed with seven structures including; three (3) single-family detached residential structures and associated outbuildings, two (2) small commercial buildings, two (2) billboard signs, and surface parking areas. All of the structures on the site are currently occupied with commercial uses and include; a beauty salon, paper shredding company, private security company, and an electrical contractor.



Upon development of the site, the project will be integrated with the larger shopping center to the northwest that includes a grocery store (Lunardi's) and a fast food restaurant (Wendy's). A small medical office building fronting on to Curtner Avenue, and tucked behind the adjacent grocery store, is not part of the overall planned shopping center. A Walgreens store and a gas station are located to the east across Union Avenue. A small commercial strip center and offices are located to the south across Curtner Avenue.

Community Engagement

On March 21, 2012, a community meeting was held for the subject rezoning application at the Camden Community Center on Union Avenue, at which approximately 19 community members were in attendance. A majority of those at the meeting provided positive comments about the proposed redevelopment of the site with a new commercial building. However, there were a few concerns about an increase in traffic due to the project and potential unsafe turning movements when entering or exiting the development. Additionally, a few people thought that there was not a need for a second fast food restaurant as one already exists on the site.

ANALYSIS

The proposed rezoning was analyzed with respect to: 1) conformance with the Envision San Jose 2040 General Plan, 2) consistency with City Council Policy 6-10: Criteria for the Review of Drive-Through Uses, 3) site design issues and consistency with the Commercial Design Guidelines, 4) sustainability, and 5) the California Environmental Quality Act (CEQA).

Envision San Jose 2040 General Plan Conformance

The site has an Envision San Jose 2040 General Plan designation of Neighborhood/Community Commercial which supports a broad range of commercial activity. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. This designation allows for an FAR up to 2.0 and 1 to 4 stories of building height. The project proposes a new commercial building with an FAR of 0.175 and one-story in height. Development on the site will be integrated with the adjacent retail center that includes the Lunardi's supermarket and promotes good pedestrian access between said uses. Therefore, the proposed development on the site is consistent with its land use designation.

The site is also located within an Urban Village Area Boundary. The Urban Village delineates the areas of the City identified as having the potential to support growth through redevelopment and intensification to implement the Envision 2040 General Plan Focused Growth Major Strategy. Properties, including the subject site, that are within an Urban Village Area Boundary have an underlying General Plan designation, and new development must conform to the underlying designation for the property. As discussed above, the subject project on the site is consistent with its land use designation. Prior to implementation of the Urban Village through preparation of an Urban Village Plan and/or development of a mixed-use project, the underlying General Plan designation determines the appropriate use and application of General Plan land use policies for the property.

The General Plan allows new commercial projects to move forward in advance of the preparation of a Village Plan. As discussed in below, the proposed rezoning of the subject site is consistent with the following General Plan Policies:

- Business and Growth Retention Policy IE-2.6: Promote retail development to the maximum extent feasible, consistent with other General Plan goals and policies, in order to generate City revenue, create jobs, improve customer convenience, and enhance neighborhood livability.

The site currently includes some commercial and residential uses. However, the redevelopment of the site with a new commercial building would enhance the neighborhood appearance and livability because with the redevelopment, street dedication on Curtner Avenue will occur allowing for improved vehicular circulation and the addition of a safe pedestrian and bicycle connection along the project frontage where such continuous facilities currently do not exist.

- Business and Growth Retention Policy IE-2.7: Encourage business and property development that will provide jobs and generate revenue to support city services and infrastructure.

The site currently supports commercial business. The redevelopment of the site with a new commercial building will continue to provide jobs and generate revenue to support city services.

- Vibrant, Attractive, and Complete Neighborhoods Policy VN-1.3: Encourage the development and maintenance of compatible neighborhood retail and services within walking distance of residences as a means to promote the creation of “complete” neighborhoods.

The redevelopment of this site with a new commercial project will provide a complete, seemingly integrated shopping center with smooth on-site vehicular and pedestrian circulation. This smaller size commercial building will allow for typical neighborhood retail and service uses within walking distance of an existing established neighborhood.

- Function Policy CD-2.4: Incorporate public spaces (squares, plazas, etc.) into private developments to encourage social interaction, particularly where such spaces promote symbiotic relationships between businesses, residents, and visitors.

Consistent with this Policy, the conceptual site design provides a continuous plaza area along the front of the building where the main entrances to each tenant space are located. To further support this Policy, a condition was added to the development standards for the project that require a plaza area to be incorporated as a part of the site development.

City Council Policy 6-10: Criteria for the Review of Drive-Through Uses

The City Council Policy 6-10: Criteria for the Review of Drive-Through Uses provides guidance for the development of establishments with drive-through facilities. The proposed project's conceptual site plan shows a drive-through lane that accommodates staking for 12 cars, which is above the Policy requirement of eight (8) cars. Consistent with the Policy, pedestrians can circulate safely through the site without having to cross the drive-through lane and the drive-through lane is buffered from the sidewalk by 15 feet of landscaping.

Per the Policy, drive-through speakers shall not be audible from adjacent residentially used property. A noise analysis was completed as a part of the environmental clearance process for the project and is contained in the Initial Study. Per the analysis, patron voices would result in maximum instantaneous noise levels ranging from 42 to 49 dBA Lmax at the nearest apartment along Curtner Avenue and ranging from about 38 to 45 dBA Lmax at the nearest single-family residence along Curtner Avenue east of Union Avenue. Background noise levels at night (10:00 PM until 5:00 AM) along Curtner Avenue typically range from 40 to 45 dBA. Noise levels from the site therefore are not calculated to exceed 55 dBA either instantaneously or averaged over an hour (55 dBA Leq) or throughout the day and night (55 dBA DNL). Therefore, the project as proposed meets this criterion.

Per the Policy, all drive-through uses shall be 200 feet or more from residentially used, zoned or General Plan designated properties. The project as proposed complies with this Policy criterion as there are no residentially zoned or General Plan designated properties within 200 feet of the subject use. There is an apartment complex on Curtner Avenue located on lands zoned and designated as non-residential; however the closest residential unit within that complex is located approximately 260 feet from the food ordering speaker. The intent of the policy is to provide adequate distance or buffer between the residential use and a drive-through use in order to minimize noise and air quality impacts.

The Policy also requires that buildings with drive-through facilities be located with a minimum separation of 500 feet from any structure containing a drive-through facility. The proposed drive-through use is not within the strict technical conformance with this criterion as it is located approximately 300 feet from the existing Wendy's Drive-through restaurant that is situated to the northwest of the site; however, the two drive-through lanes are substantially oriented towards different streets and physically separated by a proposed building. For this reason, staff feels that the project meets the intent of the use separation policy.

Commercial Design Guidelines/Site Design Issues

This zoning application proposes a 9,400 square foot, one-story, commercial building, with a drive-through restaurant and surface parking lot. This type of commercial development is consistent with the Parking Lot Strip development type in the Commercial Design Guidelines.

Site Design

The Guidelines provide four main criteria for designing a site for a commercial building. Briefly those criteria note the following:

- 1) Parking is preferred along the sides and rears of buildings and should be minimized between buildings and the street;
- 2) Parking lots should be integrated with adjacent parking lots where improved circulation can be achieved or excessive driveway cuts avoided;
- 3) Portions of primary buildings and/ or freestanding 'satellite' buildings should be built to the front setback line along streets; and
- 4) Corner lots should be developed with a building placed at the front setback lines on the corner;

The triangular shaped site has proven difficult to design a building with a drive-through that accomplishes all of the aforementioned criteria and does not put the drive-through lane adjacent to the street. As shown on the conceptual site plan, the building is situated with its longest side along Curtner Avenue and its shortest side along Union Avenue with the parking field situated in such a manner so that it does not dominate the streetscape. The parking field is also appropriately aligned with the circulation isles of the adjacent property so that it will function, circulation wise, as one commercial center. As a result of this project, three curb cuts will be closed and Curtner Avenue will be widened and improved with a sidewalk, curb, and gutter. Two (2) new curb cuts will be created, one (1) on Union Avenue and one (1) on Curtner Avenue. The new curb cuts are located on the site in such a manner that will provide safer vehicular and pedestrian access that what currently exists.

Given the triangular shape of the lot, functionally, the most appropriate location for the drive-through lane is adjacent to the street. It is, however, still important to provide a pedestrian scale to the building by placing a building element at the street. As such, a development standard has been added that requires portions of the building to extend over the drive-through lane to improve building articulation and visual interest. This will, not only provide a pedestrian scale to the building, but mask the drive-through lane itself. The standard reads as follows:

The drive-through lane shall be architecturally integrated into the building through the use of building elements extending over the drive-through lane and providing a pedestrian scale element at the setback line.

Setbacks

The proposed Development Standards provide building and parking area setbacks consistent with the CN Commercial Neighborhood Zoning District as provided in the Zoning Ordinance. The conceptual site plan shows a site layout that accommodates a 15 foot setback from Curtner and Union Avenues and a 0 foot setback at the interior property line adjacent to the parking area of the existing grocery store and fast food buildings.

Building Height

Consistent with the Development Standards of the CN Commercial Neighborhood Zoning District as provided in the Zoning Ordinance and the General Plan, the proposed development standards for the project include an overall maximum building height of 50 feet. Given the limitations for parking, as described under the next paragraph, the project is limited to two-stories. It should be noted that the conceptual building elevations show a one-story building with the tallest building element extending to a height of 30 feet.

Parking

The proposed Development Standards allow for parking per Title 20, the Zoning Ordinance. Using this standard will ensure that for any use on the site, adequate on-site parking will be provided. The conceptual site plan shows a site layout that accommodates 49 parking spaces, which meets the following parking ratios contained in the Zoning Ordinance and based on the assumed uses of the tenant spaces:

- Public Eating Establishments: 1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces.
- Retail sales, goods and merchandise: 1 per 200 sq. ft. of floor area (85% of gross floor area)
- Financial institution: 1 per 250 sq. ft. of floor area (85% of gross floor area)

It should be noted that if the largest tenant space, currently proposed as a financial institution, wants to change to a use with a more intense parking requirement, such as, a restaurant or retail use, it will likely not be possible to meet the overall parking requirement of the site. While the parking lot appropriately provides good cross access to the Lunardi's supermarket and Wendy's restaurant parking areas, each of these adjacent uses meet only the minimum parking requirements. Therefore the site would be unable to offer surplus parking (parking in excess of the Zoning Ordinance requirements) to facilitate a more intensive retail or restaurant use on the subject site.

Sustainability

This project is subject to the City of San Jose Green Building Ordinance for the new construction of private development. A future Planned Development Permit for this project will be conditioned to submit a LEED Checklist prior to issuance of a Building Permit. At this time, it is not known if the project proposes to implement any green building measures.

California Environmental Quality Act (CEQA)

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building, and Code Enforcement for the subject rezoning. The documents were circulated for public review between March 29, 2012 and April 17, 2012.

The MND states that the proposed Planned Development Rezoning will not have a significant effect on the environment. The primary environmental issues addressed in the Initial Study include the potential impacts of the physical development of the site on air quality and biologic resources. 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 project in the form of development standards for the Planned Development Zoning, as well as, in a Mitigation Monitoring Program. 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

In addition to the community meeting, 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.

Project Manager: Lesley Xavier **Approved by:** Samuel Pivetti **Date:** 4.13.12

Owner/Applicant:	Attachments:
Owner: Lamb Desert Rose II, LLC 99 Almaden Avenue, Suite 565 San Jose, CA 95113	Development Standards Neighbor Correspondence
Applicant: JP DiNapoli Companies, INC. 99 Almaden Avenue, Suite 565 San Jose, CA 95113	

FILE NO. PDC12-001
CURTNER/UNION PROJECT
DEVELOPMENT STANDARDS

In any cases where the graphic plans and text may differ, this text takes precedence.

USE ALLOWANCES

- The permitted, special, and conditional uses of the CN Commercial Neighborhood Zoning District, as amended. Conditional and special uses shall require the approval of a Planned Development Permit.
- One drive-through tenant is permitted with approval of a Planned Development Permit.

DEVELOPMENT STANDARDS

SETBACKS: *(setbacks are measured from building face and/or edge of parking area or vehicular circulation area to property line)*

- Front property line at Union Avenue: 15 feet*
- Interior property line: 0 feet
- Front property line to Curtner Avenue: 15 feet*

**Minor architectural building elements, trellis structures, plazas, and patios are permitted to encroach into the setback area up to two feet provided the encroachment supports the goals of the Development Standards to the discretion of the Director of Planning, Building, and Code Enforcement at the Planned Development Permit stage.*

MAXIMUM BUILDING SIZE:

- 9,400 square feet

MAXIMUM BUILDING HEIGHT:

- 50 feet above grade, with a maximum of two (2) stories.

Height Exceptions:

- Non-habitable architectural projections and special treatments (e.g., chimneys, weather vanes, cupolas, pediments, etc.) shall be permitted to project above the maximum height limit by 10 feet. Non-habitable mechanical and equipment rooms shall also be permitted to exceed the height limit provided that such equipment is screened from the predominant public view or architecturally integrated within the building.

PARKING REQUIREMENTS:

- Shall be provided per Title 20, Table 20-190, as amended
- The project shall provide easements to the adjoining commercial properties (with abutting parking areas) for the purpose of cross access.

BICYCLE PARKING REQUIREMENTS:

- Shall be provided per Title 20, section 20-190, as amended.

MOTORCYCLE PARKING REQUIREMENTS:

- Shall be provided per Title 20, Table 20-250, as amended.

ARCHITECTURAL DESIGN:

- The architectural design of the development shall conform to the standards of the Commercial Design Guidelines.
- The drive-through lane shall be architecturally integrated into the building through the use of building elements extending over the drive-through lane and providing a pedestrian scale element at the setback line.
- A useable plaza area shall be incorporated into the development.

PUBLIC WORKS

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:**
 - a) Northerly driveway on Union Avenue shall be full access.
 - b) Southerly driveway closest to the intersection of Curtner Avenue and Union Avenue shall be right in and right out only.
 - c) Proposed driveway located on Curtner Avenue shall be full access.
3. **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.

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.
 - a) Final inspection and maintenance information on the post-construction treatment control measures must be included on the final Stormwater Control Plan.
 - b) 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 that 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. **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.

6. **Undergrounding:**
 - a) The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Curtner Avenue prior to issuance of a Public Works clearance. 100 percent of the base fee in place at the time of payment will be due. Currently, the 2012 base fee is \$412 per linear foot of frontage and is subject to change every January 31st based on the Engineering News Record's 20 City Average Cost Index. The project will be required to pay the current rate in effect at the time the Public Works Clearance is issued. (Based on 2012 rate, the fee is approximately \$243,080.)
 - b) The Director of Public Works may, at his discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to Curtner Avenue. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

7. **Reimbursement:** The developer will be required to reimburse the City for costs advanced for the construction of street improvements along Union Avenue in accordance with City Ordinance #19663. City File 0047-36, April 16, 1982.

8. **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 broken or uplifted curb, gutter, and sidewalk along project frontage.
 - c) Remove and replace curb, gutter, and sidewalk along project frontage.
 - d) Close unused driveway cut(s).
 - e) Proposed driveway width to be 26'.

- f) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - g) 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.
9. **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.
10. **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) 794-1901 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 in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.

ENVIRONMENTAL MITIGATION

- **Air Quality.** The proposed project includes the following construction practices that can reduce construction dust/air quality impacts to a less than significant level. BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices shall be implemented during construction of the proposed project:
 - 1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - 2. All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
 - 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - 4. Sweep daily (with water sweepers) all paved parking areas and staging areas at construction sites.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 6. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 7. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 9. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 10. Vegetative ground cover (e.g. fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
 11. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
 12. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
 13. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
 14. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- **Biological Resources.** 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 shall be conducted 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.

Xavier, Lesley

From: Royce Peterson [roycelp@comcast.net]
Sent: Thursday, April 12, 2012 11:34 AM
To: Xavier, Lesley
Subject: File No. PDC12-001 Curtner/Union Retail Project

Leslie, please acknowledge that you have received this email.

April 12, 2012

Dear San Jose Planning Commission members:

I urge you to **not approve** a change of zoning to allow a restaurant with a drive-through for Project PDC12-001 at the corner of Curtner and Union Avenues.

First of all there is no need for an additional fast food drive-thru restaurant at this location. There is already a hamburger drive-thru restaurant (Wendy's) in the shopping center. A great variety of fast food restaurants including many drive-thrus are located nearby on Camden Ave. and on Bascom Ave. There is a McDonald's located at Camden and Leigh which is less than a 5 minute drive from Curtner and Union. People at the community meeting and in the neighborhood were very unhappy when they heard that a McDonald's going in this location.

TRAFFIC: I cannot understand how anyone would say that adding another drive-thru fast food restaurant at this location will not have a negative impact. A drive-thru fast food restaurant will increase traffic in this area especially from 4 pm to 7 pm.

Union Ave.: The Initial Study does not really discuss the section of Union Ave that the shopping center faces. There are numerous car accidents on this section of Union Ave. (between Curtner and Bascom) especially from 4 pm to 7 pm. This are 2 lanes each direction with a middle left turn lane. Presently into the Lunardi shopping center there are one driveway for both entering and exiting , one entrance only driveway (mid-way) and a right-turn only exit just before the fence for the shredding business (This is where the drive-thru exit will be). Across Union there are 2 different shopping centers. One of these is very busy as it has Walgreen's and an O'Reilly Auto Parts. Together these two shopping centers on the east side of Union Ave. have numerous driveways that allow cars to both enter and exit. There is also an exit out of the gas station onto Union. During peak evening hours there are vehicles making left turns in and out of the shopping centers on both sides of Union Ave. In addition there are 2 lanes of cars turning left from Bascom Ave. onto Union Ave. This is already an unsafe traffic situation and will get worse with the addition of more drivers exiting onto Union from a Drive-thru.

Curtner Ave. The plan to have a driveway for the shopping center on Curtner also has problems, especially if parking is allowed on the north side of Curtner. There is already a problem with the driveway next to Stevie's Bar in the shopping center across Curtner. Because of the parking on the south side of Curtner drivers already are making dangerous left and right turns when they can't see the traffic going east on Curtner. This driveway is located close to the proposed new driveway for the proposed project. We don't need drivers whose vision is blocked by parked cars making unsafe turns from both sides of Curtner.

I am not saying that replacing the current structures and bill boards at the Curtner-Union corner is a bad idea. Nice looking retail or office buildings at that corner would improve the look of that corner. But this can be done without changing the zoning. **What is not needed or desired at this corner is another a drive-thru restaurant.**

4/13/2012

Again **do not approve** the change of zoning at this project site to allow a drive-thru restaurant.

Royce Peterson
2819 Lantz Ave.
San Jose, Ca. 95124

Xavier, Lesley

From: Catherine Papenfus [cathepap@gmail.com]
Sent: Friday, April 13, 2012 1:20 PM
To: Xavier, Lesley
Subject: Mitigated Negative Declaration on Project File No. PDC12-001

Regarding File No. PDC12-001, Curtner/Union Retail Project, I am concerned about the traffic.

In looking over the report, I did not see reference to the International Food Market across Curtner at Union. The market generates a great deal of traffic as does the bar, the restaurant and the laundromat. The parking lot for the International Food Market and other businesses is always full.

I am also concerned that two full lanes of traffic going west on Curtner will present a bottleneck at Bascom where there is just one lane for traffic going west after crossing Bascom Avenue. The proposed driveway on Curtner would present a lot of problems with traffic going in both directions.

Lastly, we already have a fast food restaurant on the site.

Cathy Papenfus

Xavier, Lesley

From: cora gargarita [coragargarita@yahoo.com]

Sent: Monday, April 16, 2012 11:02 PM

To: Xavier, Lesley

Good evening Lesley Xavier,

My name is Cora Gargarita and I am a 40 year resident of 2759 Lantz Avenue. My husband, family and I are expressing our grave concern for the proposed change in zoning where a bank, a retail store and a drive-thru McDonald's will replace the three houses and the recycling station that are currently on the site facing Curtner Avenue. As it now stands, my house which is directly behind Lee's Laundromat in the strip mall which has roughly 10 stores, the flow of traffic on the Bascom/Union/Curtner Avenue is quite intolerable. There have been several thefts on my property, garbage on my driveway and, as recently as a month ago one of my vehicles got vandalized. As well and just as important, there have been accidents that have happened on both Curtner and Union Avenues because of vehicles pulling in and out of the retail stores on both the Walgreen's Pharmacy side, Lunardi's on the other side and from the strip mall. The question we want to present to you is, where do you think the overflow of traffic on the Lunardi/Wendy's parking lot will end up, if not on the surface streets of Curtner/Union Avenues, the strip mall's parking lot but on my street as well. Furthermore, patronage of both Stevie's Bar and McDonald's most certainly will aggravate congested traffic even more on Curtner Avenue, especially Friday and Saturday nights. Though the direct criminal effects of the proposed mall upon our residence remain to be seen, the unwanted occurrences are a direct result of recent "gentrification" and the accompanying increase in traffic.

Our concerns regard noise pollution, garbage and cooking odors that will emanate from the proposed McDonald's and litter that inevitably comes from drive thrus. What about potential accidents from hungry drivers sifting through their food bags when they should be driving? Waste oil spills are inevitable. How can we be sure that the putrid waste oil from fryers won't stink up our air that we breathe daily? Why does our neighborhood need three Chase banks within a mile of each other? Why does our neighborhood need FIVE McDonald's within a five mile radius? Does anyone not believe that we will have to smell fast food ALL DAY, EVERY DAY?

My family and I contradict your statement that there will be no negative effect on either Union Avenue or Curtner Avenue. On the contrary, changing the zoning to satisfy your declaration of Mitigated Negative Declaration is not in the best interest of the apartment residents on the corner of Bascom and Union Avenues nor is it in the best interest of the residents of Lantz/Union Avenues.

We are therefore urging the Planning Commission of the City of San Jose *not* to adopt approval of the proposed change in zoning. We thank you for giving attention to our concern.

Respectfully,

Alberto and Cora Gargarita
2759 Lantz Avenue
San Jose, CA 95124

4/17/2012

Xavier, Lesley

From: Rande McQueen [Rande@com-ctl.com]
Sent: Monday, April 16, 2012 11:19 PM
To: Xavier, Lesley
Subject: Union/Curtner Project

Lesley,

I have received the notices about the possible construction at Curtner and Union. I read your declaration that their will be NO negative impact on the area. I don't see how you came to that conclusion. There are numerous accidents currently from people attempting to cross Union and turn left from Lunardi's, Walgreens, the 76 Station and Stevie's Bar. Now add a McDonalds Drive through and people not wanting to wait to get across Curnter and here will be more accidents.

Please look again at the impact of what you are proposing in the area.

Rande McQueen
Communication & Control Inc
2633 S Bascom Ave.
Campbell CA 95008
(408)377-2900
(408)234-9999 (mobile)
(408)559-7684 (fax)
(408)559-3230 x 108 (voice mail)

Xavier, Lesley

From: Robert Winger [winger6@sbcglobal.net]
Sent: Monday, April 16, 2012 5:23 PM
To: Xavier, Lesley
Subject: proposed development

Leslie

I am a homeowner on Lantz Ave and wish to comment on the proposed development at Union and Curtner Avenues. I am concerned about the increased traffic this will draw. It is already quite difficult to exit the Walgreens shopping area onto Union Ave. because of traffic on Union Ave. , especially during peak traffic hours. The center lane used for left hand turns in both directions is already heavily used, and I have almost had a head on collision there when making a left hand turn. Also the exit leaving Stevie's Bar can have poor visibility because of cars parked along Curtner. With additional cars leaving the new shopping area, this will compound the problem and potentially cause accidents because there will be no regulation there. Cars could exit at the same time and collide while watching for cars on Curtner, but not at cars exiting the driveways. There have been quite a few accidents at the intersection of Union and Curtner Ave. That intersection is also heavily used by students walking to the schools at Curtner and New Jersey Ave.

We already have fast food in the immediate area, with an additional McDonald's close by at Leigh and Camden, as well as numerous restaurants in the immediate surrounding blocks. An additional fast food place would not enhance the quality of life in our neighborhood, and potentially will be a detriment to it. I encourage a decision to not allow this development.

Thank you.

Sincerely, Nancy and Bob Winger

4/17/2012

CURTNER/UNION RETAIL

CURTNER AND UNION
SAN JOSE, CALIFORNIA

CURTNER/UNION
RETAIL

GENERAL DEVELOPMENT
PLAN

PDC12-001

JP DINAPOLI COMPANIES, INC.
99 ALMADEN BLVD., SUITE 565
SAN JOSE, CA 95113



KENNETH RODRIGUES & PARTNERS, INC.
444 HAVES WAINWATER BLVD., SUITE 200
MOUNTAIN VIEW, CA 94039-1000

CONSULTANT

REVISION

REVISION
02.17.12 PLANNING COMMENTS
REVISIONS

PROJECT NO. 125.044 DATE 01.09.12
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TITLE
SHEET

1

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PROJECT TEAM

OWNER

LAMB DESERT ROSE II LLC
99 ALMADEN BLVD., SUITE 565
SAN JOSE, CA 95113

Phone: 408.998.2460
Fax: 408.998.2404
Contact: JOHN B. DINAPOLI

ARCHITECT

KENNETH RODRIGUES & PARTNERS, INC.
444 N. WHISMAN ROAD, SUITE 200
MOUNTAIN VIEW, CA 94643

Phone: 650.965.0700
Fax: 650.969.3707
Contact: NATALYA BACH

OWNERS REPRESENTATIVE

JP DINAPOLI COMPANIES, INC.
99 ALMADEN BLVD., SUITE 565
SAN JOSE, CA 95113

Phone: 408.555.2224
Fax:
Contact: PETER LARKO

CIVIL ENGINEER

SANDIS
935 E. DUANE AVENUE
SUNNYVALE, CA 94085

Phone: 408.636.0511
Fax: 408.636.0599
Contact: STEPHEN YAZALINA

LANDSCAPE ARCHITECT

LAUNERBAUGH ASSOCIATES
425 CLYDE AVENUE
MOUNTAIN VIEW, CA 94043

Phone: 650.691.9711
Fax: 650.691.9719
Contact: JIM LAUNDERBAUGH

PROJECT INFORMATION



APN: 412-22-036 (037)(038)(045)
ZONING DESIGNATION: PLANNED DEVELOPMENT
PROPERTY ADDRESS: CURTNER AND UNION
PROPOSED USE: COMMERCIAL & RETAIL

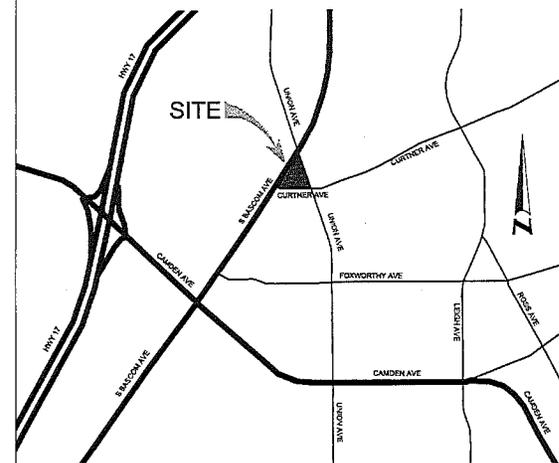
TABULATION

SITE AREA (GROSS): +/- 1.34 ACRES (58,372 SF)
SITE AREA (NET): +/- 1.23 ACRES (53,577 SF)
BUILDING AREA: 9,400 SF
F.A.R.: 0.17
BUILDING COVERAGE: 17%

LANDSCAPE COVERAGE: 15,097 SF (29%)
HARDSCAPE COVERAGE: 4,974 SF (9%)
PAVING COVERAGE: 24,106 SF (45%)

PARKING: 49 STALLS
PARKING RATIO: 5 / 1000 (NET)
NET=85% OF GROSS AREA

VICINITY MAP



SHEET INDEX

- 1 TITLE SHEET
- 2 LAND USE PLAN - EXHIBIT "C"
- 2.1 DEVELOPMENT STANDARDS
- 3 CONCEPTUAL SITE PLAN
- 4 CONCEPTUAL GRADING PLAN
- 4A CONCEPTUAL STORM WATER CONTROL PLAN
- 5(A) CONCEPTUAL FLOOR PLAN
- 5(B) CONCEPTUAL BUILDING ELEVATIONS
- 6 CONCEPTUAL LANDSCAPE PLAN

SOUTH BASCOM AVENUE

NOT A PART

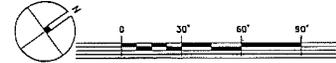
AREA OF RE-ZONING:
GROSS: 58,372 SF (1.34 ACRES)

PROPOSED
COMMERCIAL MIXED USE AREA
9,400 SF OF RETAIL/COMMERCIAL USES

CURTNER AVE

UNION AVE

LAND USE PLAN -
EXHIBIT "C"



SYMBOL	AREA	AREA (AC)	% OF TOTAL AREA	PRIMARY LAND USES	
				RETAIL (SF)	F.A.R.
	COMMERCIAL / MIXED USE	1.23 AC	92 %	9,400 SF	0.17
	DEDICATION AREA	0.11 AC	8 %	-	-
TOTAL:		1.34 AC	100%	9,400 SF	

**CURTNER/UNION
RETAIL**

GENERAL DEVELOPMENT
PLAN

PDC12-001

JP DINAPOLI COMPANIES, INC.
99 ALMADEN BLVD., SUITE 565
SAN JOSE, CA 95113



KENNETH RODRIGUEZ & PARTNERS, INC.
248 HAYES VALLEY ROAD, SUITE 200
MARTINEZ, CA 94553-1758

CONSULTANT

KEYMAP

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02.17.12 PLANNING COMMENTS REVISIONS

PROJECT NO. 125.044 DATE 01.09.12

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LAND USE PLAN -
EXHIBIT "C"

2

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**CURTNER/UNION
RETAIL**

GENERAL DEVELOPMENT
PLAN

PDC12-001

JP DINAPOLI COMPANIES, INC.
99 ALMADEN BLVD., SUITE 565
SAN JOSE, CA 95113



KENNETH RODRIGUES & PARTNERS, INC.
445 NORTH WILSON ROAD, SUITE 200
MERRILLVILLE, IN 46459-1070

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PROJECT NO. 125.044 DATE 01.09.12

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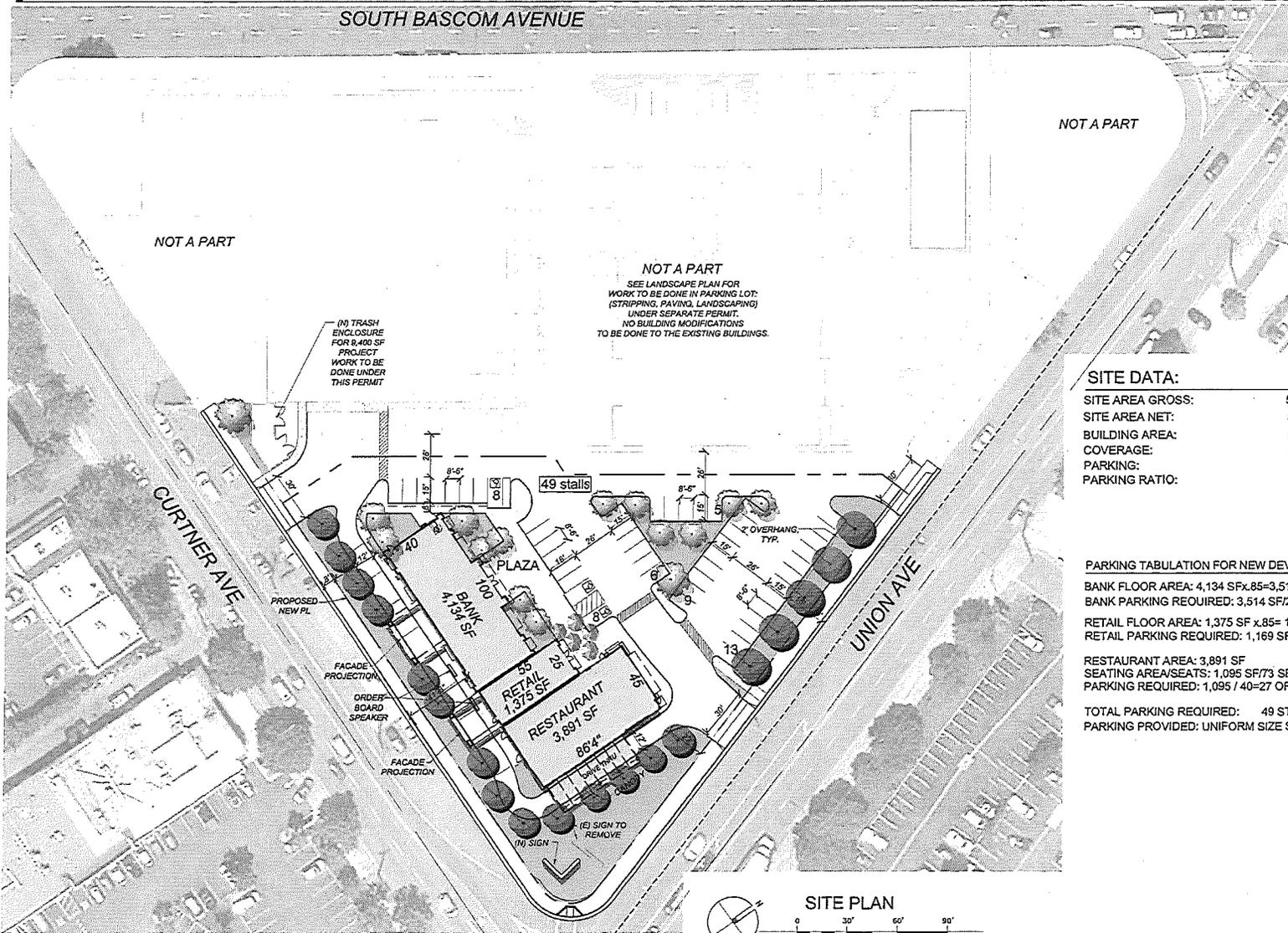
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**DEVELOPMENT
STANDARDS**

2.1

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(TO BE DEVELOPED BY PLANNING DEPARTMENT)



SITE DATA:

SITE AREA GROSS:	58,372 SF (1.34 AC)
SITE AREA NET:	53,577 SF (1.23 AC)
BUILDING AREA:	9,400 SF
COVERAGE:	17%
PARKING:	49 STALLS
PARKING RATIO:	5/1000 (NET) 85% OF GROSS FLOOR AREA

PARKING TABULATION FOR NEW DEVELOPMENT:

BANK FLOOR AREA:	4,134 SF x .85 = 3,514 SF
BANK PARKING REQUIRED:	3,514 SF / 250 = 14 STALLS
RETAIL FLOOR AREA:	1,375 SF x .85 = 1,168 SF
RETAIL PARKING REQUIRED:	1,168 SF / 200 = 6 STALLS
RESTAURANT AREA:	3,891 SF
SEATING AREA/SEATS:	1,095 SF/73 SEATS
PARKING REQUIRED:	1,095 / 40 = 27 OR 73 / 2.5 = 29 STALLS
TOTAL PARKING REQUIRED:	49 STALLS
PARKING PROVIDED:	UNIFORM SIZE STALL 17x8'6" 49 STALLS TOTAL

**CURTNER/UNION
RETAIL**
GENERAL DEVELOPMENT
PLAN
PDC12-001

JP DINAPOLI COMPANIES, INC.
99 ALMADEN BLVD., SUITE 565
SAN JOSE, CA 95113



KENNETH RODRIGUES & PARTNERS, INC.
440 HAYWARD WHARF, SUITE 200
REDWOOD CITY, CA 94063-2784

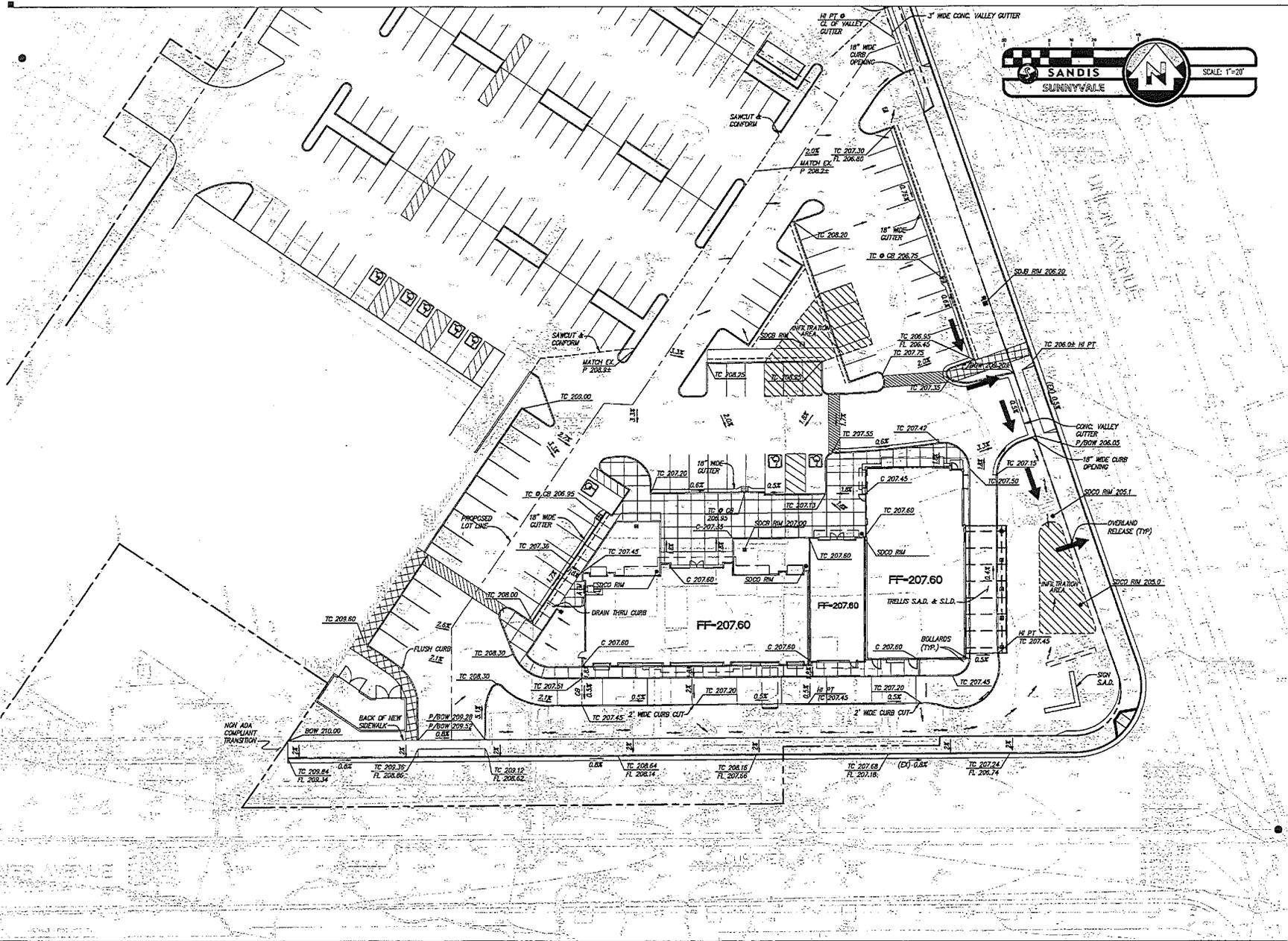
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02.17.12 PLANNING COMMENTS
REVISIONS

PROJECT NO. 125.064 DATE 01.09.12
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**CONCEPTUAL
SITE PLAN**



**CURTNER/UNION
RETAIL**
GENERAL DEVELOPMENT
PLAN

JP DINAPOLI COMPANIES, INC.
99 ALMADEN BLVD., SUITE 565
SAN JOSE, CA 95113



RENDERED ARCHITECTURE & PARTNERS INC.
1400 ELMWOOD DRIVE, SUITE 200
SAN JOSE, CA 95128

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1705 GARDEN AVENUE, SUNNYVALE, CA 94085
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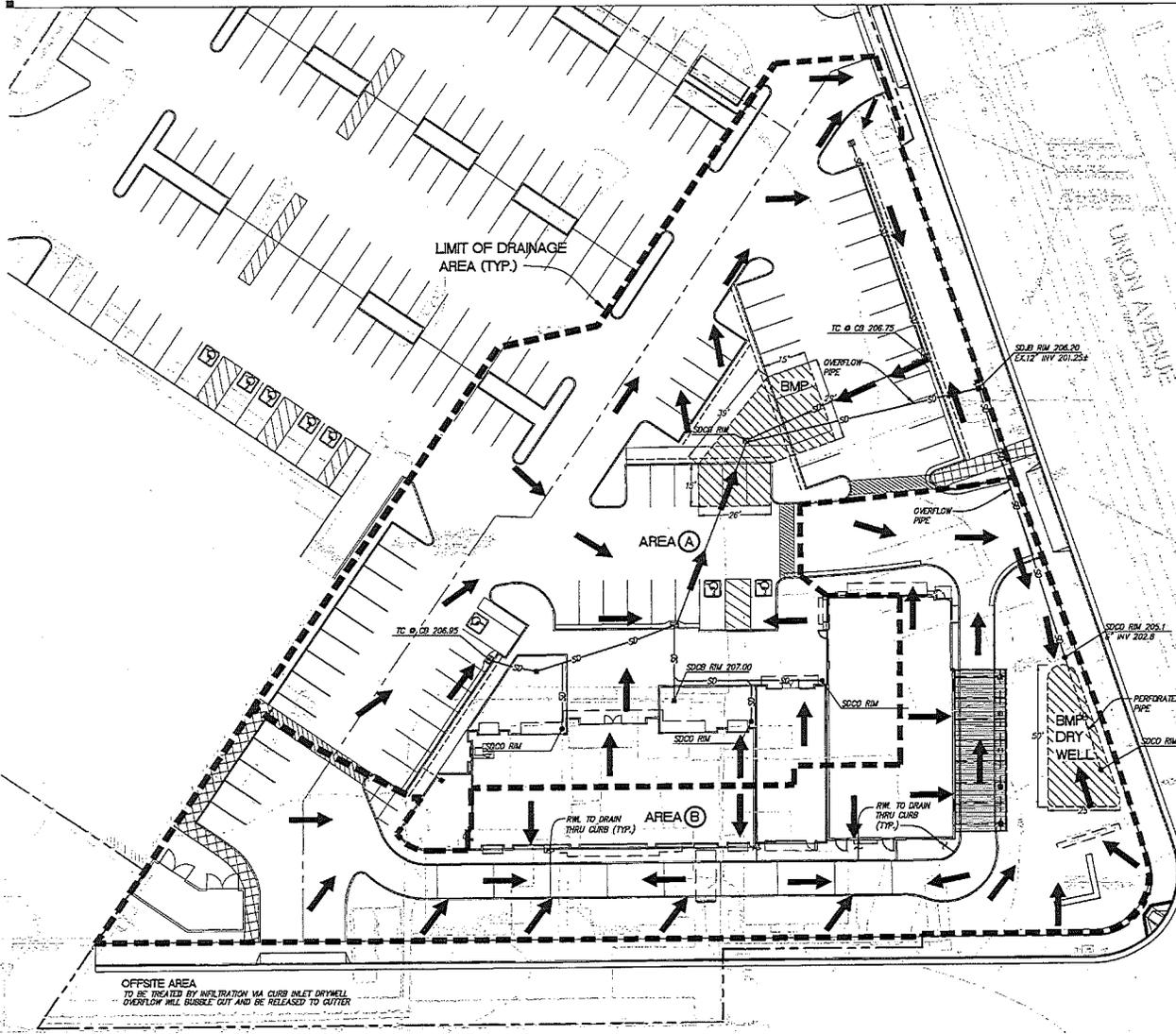
KEYMAP

REVISION
02.17.12 PLANNING COMMENTS
REVISIONS

PROJECT NO. 125.044 DATE 01.09.12
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CURTNER/UNION RETAIL
CURTNER AVE. & UNION AVE.
CONCEPTUAL GRADING AND
DRAINAGE PLAN
SAN JOSE CALIFORNIA

SHEET
4



PERVIOUS AND IMPERVIOUS SURFACES COMPARISON TABLE				
PROJECT PHASE NUMBER: (N/A)				
TOTAL SITE (ACRES):	1.5 ACRES	TOTAL AREA OF SITE DISTURBED (ACRES):	1.5 ACRES	
IMPERVIOUS SURFACES	EXISTING CONDITION OF SITE AREA DISTURBED (SQUARE FEET)	PROPOSED CONDITION OF SITE AREA DISTURBED (SQUARE FEET)	REPLACED NEW	
ROOF AREA(S)	6,914	2,448	6,967	
PARKING	51,230	31,680	14,350	
SIDEWALKS, PATIOS, PATHS, ETC.	—	—	5,655	
STREETS (PUBLIC)	—	—	—	
STREETS (PRIVATE)	—	—	—	
TOTAL IMPERVIOUS SURFACES	58,144	34,128	14,275	
PERVIOUS SURFACES	LANDSCAPE AREAS	7,621	2,250	15,112
OTHER PERVIOUS SURFACES (GREEN ROOF ETC.)	—	—	—	
TOTAL PERVIOUS SURFACES	7,621	2,250	15,112	
TOTAL PROPOSED REPLACED + NEW IMPERVIOUS SURFACES	43,403			
TOTAL PROPOSED REPLACED + NEW PERVIOUS SURFACES	17,362			
	IMPERVIOUS AREA	TOTAL AREA	IMPERVIOUS RATIO (-) (FOR STEP 2 BELOW)	
AREA A	32,385 SF	38,610 SF	0.84	
AREA B	17,875 SF	27,155 SF	0.66	

SUPPLEMENTAL REPORT

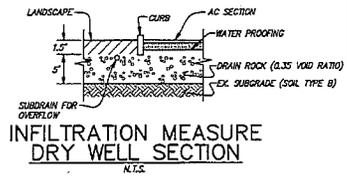
SOIL TYPE: SET LDAM (B)
 DEPTH TO DRINKING WATER: 35-50' HISTORICALLY
 100 YEAR FLOOD ELEVATION: UNKNOWN FEMA ZONE 0
 TREATMENT VOLUME CALCULATIONS PER SC84RPPPP C.1 JOURNAL
 SIZING CRITERIA, BASED ON URBAN RUNOFF QUALITY MANAGEMENT, APPROXIM (URQM APPROACH)
 $P_2 = 0.85 P_1$

AREA A	
STEP 1	BMP AREA A = 0.89 ACRES
STEP 2	IMPERVIOUS RATIO = 0.84
STEP 3	$C_u = 0.85 \times 0.78 + 0.774 + 0.04$ USING 1 FROM STEP 2 = 0.64
AREA B	
STEP 1	BMP AREA B = 0.62 ACRES
STEP 2	IMPERVIOUS RATIO = 0.66
STEP 3	$C_u = 0.85 \times 0.78 + 0.774 + 0.04$ USING 1 FROM STEP 2 = 0.46
STEP 4	$MAP_{100} = 15.5$
STEP 5	$MAP_{100} = 3.19$
STEP 6	$(P_2)_{100} = 0.512$
STEP 7	$(P_2)_{100} = (P_1)_{100} \times MAP_{100} / MAP_{100} = 0.57$
STEP 8	$P_2 = 1,363$ FOR 48 HR DRAIN TIME (SAN JOSE AIRPORT GAGE)
STEP 9	$P_2 = (STEP 7 \times STEP 8) \times (STEP 6)$
AREA A	$P_2 = 0.72$ INCHES
AREA B	$P_2 = 0.51$ INCHES
STEP 9	DESIGN VOLUME = $P_2 \times A = STEP 8 \times STEP 1 \times 1 FOOT / 12 INCHES \times 4,356 FT^2 / 1 ACRE$
AREA A	2,359 FT ³
AREA B	1,150 FT ³

POLLUTANTS OF CONCERN
 SEDIMENT, NUTRIENTS, PESTICIDES, PATHOGENS, TRASH & DEBRIS, OIL & GREASE, METALS & TSS

RECEIVING WATER
 CUALUMPUE RIVER

BMP TYPE	
AREA A	INFILTRATION MEASURE (DRY WELL)
AREA B	INFILTRATION MEASURE (DRY WELL)



INFILTRATION MEASURE DRY WELL SECTION
 N.T.S.

CURTNER/UNION RETAIL
 GENERAL DEVELOPMENT PLAN

JP DINAPOLI COMPANIES, INC.
 99 ALMADEN BLVD., SUITE 565
 SAN JOSE, CA 95113



KENNETH RODRIGUES & PARTNERS, INC.
 445 RIVERSIDE PARKWAY, SUITE 100
 SAN JOSE, CA 95128-1000

SANDIS CIVIL ENGINEERS
 SURVEYORS | PLANNERS
 1201 C. DRIVE AVENUE, SUITE 100, SAN JOSE, CA 95128
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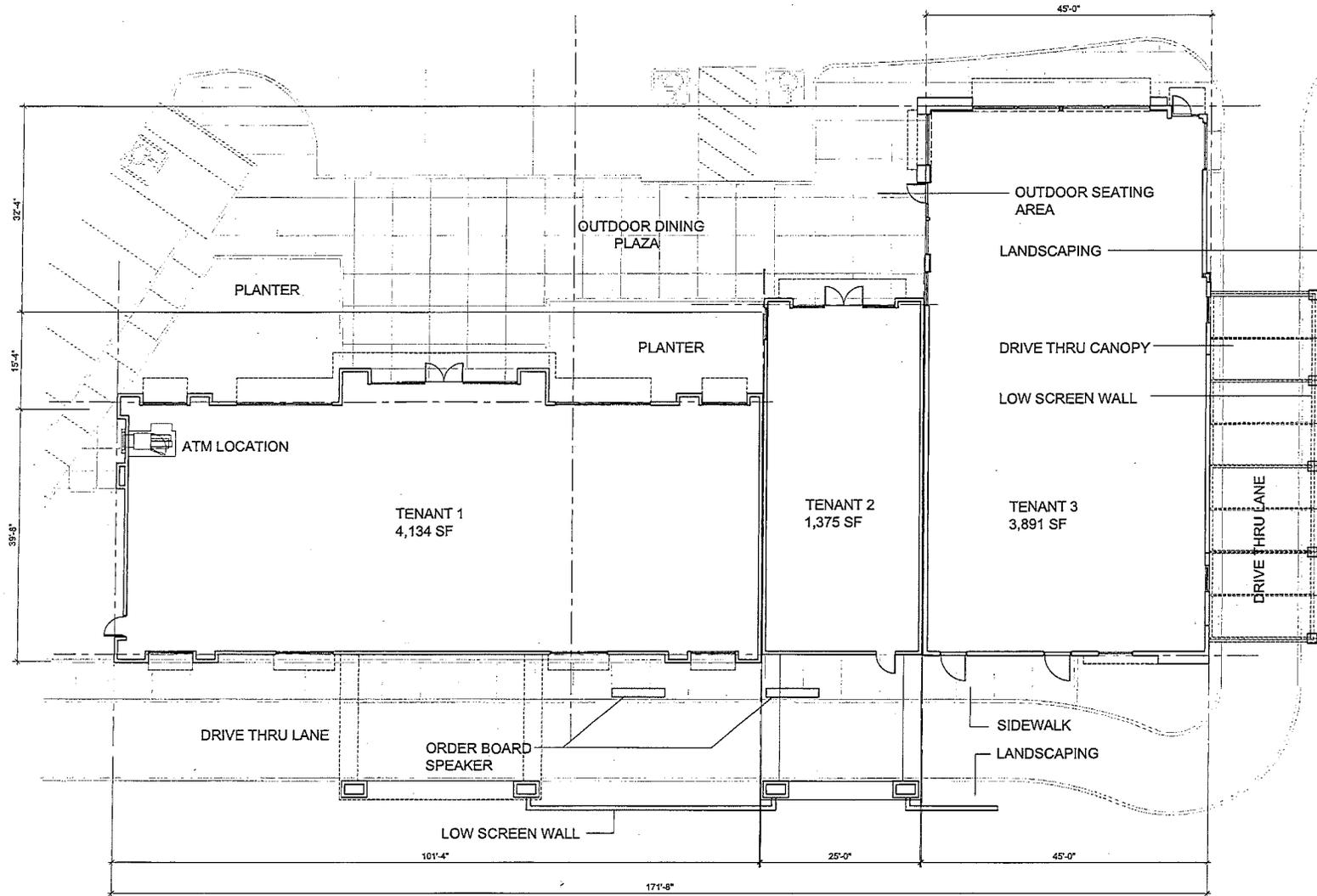
KEYMAP

REVISION
 02.17.12 **PLANNING COMMENTS REVISIONS**

PROJECT NO. 125.044 DATE: 01.09.12
 DRAWN BY: NB SCALE: AS SHOWN
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CURTNER/UNION RETAIL
 CURTNER AVE. & UNION AVE.
 CONCEPTUAL STORMWATER CONTROL PLAN
 SAN JOSE CALIFORNIA

SHEET
4A



**CURTNER/UNION
RETAIL**

GENERAL DEVELOPMENT
PLAN

PDC12-001

JP DINAPOLI COMPANIES, INC.
99 ALMADEN BLVD., SUITE 565
SAN JOSE, CA 95113



KENNETH RODRIGUES & PARTNERS, INC.
445 RUTLAND AVENUE, SUITE 200
MOUNTAIN VIEW, CA 94039-3700

CONTRACT:

KEYMAP:

REVISION
02.17.12 PLANNING COMMENTS
REVISIONS

PROJECT NO. 125.044 DATE 01.09.12

DRAWN BY NB SCALE AS SHOWN

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**CONCEPTUAL
FLOOR
PLAN**

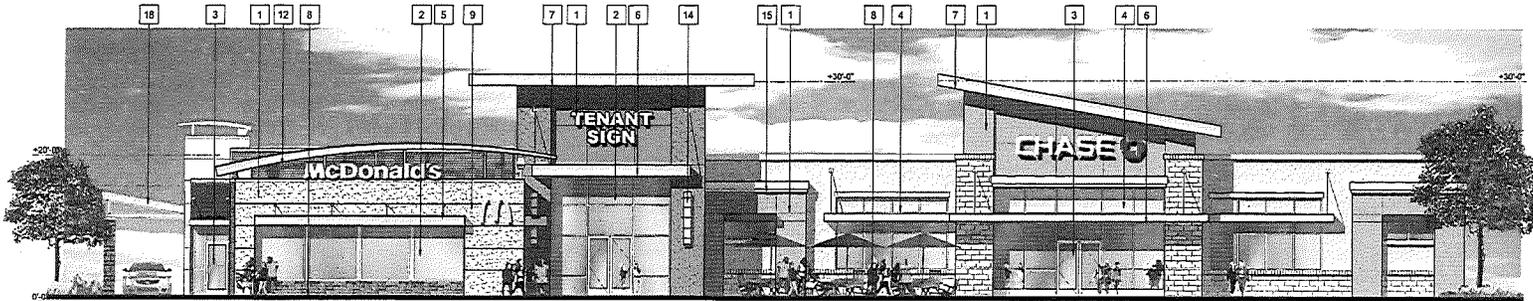


5 a

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SHEET KEYNOTES

- 1 EXTERIOR WALL WITH E.I.F.S. SYSTEM, PAINTED
- 2 CLEAR ANODIZED ALUMINUM STOREFRONT
- 3 CLEAR ANODIZED ALUMINUM STOREFRONT DOOR
- 4 CLEARSTORY WINDOWS
- 5 METAL CANOPY
- 6 METAL AWNING
- 7 ALUMINUM FACIA
- 8 EXTERIOR WALL WITH BRICK VENEER
- 9 ALUMINUM REVEAL
- 10 BRICK EXPANSION JOINT
- 11 DRIVE THRU WINDOW
- 12 DECORATIVE ROOF ELEMENT
- 13 METAL COPING
- 14 DECORATIVE WALL SCONES
- 15 CORNICE
- 16 STANDING SEAM METAL ROOF
- 17 NOT USED
- 18 METAL CANOPY
- 19 ATM
- 20 ORDER BOARD SPEAKER



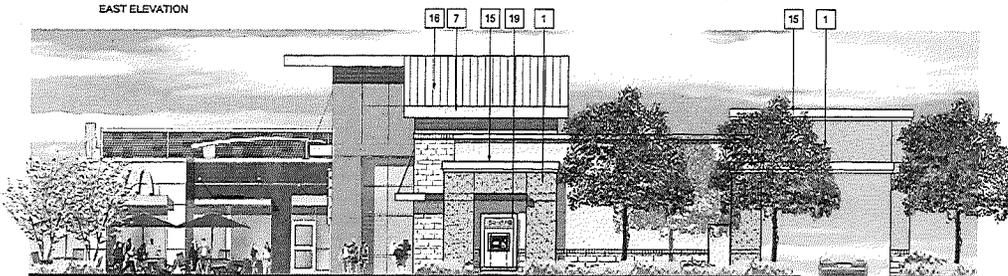
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

**CURTNER/UNION
RETAIL**

GENERAL DEVELOPMENT
PLAN

PDC12-001

JP DINAPOLI COMPANIES, INC.
99 ALMADEN BLVD., SUITE 565
SAN JOSE, CA 95113



KENNETH RODRIGUEZ & PARTNERS, INC.
445 HAYDEN WILSON ROAD, SUITE 200
MOUNTAIN VIEW, CA 94038-5200

CONSULTANT

KEYMAP

REVISION
02.17.12 PLANNING COMMENTS
REVISIONS

PROJECT NO. 125,044 DATE 01.09.12
DRAWN BY NB SCALE AS SHOWN
CHECKED BY

**CONCEPTUAL
BUILDING
ELEVATIONS**



5 b

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SOUTH BASCOM AVENUE

EXISTING LANDSCAPE TO REMAIN

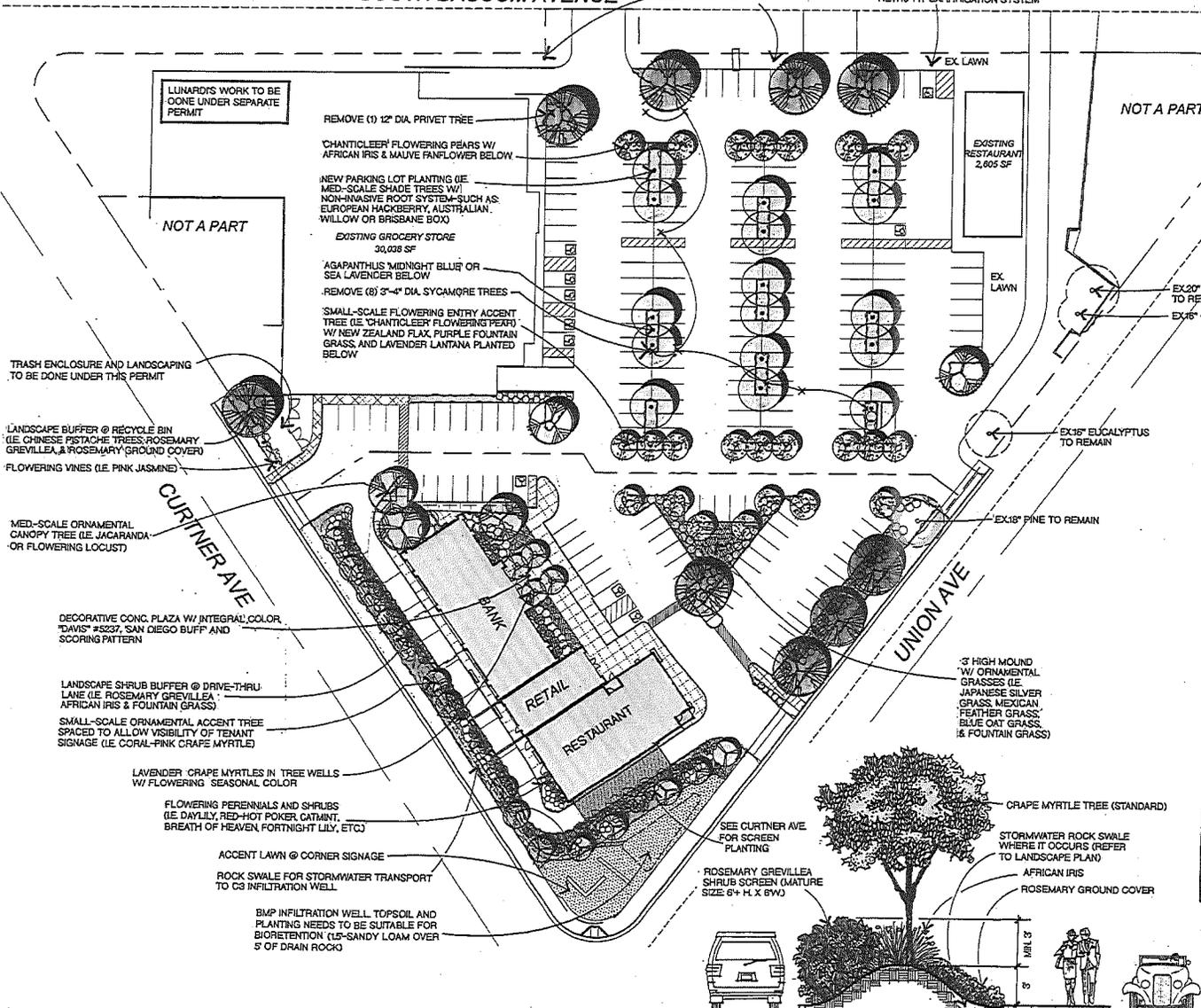
RE-SOD EX DAMAGED LAWN AND RETRO-FIT EX IRRIGATION SYSTEM

NOT A PART

NOT A PART

CURTNER AVE

UNION AVE



LUNARDI'S WORK TO BE DONE UNDER SEPARATE PERMIT

REMOVE (1) 12" DIA. PRIVET TREE
CHANTICLEER FLOWERING PEARS W/ AFRICAN IRIS & MAUIVE FANFLOWER BELOW

NEW PARKING LOT PLANTING (IE MED-SCALE SHADE TREES W/ NON-INVASIVE ROOT SYSTEM-SUCH AS EUROPEAN HACKBERRY, AUSTRALIAN WILLOW OR BRISBANE BOX)
EXISTING GROCERY STORE 30,028 SF

AGAPANTHUS 'MIDNIGHT BLUE' OR SEA LAVENDER BELOW

REMOVE (8) 3"-4" DIA. SYCAMORE TREES
SMALL-SCALE FLOWERING ENTRY ACCENT TREE (IE CHANTICLEER FLOWERING PEAR) W/ NEW ZEALAND FLAX, PURPLE FOUNTAIN GRASS, AND LAVENDER LANTANA PLANTED BELOW

TRASH ENCLOSURE AND LANDSCAPING TO BE DONE UNDER THIS PERMIT

LANDSCAPE BUFFER @ RECYCLE BIN (IE CHINESE PISTACHE TREES, ROSEMARY GREVILLEA, & ROSEMARY GROUND COVER)
FLOWERING VINES (IE PINK JASMINE)

MED-SCALE ORNAMENTAL CANOPY TREE (IE JACARANDA OR FLOWERING LOCUST)

DECORATIVE CONC. PLAZA W/ INTEGRAL COLOR, 'DAVIS' #5237, SAN DIEGO BUFF AND SCORING PATTERN

LANDSCAPE SHRUB BUFFER @ DRIVE-THRU LANE (IE ROSEMARY GREVILLEA, AFRICAN IRIS & FOUNTAIN GRASS)

SMALL-SCALE ORNAMENTAL ACCENT TREE SPACED TO ALLOW VISIBILITY OF TENANT SIGNAGE (IE CORAL-PINK CRAPE MYRTLE)

LAVENDER CRAPE MYRTLES IN TREE WELLS W/ FLOWERING SEASONAL COLOR

FLOWERING PERENNIALS AND SHRUBS (IE DAVILY, RED-HOT POKER, CATMINT, BREATH OF HEAVEN, FORTNIGHT LILY, ETC)

ACCENT LAWN @ CORNER SIGNAGE

ROCK SWALE FOR STORMWATER TRANSPORT TO G3 INFILTRATION WELL

BMP INFILTRATION WELL. TOPSOIL AND PLANTING NEEDS TO BE SUITABLE FOR BIORETENTION (15-SANDY LOAM OVER 5' OF DRAIN ROCK)

SEE CURTNER AVE FOR SCREEN PLANTING

ROSEMARY GREVILLEA SHRUB SCREEN (MATURE SIZE 8' H X 6' W)

3' HIGH MOUND W/ ORNAMENTAL GRASSES (IE JAPANESE SILVER GRASS, MEXICAN FEATHER GRASS, BLUE OAT GRASS, & FOUNTAIN GRASS)

CRAPE MYRTLE TREE (STANDARD)

STORMWATER ROCK SWALE WHERE IT OCCURS (REFER TO LANDSCAPE PLAN)

AFRICAN IRIS

ROSEMARY GROUND COVER



LANDSCAPE SECTION @ DRIVE-THRU SCREENING

LANDSCAPE PLANT PALETTE

BOTANICAL NAME	COMMON NAME	SIZE
TREES:		
CELTIS AUSTRALIS	EUROPEAN HACKBERRY	15 GALLON
CELEBRIS PARVIFLORA	AUSCHADIAN WILLOW	15 GALLON
JACARANDA MIMOSIFOLIA	JACARANDA	15 GALLON
LAGERSTROEMIA X FAUREII	CRAPE MYRTLE	24" BOX
"MIDNIGHT"	(IE SEA LAVENDER)	15 GALLON
"TUSCANA"	(CORAL PINK)	15 GALLON
LOHOCYDENDRUM OBTUSUM	REDBARK BOX	15 GALLON
PISTACIA CHINENSIS	CHINESE PISTACHE	15 GALLON
VERVA LANCEOLATA	CHANTICLEER	15 GALLON
"CHANTICLEER"	FLOWERING PEAR	15 GALLON
SHRUBS, VINES, PERENNIALS, GRASSES:		
AGELIA 'EDWARD COUCHER'	INARP AGELIA	5 GALLON
ALBUQUERQUE HUSSELLII	ROSE HIBISCUS	5 GALLON
CELEBRIS ALBA	WHITE BREADTH OF HEAVEN	5 GALLON
DIERIS NICOLAI	AFRICAN IRIS	5 GALLON
DIERIS VIOLETA	FORTNIGHT LILY	5 GALLON
GREVILLEA 'MORILLI'	ROSE & GREVILLEA	5 GALLON
GREVILLEA ROSMARINIFOLIA	ROSEMARY GREVILLEA	5 GALLON
HELIOPSIS SCOPULORUM	BLADE OAT GRASS	5 GALLON
JARDINON POLYANTHUS	PINK JACARANDA VINE	5 GALLON
DELPHINIUM 'SCHEINIG SCHEPPE'	RED-HOT POKER	1 GALLON
LOHOCYDENDRUM OBTUSUM	ROSEMARY GROUND COVER	5 GALLON
LAVATERA STERILIS	CRABAPPLE	5 GALLON
"BARKLEY"	BARKLEY TREE MALLOW	5 GALLON
MACADAMIA UNGUIS-CATI	YELLOW CAT'S CLAW VINE	5 GALLON
MISCANTHUS SINENSIS	MORNING GLORY	5 GALLON
"MORNING GLORY"	JAPANESE SILVER GRASS	1 GALLON
MOLLENDIERIA RICINA	DEER GRASS	1 GALLON
MASELLIA TENUSISSIMA	MEXICAN FEATHER GRASS	1 GALLON
PROSTRA TERNAX	NEW ZEALAND FLAX	5 GALLON
"DOXY CHIEF"	(WINE RED W/ CORAL)	5 GALLON
"PINK STYLIS"	(GRAY-GREEN W/ PINK)	5 GALLON
PORELYSTUM SETACUM	PURPLE FOUNTAIN GRASS	5 GALLON
"RUBRON"	INDIA BASTARD	5 GALLON
RIARHIZOLEPIS INDICA	(WHITE)	5 GALLON
"CLARA"	(PINK)	5 GALLON
"ENCHANTRESS"	(PINK)	5 GALLON
GROUND COVERS:		
AGAPANTHUS 'MIDNIGHT BLUE' (LILY-OF-THE-VALLEY)	1 GAL @ 24" O.C.	
FLOWERING CRANIAL CELER	4" TOTS @ 8" O.C.	
HEMEROCALLIS HYBRIDA (HYBRID DAYLILY)	1 GAL @ 24" O.C.	
LAVANDULA MONTEZUMENSIS (LAVENDER LANTANA)	1 GAL @ 24" O.C.	
MESITA PANASCHEI (CROTON)	1 GAL @ 10" O.C.	
ROSA 'WHITE HEISELARD' (WHITE GROUND COVER ROSE)	1 GAL @ 36" O.C.	
ROSEMARY 'MORNING GLORY' (ROSEMARY)	1 GAL @ 24" O.C.	
SCARVOLA 'MAUIVE CLUSTERS' (FANFLOWER)	1 GAL @ 24" O.C.	
SOD LAWN ('MIDWINTER' DWARF FESCUE BY 'PACIFIC SOD' OR EQUAL		

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REVISION
02.17.12 PLANNING COMMENTS REVISIONS

PROJECT NO. 125.044 DATE 01.09.12
DRAWN BY JWL SCALE AS SHOWN
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CONCEPTUAL
LANDSCAPE PLAN