

## **SITE DEVELOPMENT PERMIT**

<b>FILE NO.</b>	<b>H09-025</b>
<b>LOCATION OF PROPERTY</b>	<b>East side of Gold Street, approximately 820 feet south of Moffat Street (APN: 015-34-019)</b>
<b>ZONING DISTRICT</b>	<b>R-MH Mobilehome Park District</b>
<b>GENERAL PLAN DESIGNATION</b>	<b>Public Park/Open Space</b>
<b>PROPOSED USE</b>	<b>Site Development Permit to create an educational center for Santa Clara Valley Water District with a 300 square foot restroom building and 1,000 square foot gazebo on a 0.5 gross acre site.</b>
<b>ENVIRONMENTAL STATUS</b>	<b>Exempt</b>
<b>OWNER/ADDRESS</b>	<b>Victor Gutierrez % Santa Clara Valley Water District 5750 Almaden Expressway San Jose, CA 95118</b>

### **FACTS**

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

1. The proposed Site Development Permit is to create an educational center for Santa Clara Valley Water District with a 300 square foot restroom building and 1,000 square foot gazebo.
2. This site has a designation of Public Park/Open Space on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
3. The site is zoned R-MH Mobilehome Park Zoning District.
4. The subject site is 0.5 gross acres in size.
5. The site is currently vacant.
6. The proposed project includes a 300 square foot restroom building and 1,000 square foot gazebo.
7. The proposed structures are about 27 feet from the front property line, 7 feet from the side property line, and 43 feet from the rear property line.
8. The environmental impacts of this project were addressed by a Mitigated Negative Declaration adopted on April 20, 2009. The major environmental issues addressed were air quality, biological resources, and hazards/hazardous materials. The Mitigated Negative Declaration included appropriate mitigation to reduce these potential environmental impacts

to less than significant levels.

9. The site is surrounded by industrial park uses, mobile homes and open space (Guadalupe River).

## FINDINGS

1. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious, in that:
  - a. Sufficient open space separates all structure(s) and uses.
  - b. Sufficient maneuvering room will be provided on site to allow smooth circulation and minimize interference with other uses.
2. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood, in that:
  - a. The proposed project conforms to the City of San Jose's Commercial Design Guidelines.
3. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties, in that:
  - a. The environmental impacts of this project were addressed by a Mitigated Negative Declaration adopted on April 20, 2009 (State Clearinghouse No. 2009032058). The major environmental issues addressed were air quality, biological resources, and hazards/hazardous materials. The Mitigated Negative Declaration included appropriate mitigation to reduce these potential environmental impacts to less than significant levels.
  - b. The proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.
4. Traffic access, pedestrian access and parking are adequate in that:
  - a. The proposed number, size and access of parking spaces comply with the requirements of the Zoning Ordinance.
  - b. The site is secured and is not typically occupied by employees, therefore standard driveway and pedestrian access is not necessary.
5. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior hearing, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood in that:
  - a. Substantial natural landscaping exists to help the site blend with the surroundings.
6. The Site Development Permit, as issued, furthers the policies of the General Plan, in that:
  - a. The project is consistent with the site's General Plan Land Use/Transportation Diagram designation of Public Park/Open Space in that it is used by a public utility to provide an

educational service to the City of San Jose.

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

This Site Development Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this permit has been recorded with the County Recorder.

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Site Development Permit shall automatically expire two years from and after the date of approval by the Director of Planning, or by the Planning Commission on appeal, granting this Permit, if within such two-year period, the proposed use of this site has not commenced, pursuant to and in accordance with the provisions of this Site Development Permit. The Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20 of the San Jose Municipal Code. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Conformance with Plans.** Construction and development shall conform to approved Planned Development plans entitled, "Gold Street Educational Center Project", dated December 2009, on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).
5. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-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 approval authority.

6. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
7. **Site Maintenance.** The applicant shall maintain the site in a safe and clean manner.
8. **Refuse.** All trash areas shall be covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
9. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
10. **Lighting.**
  - a. Any new on-site, exterior shall use Low-Pressure Sodium fixtures and be designed, controlled and maintained so that no light source is visible from outside of the property, except for lighting fixtures that illuminate pedestrian walkways, which may use light sources other than LPS, but only when such fixtures are fully shielded.
  - b. All outdoor lighting fixtures, including display lighting, shall be turned off within one hour of the close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.
11. **Public Works Department Clearance.** 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.
  - a. *Minor Improvement Permit:* The public improvements conditioned as part of this permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
  - b. *Transportation:* The projected traffic for this project was reviewed and found to be minimal; therefore no further traffic analysis is required.
  - c. *Grading/Geology:*
    - 1) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
    - 2) The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.

- d. *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.
  - e. *Flood: Zone AE, Elevation 12.00' North American Vertical Datum of 1988 (NAVD88):*
    - 1) Elevate the lowest floor of the proposed outdoor restroom and any other proposed buildings above 12.00' NAVD88 or floodproof to the same elevation.
    - 2) An Elevation Certificate (FEMA Form 81-31) for each proposed building, based on construction drawings, is required prior to issuance of a building permit.
    - 3) Building support utility systems and other service facilities must be elevated above the base flood elevation or protected from flood damage.
  - f. *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.
  - g. *Municipal Water:* In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
  - h. *Street Improvements:*
    - 1) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
    - 2) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
    - 3) Construct curb, gutter, and sidewalk along Gold Street frontage adjacent to project site. This portion of curb, gutter and sidewalk will connect the missing pieces all the way to the existing Gold Street Bridge.
    - 4) Close unused driveway cut(s).
    - 5) Proposed driveway width to be 32'.
  - i. *Electrical:*
    - 1) 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
    - 2) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
12. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
- a. *Construction Plans.* This permit file number, H09-019, shall be printed on all construction plans submitted to the Building Division.

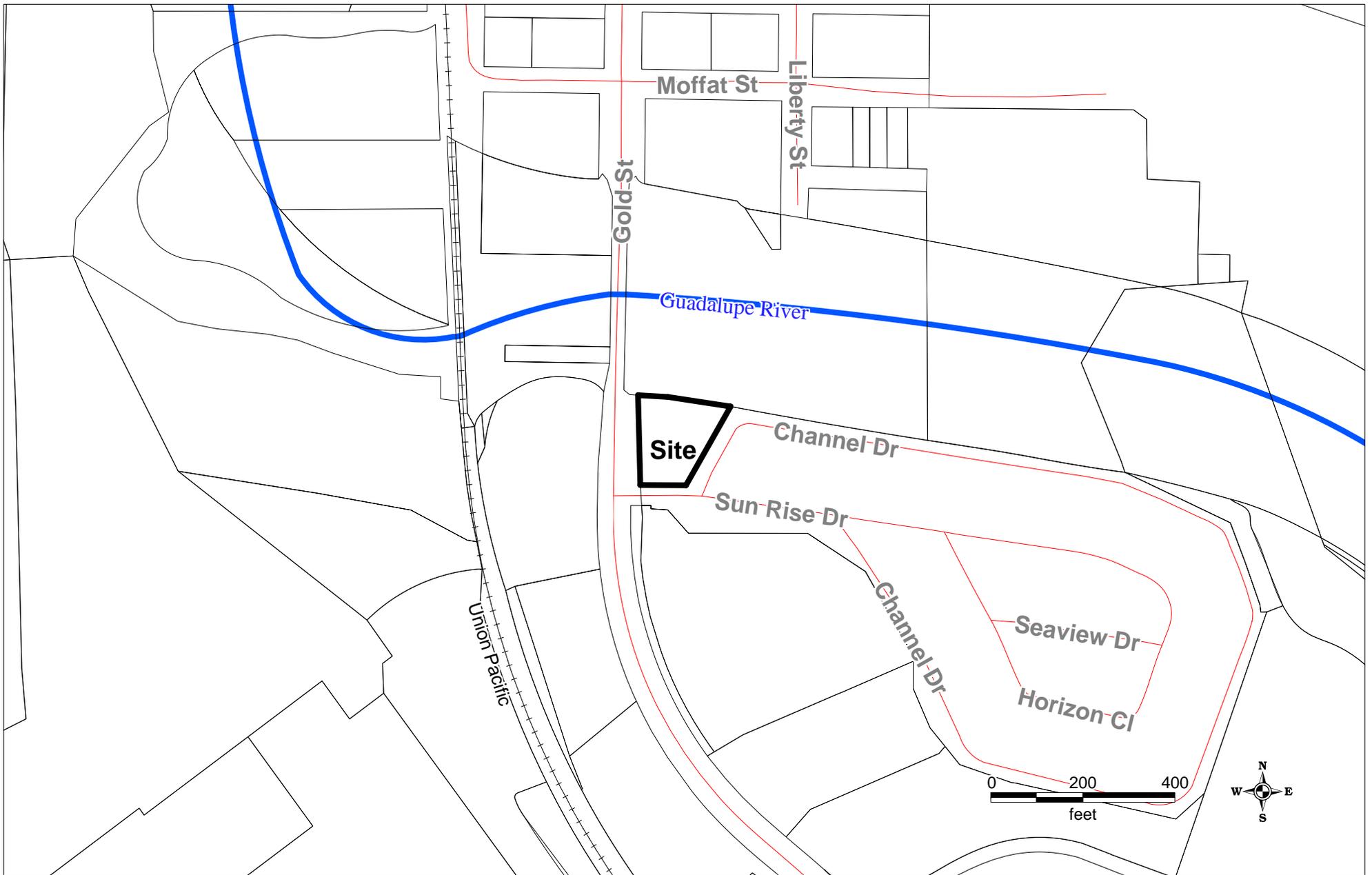
- b. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
  - c. *Americans With Disabilities Act.* The applicant shall provide appropriate access as required by the Americans With Disabilities Act (ADA).
13. **Fire Code Compliance.** Compliance with all 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.
14. **Revocation, Suspension, Modification.** This Site Development Permit Amendment may be revoked, suspended or modified by the Director of Planning, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Site Development Permit Amendment was not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use as presently conducted creates a nuisance.

**APPROVED** and issued this 24<sup>th</sup> day of March, 2010.

Joseph Horwedel, Director  
Planning, Building, and Code Enforcement

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Deputy



File No: H09-025  
District: 4

### Location



Prepared by the Department of Planning,  
Building, and Code Enforcement  
12/16/2009