

STAFF REPORT
PLANNING COMMISSION

FILE NO.: CP12-051

Submitted: 3/28/12

PROJECT DESCRIPTION: Conditional Use
Permit to allow a metal recycling facility on a 7.9
acre site.

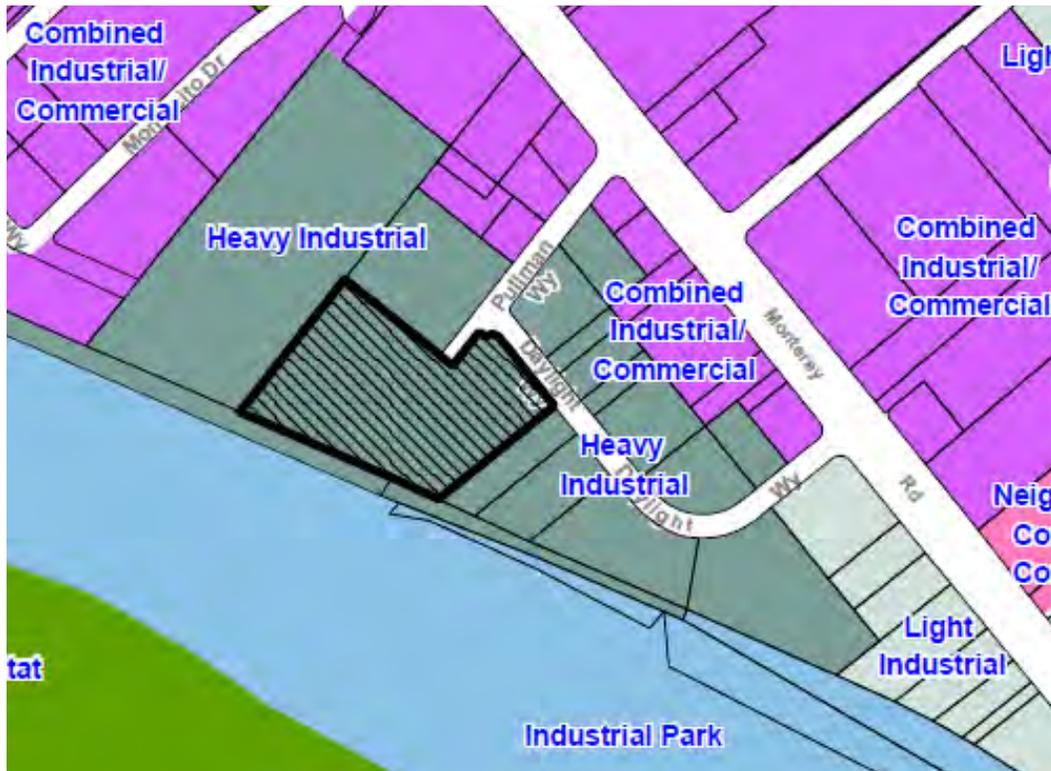
Zoning	HI – Heavy Industrial
General Plan	Heavy Industrial
Council District	7
Annexation Date	01/28/1957
Historic Resource	No
Redevelopment Area	N/A
Specific Plan	Communications Hill

LOCATION: Southwest of the intersection of Pullman Way and Daylight Way (111 Pullman Way)

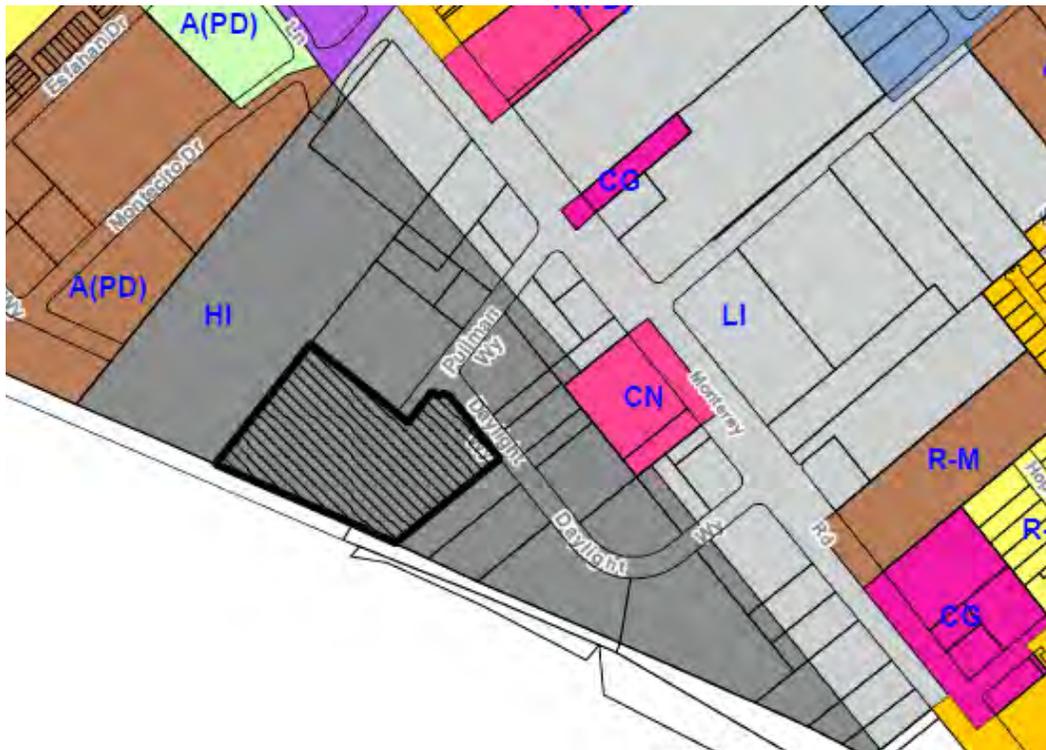
Aerial Photo



General Plan



Zoning



RECOMMENDATION

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit for the following reasons, and include the findings and conditions as shown in the attached draft Resolution.

1. The project conforms to the General Plan Land Use/Transportation Diagram and Communications Hill Specific Plan designation of Heavy Industrial.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.

BACKGROUND

On March 28, 2012, Dave Yocke with HMM Engineers, on behalf of the applicant, Alco Iron & Metal Company, applied for a Special Use Permit (File No. SP12-014) to allow a metal recycling transfer and processing facility. Scrap metal materials would be brought to the site and sorted, packaged and shipped to end users or to the applicant's primary facility in San Leandro, California. Recycling processing and transfer facilities may be approved with the issuance of a Special Use Permit in the HI – Heavy Industrial Zoning District; however, projects that exceed the maximum noise levels at property line identified in the Zoning Ordinance may only be approved upon issuance of a Conditional Use Permit. After analysis indicated that the proposed project would exceed the Zoning Ordinance noise performance standards the application was converted to a Conditional Use Permit (File No. CP12-051) on December 20, 2012.

The site is located southwesterly of the intersection of Pullman Way and Daylight Way and is surrounded by existing industrial uses to the north, east, and west and vacant industrial park land across railroad tracks to the south. The site is located in an area along the Monterey Road corridor at the eastern edge of the Communications Hill Specific Plan area that is primarily industrial, but also includes a mix of commercial and residential uses. The Montecito Vista project, approximately 400 feet to the northwest of the project site, includes the nearest residential units.

The subject property is a portion of a larger site that has received Conditional Use Permits and Amendments since 2001 to allow use of the site for asphalt and aggregate manufacturing and asphalt and concrete recycling with various outdoor storage areas and buildings and structures to support those uses. Those previously approved activities are proposed to continue on the balance of the site not used for metal recycling.

ANALYSIS

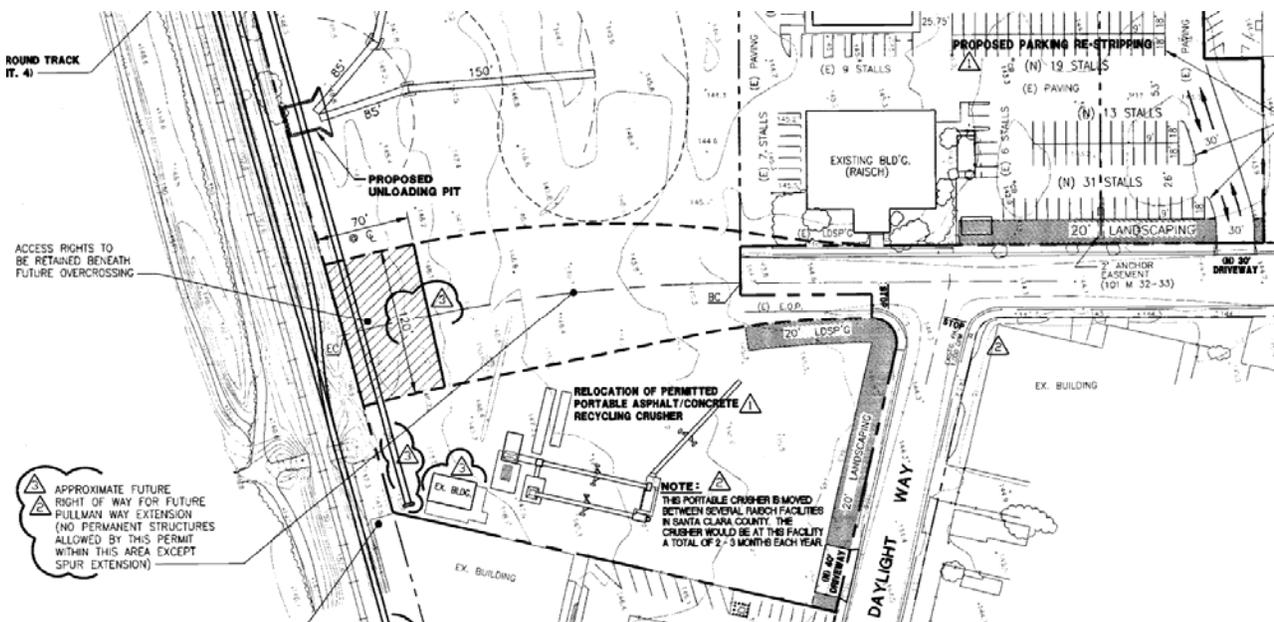
The primary areas analyzed for the Conditional Use Permit include: 1) conformance with the Envision San José 2040 General Plan and the Communications Hill Specific Plan, 2) conformance to the applicable provisions of the Zoning Ordinance, and 3) compliance with the California Environmental Quality Act (CEQA).

Envision San José 2040 General Plan and Communications Hill Specific Plan Conformance

The subject site is designated as Heavy Industrial on both the General Plan Land Use/Transportation Diagram and the Communications Hill Specific Plan. The Heavy Industrial designation is appropriate for industrial users with nuisance characteristics, such as the proposed metal recycling facility, which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses.

General Plan Land Use policies and environmental goals encourage the use of industrially-planned land to provide locations for various forms of recycling services. The Communications Hill Specific Plan supports the preservation of Heavy Industrial designated land.

Consistent with the Communications Hill Specific Plan the City anticipates extending Pullman Way with an over-crossing above the adjacent railroad tracks to provide future access between the residential development on the top of Communications Hill and Monterey Road. The proposed project includes a condition to preserve the necessary right-of-way for this future extension per the limits shown in the previously approved Conditional Use Permit (File No. CP06-017). The project may temporarily use the right-of-way area, but no permanent structures are permitted.



Site Plan from Conditional Use Permit (CP06-017) showing future ROW for Pullman Way extension.

Per General Plan Policy EC-1.2, noise impacts of new development on land uses sensitive to increased noise levels, such as the Montecito Vista residences approximately 400 feet to the northwest of the project site, should be minimized by limiting noise generation and by requiring the use of noise attenuation measures such as sound barriers, where feasible. The City considers significant noise impacts to occur if a project would cause the DNL¹ at noise sensitive receptors to increase by three (3) dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level. For residential land uses the normally acceptable exterior noise exposure level is 60 dBA DNL.

¹ DNL, or Day/Night Average Sound Level, represents the 24-hour average sound level with a 10dBA penalty for nighttime noise between the hours of 10pm and 7am.

The estimated operational noise level from the project at the Montecito Vista residences is 61 dBA DNL. The project will increase existing noise levels by approximately 1 dBA DNL, which is considered a less than significant increase.

Although the industrial uses surrounding the project site are not considered sensitive receptors General Plan Policy EC-1.6 states that the effects of operational noise from new industrial development on adjacent uses should be regulated through noise standards in the Zoning Ordinance. As described in the Zoning Ordinance conformance section below the project includes 15- and 12-foot tall noise barriers along the west and east property lines, respectively to reduce project operational noise to acceptable levels.

Zoning Ordinance Conformance

In the HI – Heavy Industrial Zoning District a recycling transfer/processing facility that exceeds the Zoning Ordinance performance standards for noise at property lines may be approved with the issuance of a Conditional Use Permit.

Setbacks

The HI – Heavy Industrial Zoning District has no side or rear setback requirements for projects located adjacent to non-residential zoning districts. Proposed vehicle parking/storage for the project conforms to the 15-foot front setback requirement from Daylight Way. The proposed building addition identified on the site plan is shown for conceptual purposes only. Any proposed building addition or new building is subject to a subsequent Planning permit process and shall be located outside of the right-of-way for the future Pullman extension.

Parking

Required parking for recycling processing and transfer facilities is based on 1 space per employee of the largest shift, plus 1 per facility vehicle. With up to 15 employees at any given time the project is required to provide 15 parking spaces. The proposed project includes room to accommodate more than the required parking with additional room for facility vehicle storage.

Noise

The Zoning Ordinance states that the sound pressure level generated by any industrial use or combination of industrial uses adjacent to a property used or zoned for industrial use shall not exceed 70 decibels at property line, except upon issuance and in compliance with a Conditional Use Permit. A noise study prepared for the proposed project estimated that maximum noise levels from individual events are expected to be in the range of 85 to 95 dBA without noise barriers for people standing at-grade on the adjacent industrial sites. The project proposes to incorporate a 15-foot tall noise barrier along the west property line and a 12-foot tall noise barrier along the east property line to reduce estimated hourly operational noise to 70 dBA or below at adjacent at-grade receivers (between 80 and 85 dBA maximum for individual events). Given that the adjacent property to the south is a railroad right-of-way and beyond is un-developed Industrial Park property a noise barrier along this property line is not warranted.

Environmental Review

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building and Code Enforcement for the subject Conditional Use Permit. The documents were circulated for public review between December 21, 2012 and January 21, 2012.

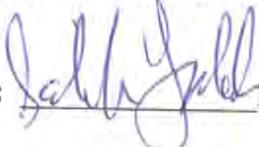
The MND states that the proposed Conditional Use Permit will not have a significant effect on the environment. The primary environmental issue addressed in the Initial Study is the potential noise impact from the project. The MND includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. The mitigation measures will be included in the project in the form of permit conditions, as well as, in a Mitigation Monitoring and Reporting Program. The entire IS and MND are available for review on the Planning web site at: <http://www.sanjoseca.gov/index.aspx?nid=2165> Comments are welcome through January 21, 2012.

CONCLUSION

Based on the above analysis, staff concludes that the proposed recycling transfer and processing facility is consistent with the General Plan, Communications Hill Specific Plan, and the requirements of the Zoning Ordinance.

PUBLIC OUTREACH

Notices of the public hearing for this project were sent to all property owners within 500 feet of the subject property. The Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report and staff has been available to discuss the project with members of the public. No member of the public has made any comment on or objection to the proposed project.

Project Manager: John W. Baty, AICP **Approved by:**  **Date:** 2/4/13

Owner/Applicant: Alco Iron & Metal Co. 2140 Davis Street San Leandro, CA 94577	Attachments: Draft Resolution Plan Set
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RESOLUTION NO. 13-0

Resolution of the Planning Commission of the City of San José granting, subject to conditions, a Conditional Use Permit to allow a metal recycling transfer and processing facility on a 7.9 acre site (111 Pullman Way).

FILE NO. CP12-051

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSÉ:

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on December 20, 2012, an application (File No. CP12-051) was filed for a Conditional Use Permit for the purpose of allowing a metal recycling facility on that certain real property (hereinafter referred to as "subject property"), situate in the HI – Heavy Industrial Zoning District, located at the southwest corner of Pullman Way and Daylight Way, San José, and

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a development plan for the subject property entitled, "Conditional Use Permit for KKN SJP Properties and a Recycling Storage Facility" last revised December 13, 2012. Said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said hearing was conducted in all respects as required by the San José Municipal Code and the rules of this Planning Commission;

NOW, THEREFORE:

After considering evidence presented at the Public Hearing, the Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. The 7.9 acre site is located on the southwest corner of Pullman Way and Daylight Way and is located within the HI – Heavy Industrial Zoning District.
2. The subject site is designated Heavy Industrial on the General Plan Land Use/Transportation Diagram and Communications Hill Specific Plan.
3. The subject site is adjacent to existing industrial uses to the north, east, and west and to an existing railroad right-of-way (Southern Pacific) to the south. Undeveloped Industrial Park zoned property is across the railroad tracks to the south.
4. The Montecito Vista project, approximately 400 feet northwest of the project site, includes the nearest residential units. The Montecito Vista property is separated from the project site by an asphalt and aggregate manufacturing and asphalt and concrete recycling facility.
5. A Special Use Permit is required in the HI – Heavy Industrial Zoning District to allow recycling transfer and processing facilities.
6. An application for a Special Use Permit (File No. SP12-014) was submitted for the proposed project on March 28, 2012. A noise study prepared for the proposal estimated that the noise generated from the project (85 to 95 dBA at adjacent property lines) would exceed the maximum noise level identified in the Zoning Ordinance (70 dBA).
7. A Conditional Use Permit is required for projects that would exceed the Zoning Ordinance noise performance standards.
8. Per Section 20.100.140 of the Zoning Ordinance, whenever applications for the same site have been filed for one or more development permits or approvals required by the Zoning Ordinance, such development permit or approvals may be reviewed and acted on in a unified process. The unified process shall use the procedures required for the highest level permit or approval. A Conditional Use Permit is a higher level permit than a Special Use Permit.
9. The application for the proposed project was converted to a Conditional Use Permit (File No. CP12-051) on December 20, 2012.
10. The project site is a portion of a larger site that has received Conditional Use Permits and Amendments since 2001 to allow use of the site for asphalt and aggregate manufacturing and asphalt and concrete recycling with various outdoor storage areas and buildings and structures to support those uses.
11. Existing buildings are proposed to remain and will be used by the project for storage of materials.
12. An existing, approximately 1,600 square foot awning structure is proposed to be demolished.
13. Per Section 20.80.440, no demolition permit or removal permit shall be issued unless and until a development permit which specifically approves such demolition or removal has been issued and has become effective.
14. A truck scale is proposed to be constructed near the entrance to the site on Pullman Way.

15. No permanent structures are allowed within the area necessary for the future extension of Pullman Way per the approximate limits shown in the previously approved Conditional Use Permit (File No. CP06-017).
16. The project plans show a proposed building addition for office use near the Pullman Way entrance. This proposed addition is not included in this Permit. Any proposed building addition or new building is subject to a subsequent Planning permit process and the building or addition shall be located outside of the right-of-way for the future Pullman Way extension.
17. The proposal includes incidental sale of finished metal products such as pipes, sheet, plate, and structural items to contractors and manufacturers on the site.
18. The project includes the construction of a 12- and 15-foot wall (noise barrier) along the east and west property lines, respectively.
19. The site can accommodate more than the required number of parking spaces for the proposed recycling processing and transfer facility, which is based on one (1) space per employee, plus 1 space per facility vehicle. With up to 15 employees at any given time the project is required to provide 15 parking spaces.
20. Vehicle parking/storage is located at least 15-feet from the front setback along Daylight Way. The 15-foot setback includes a bioretention planting area for stormwater treatment.
21. The projected traffic for the project was reviewed by Public Works staff and found to be minimal, and that the project will be in conformance with the City of San José Transportation Level of Service Policy (5-3).
22. As conditioned, the project developer/facility operator will be required to obtain and fully comply with all applicable City Permits prior to occupancy.
23. An Initial Study and Mitigated Negative Declaration (MND) for the project was circulated for public review between December 21, 2012 and January 21, 2012. No comments were received on the Initial Study or MND.

The Planning Commission finds, based on the analysis of the above facts, that under the provisions of Section 20.80.400(A) of the San José Municipal Code, no demolition permit or removal permit shall be issued unless and until a Development Permit which specifically approves such demolition or removal has been issued and has become effective pursuant to the provisions of Chapter 20.100.

1. The Planning Commission has considered, pursuant to Section 20.80.460, the following criteria in evaluating the proposed demolition:
 - a. The failure to approve the permit would result in the creation of continued existence of a nuisance, blight or dangerous condition.
 - b. The failure to approve the permit would jeopardize public health, safety or welfare.
 - c. The approval of the permit would not negatively impact the supply of existing housing stock in the City of San José.
 - d. Both inventoried and non-inventoried buildings, sites and districts of historical significance will not be negatively impacted.

- e. Rehabilitation or reuse of the existing building would not be feasible.
- f. The approval of the demolition of the building should facilitate a project that is compatible with the surrounding neighborhood.
- g. Further, the City Council concludes and finds, based on the analysis of the above facts, that:
 - i. The proposed project conforms in all respects to the provisions of Title 20 of the San José Municipal Code.
 - ii. The proposed project is in conformance with the California Environmental Quality Act.
 - iii. The benefits of permitting the demolition, removal or relocation of the subject buildings outweigh the impacts of the demolition, removal or relocation.

Finally, based upon the above-stated facts and findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested, per facts 1, 2, 3, 4, 10 and 18 listed above, will not:
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and
2. Per facts 1, 11, 12, 19 and 20, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 20 of the San José Municipal Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
3. Per facts 15, 19, 20 and 21 above, the proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
 - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

This Conditional Use 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 Resolution has been recorded with the County Recorder.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

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 Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council 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 Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. The Director of Planning may approve a Permit Adjustment/Amendment extending the permit in accordance with Title 20.
3. **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.
4. **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.
5. **Conformance with Plans.** Except as noted in condition number 6 below, construction and development shall conform to approved development plans entitled, "Conditional Use Permit for KKN SJP Properties and a Recycling Storage Facility" last revised on December 13, 2012, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24).

6. **Permit Adjustment Required.** Within 60-days of approval of this Permit the applicant shall secure and agree to implement a Permit Adjustment to address the items listed below to the satisfaction of the Director of Planning, otherwise a Conditional Use Permit Amendment shall be required.
 - a. *Sound attenuation walls.* Provide design details (finish and materials) of east and west property line walls. Per the recommendations of the noise analysis prepared for the project the sound attenuation wall along the western property line shall be 15-feet tall and the sound attenuation wall along the eastern property line shall be 12-feet tall. The sound attenuation wall details shall specify acoustically effective materials (solid from top to bottom with no cracks or gaps) with a surface density of at least three pounds per square foot.
7. **Previous Permits.** Except for specific modifications to the site as approved with this plan, this permit does not supersede any other Conditional Use Permits issued for this property.
8. **Hours of Operation.** The hours of operation shall be limited to 7:00am to 5:00pm, Monday through Friday, and 7:00am to 12:00 Noon on Saturday.
9. **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. 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).
 - c. *Grading/Geology:*
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. Because this project involves a land disturbance of more than one acre, 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.
 - iii. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.

- d. *Stormwater Runoff Pollution Control Measures:* This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-9) which requires implementation of site design measures, source controls, and if applicable, numerically sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
 - i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
 - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to the issuance of a Public Works Clearance.
 - e. *Stormwater Peak Flow Control Measures:* The project is located in a Hydromodification Management (HM) area. However, the project will not create an increase in impervious surface over pre-project conditions. Therefore, this project is in conformance with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14) and no further actions are required.
 - f. *Flood Zone D:* 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.
 - g. *Street Improvements:*
 - i. Project shall reserve the necessary right of way for the future extension of Pullman Way per the approximate limits shown in the previously approved Planning Permit for this site (CP06-017). Project may temporarily utilize the right of way area but no permanent structures are permitted. The Owner shall be responsible for removal of any improvements within the area upon City notice of the start of construction of the Pullman Way extension.
 - ii. Construct new curb, gutter, and sidewalk along the project frontages of Daylight Way and Pullman Way.
 - iii. Improvement of the public streets shall be to the satisfaction of the Director of Public Works.
 - h. *Street Trees:* The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only. Contact the City Arborist at (408) 794-1901 for the designated street tree. 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.
10. **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, CP12-051, shall be printed on all plans submitted to the Building Division.

- b. *Permit Adjustment.* A Permit Adjustment shall be approved per the Permit Adjustment Required condition above.
 - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
11. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code or state laws. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance.
 12. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
 13. **Landscaping.** Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner.
 14. **Removing Graffiti.** The Provider shall promptly remove all graffiti on any structure within 48 hours. In the event the Provider fails to remove all graffiti from the structure within two business days following receipt of notification from the City, the City shall have the right to remove any graffiti and the Provider shall reimburse the City for all costs incurred for the removal within 30 days of receipt of a bill for the work done.
 15. **Signs.** No signs are approved with this permit.
 16. **Lighting.** No lighting is approved with this permit.
 17. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. All construction equipment, fixed or mobile, should be in proper operating condition and fitted with standard factory silencing features. Mufflers shall be used on all heavy construction equipment.
 18. **Construction/Demolition Debris Recycling.** It is required that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San José to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. Additional information may be found at <http://www.sjrecycles.org/construction-demolition/cddd.asp> or by contacting the Commercial Solid Waste Program at (408) 535-8550.
 19. **Fire Safety.** 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 to the satisfaction of the Fire Chief. Prior to Building Clearance, all requirements for Fire Safety shall be met to the satisfaction of the Fire Chief.

20. Revocation, Suspension, Modification. This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council 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 Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Conditional Use Permit 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.
- d. The applicant shall obtain and operate in conformance with the conditions of all permits required by other responsible agencies.

ADOPTED and issued this **13th day of February 2013**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

EDESA BIT-BADAL
Chairperson

ATTEST:

JOSEPH HORWEDEL
Director of Planning, Building & Code Enforcement
Planning Commission Secretary

NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.

CONDITIONAL USE PERMIT

FOR

KKN SJP PROPERTIES AND A RECYCLING STORAGE FACILITY

HMH
 Land Use Entitlements
 Land Planning
 Landscape Architecture
 Civil Engineering
 Utility Design
 Land Surveying
 Stormwater Compliance
 1570 Oakland Road (408) 487-2200
 San Jose, CA 95131 HMHca.com



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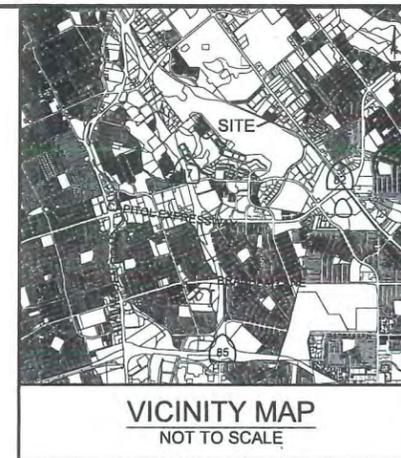
PROJECT INFORMATION

ASSESSOR'S PARCEL NUMBER:	455-24-003, 061, 069, 081
PROJECT ADDRESS/LOCATION:	111 PULLMAN AVENUE, SAN JOSE
PRIOR APPROVALS:	N/A
EXISTING GENERAL PLAN DESIGNATION:	HEAVY INDUSTRIAL
EXISTING ZONING DESIGNATION:	HEAVY INDUSTRIAL
PROPOSED USE:	METAL RECYCLING FACILITY
GROSS SITE AREA:	±7.9 AC
PROPOSED SITE COVERAGE:	
BUILDINGS:	±9,000 SF (3%)
PRIVATE CIRCULATION/OPEN AREA:	±330,000 SF (95%)
LANDSCAPE/HARDSCAPE:	±6,000 SF (2%)
	±345,000 SF (100%)
PROPOSED DENSITY:	9,007 SF GROSS BUILDING AREA 345,000 SF SITE AREA (NET) 0.02 FAR
REQUIRED PARKING:	1 SPACE / EMPLOYEE DURING LARGEST SHIFT 1 SPACE / FACILITY VEHICLE
PROPOSED PARKING OR PARKING RATIO:	15 SPACES AND 2 ADA STALLS
CONSTRUCTION SCHEDULE:	
START DATE:	TBD
COMPLETION DATE:	TBD

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 KKN SJP PROPERTIES, LLC

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NO	DATE	DESCRIPTION
PROJECT NO: 2803.10		
CAD DWG FILE: 280310TS.DWG		
DESIGNED BY: DY		
DRAWN BY: DY		
CHECKED BY: RTH		
DATE: MARCH 19, 2012		
SCALE: NOT TO SCALE		
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TITLE SHEET



LEGEND

PROJECT BOUNDARY

NOTES

1. ALL PROPOSED FENCES WILL BE CHAIN LINK WITH SLATS IN ORDER TO PROVIDE AESTHETICALLY PLEASING SCREENING.

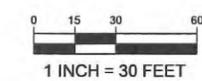
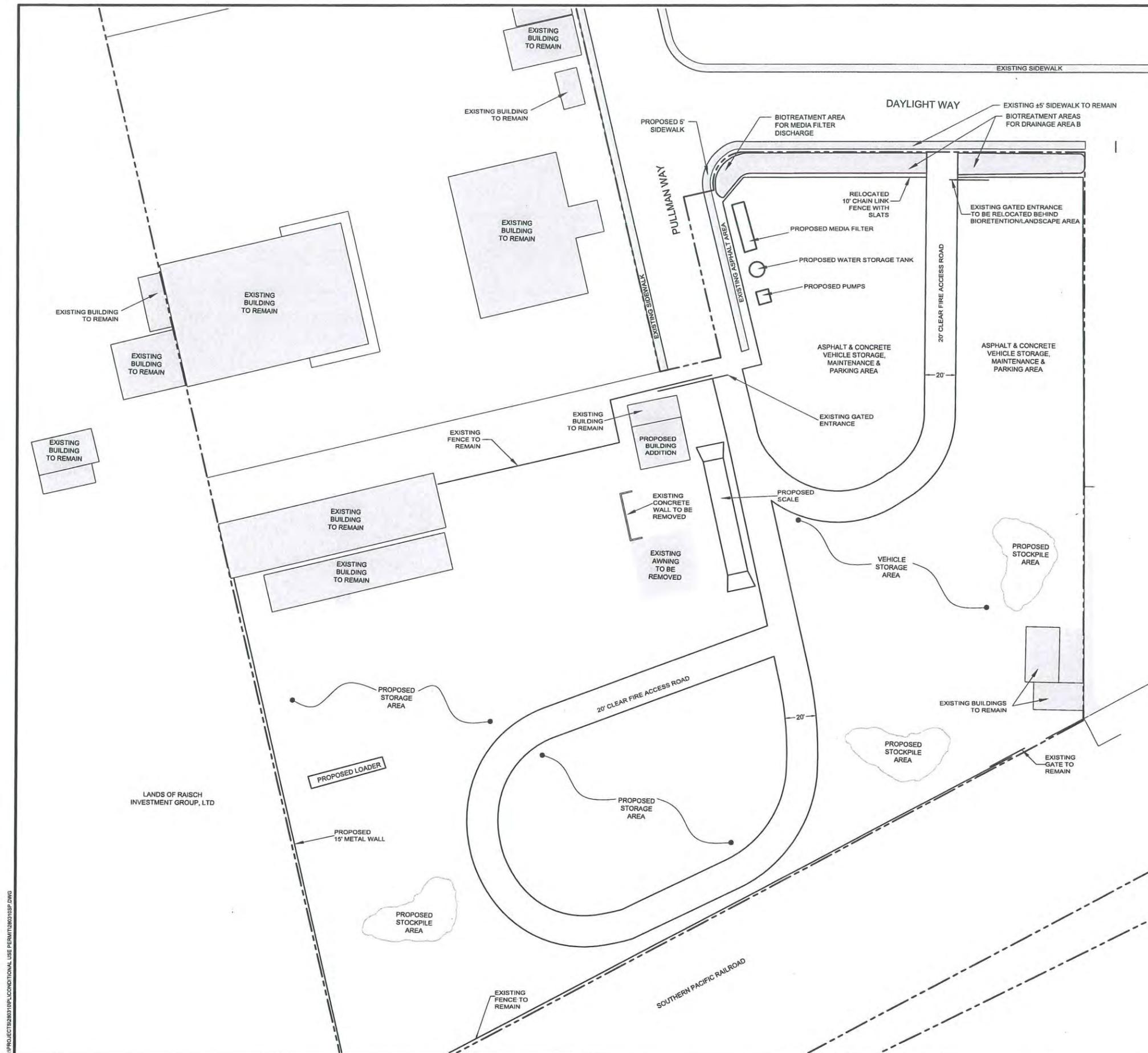
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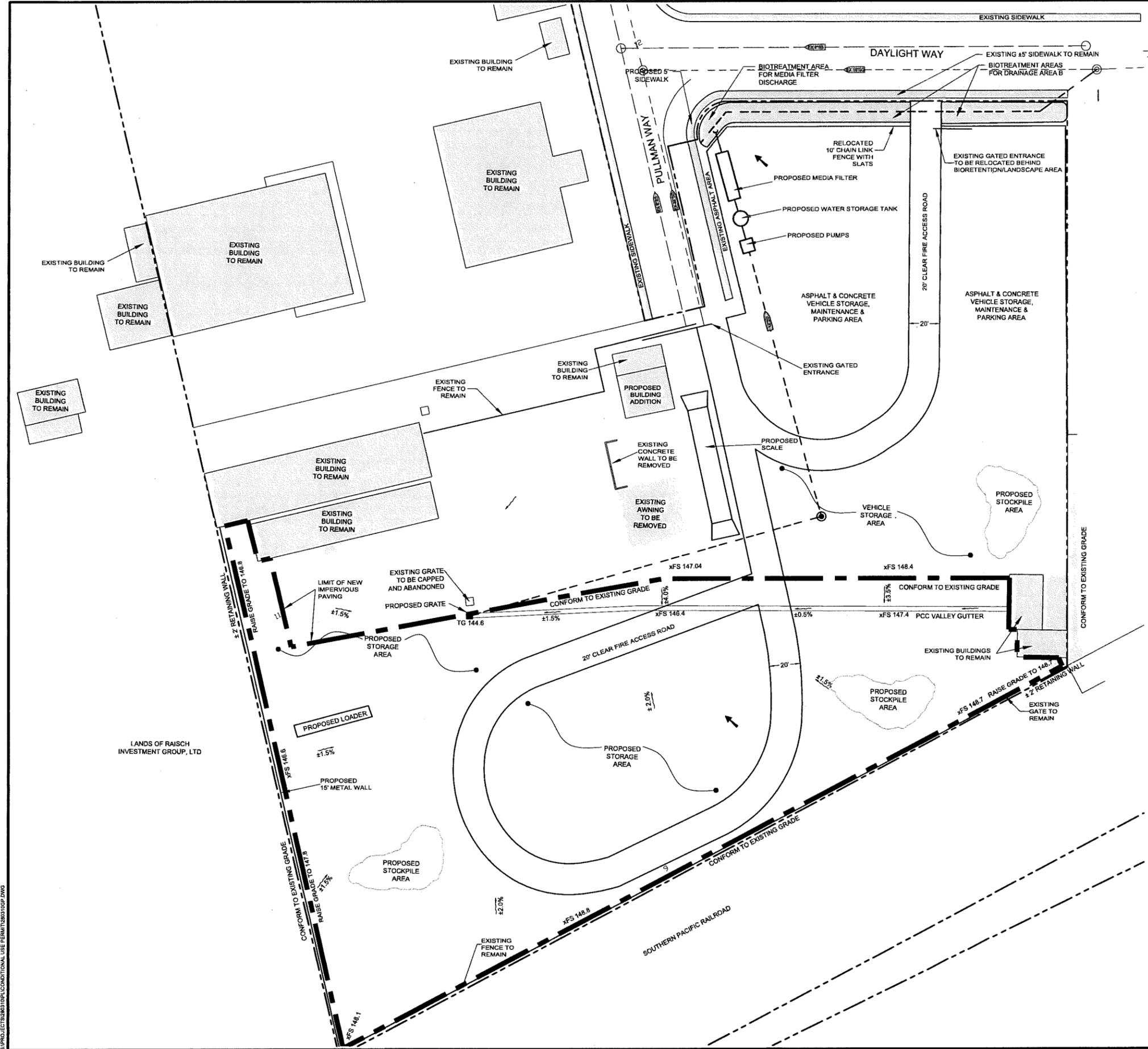
ENLARGED SITE PLAN

3.0
OF 7



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LEGEND

- PROJECT BOUNDARY
- STORM DRAIN PIPE (EXISTING)
- STORM DRAIN MANHOLE (EXISTING)
- SANITARY SEWER MANHOLE (EXISTING)
- SANITARY SEWER LINE
- CATCH BASIN (P)
- CATCH BASIN (E)
- TOP OF GRATE (E)
- PERCENT AND DIRECTION OF SURFACE FLOW DRAINAGE
- OVERLAND RELEASE PATH
- LIMIT OF AC PAVING

NOTES

1. RETAINING WALLS MAY BE NEEDED TO CONFORM TO ADJACENT PROPERTIES (WALLS WILL BE LESS THAN 3' IN HEIGHT, AS NEEDED).

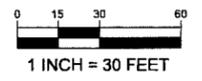
HMMH
 Land Use Entitlements
 Land Planning
 Landscape Architecture
 Civil Engineering
 Utility Design
 Land Surveying
 Stormwater Compliance
 1570 Oakland Road (408) 487-2200
 San Jose, CA 95131 HMMca.com



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GRADING PLAN



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VIEW LOOKING NORTH ALONG DAYLIGHT WAY (TOWARDS SITE)



VIEW LOOKING SOUTH ALONG DAYLIGHT WAY PAST SITE



VIEW LOOKING TOWARDS PULLMAN AVENUE ENTRANCE



VIEW LOOKING WEST ALONG PULLMAN AVENUE (TOWARDS SITE)



VIEW LOOKING SOUTH AT DAYLIGHT WAY ENTRANCE



VIEW OF SITE FROM DAYLIGHT WAY



VIEW LOOKING NORTHWESTERLY INTO SITE



VIEW LOOKING WEST DOWN PULLMAN AVENUE (TOWARDS SITE)



VIEW LOOKING SOUTHWESTERLY INTO SITE



VIEW LOOKING SOUTH ALONG DAYLIGHT WAY (TOWARDS SITE)



VIEW OF SITE ENTRANCE ON DAYLIGHT WAY



VIEW LOOKING WESTERLY INTO SITE

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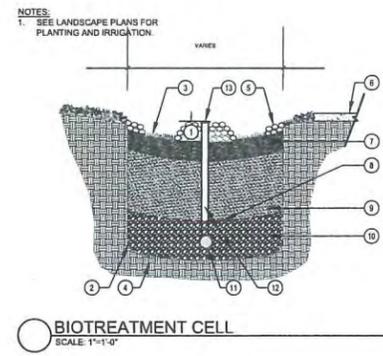
PHOTOGRAPHIC ELEVATIONS

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Site Conditions	
Soil Type	Clay (D)
Depth to Groundwater	10 - 30 ft.
Mean Annual Precipitation	14.9" (est.)
100-Year Flood Elevation	Site is located in an area determined to be outside the 1% annual chance floodplain (Zone D)
Receiving Water Body	Coyote Creek
Pollutants	sediment, grease, oil, heavy metals, hydrocarbons, trash, nutrients, pesticides
Pollutant Source Areas	roofs, driveways, parking areas, scrap metal material piles, trash receptacles, motorized equipment, landscaping
Source Control Measures	pavement sweeping, catch basin cleaning, good housekeeping, beneficial landscaping, stenciled inlets

* Soil type and depth to groundwater information per C-3 Stormwater Handbook, Santa Clara Valley Urban Runoff Pollution Prevention Program, May 2004. Flood elevation information per FEMA Flood Insurance Rate Maps, 2009.



- ① PONDING DEPTH FROM INLET OPENING TO GRADE (MIN. 6" DEPTH)
- ② IMPERMEABLE LINER (TYPICAL)
- ③ VEGETATION (SEE LANDSCAPE PLANS)
- ④ NATIVE GRADE OR CERTIFIED COMPACTED SUBGRADE
- ⑤ COBBLE STONE DISPENSATOR ALONG EDGE OF BIOTREATMENT CELL ADJACENT TO IMPERVIOUS SURFACE
- ⑥ IMPERVIOUS SURFACE, SEE PLAN FOR LOCATION AND TYPE
- ⑦ PLANTING SOIL MIX (MIN. 6" DEPTH)
- ⑧ FILTER FABRIC (TYPICAL)
- ⑨ SANDY LOAM WITH PERCOLATION RATE OF 5" TO 10" PER HOUR (MINIMUM 18" DEPTH). SHALL CONFORM TO THE SAN FRANCISCO BAY MUNICIPAL REGIONAL PERMIT REQUIRED "MODEL BIOTRETENTION SOIL MEDIA SPECIFICATION" OR EQUIVALENT.
- ⑩ DRAIN ROCK (MIN. 12" DEPTH)
- ⑪ PERFORATED PVC SUBDRAIN PIPE WITH ATRIUM GRATE CLEANOUT AT EACH END
- ⑫ VERTICAL PVC CLEANOUT RISER
- ⑬ CLEANOUT

Biotreatment Cell Maintenance

The following maintenance activities and schedule are based on the recommendations provided in the California Stormwater BMP Handbook - New and Redevelopment.

The primary maintenance requirement for biotreatment areas is that of inspection and repair or replacement of the treatment area's components. Generally, this involves nothing more than the routine periodic maintenance that is required of any landscaped area. Plants that are appropriate for the site, climatic, and watering conditions should be selected for use in the biotreatment cell. Appropriately selected plants will aid in reducing fertilizer, pesticide, water, and overall maintenance requirements. Biotreatment system components should blend over time through plant and root growth, organic decomposition, and the development of a natural soil horizon. These biologic and physical processes over time will lengthen the facility's life span and reduce the need for extensive maintenance.

Routine maintenance should include a biannual health evaluation of the trees and shrubs and subsequent removal of any dead or diseased vegetation (EPA, 1999). Diseased vegetation should be treated as needed using preventative and low-toxic measures to the extent possible. BMPs have the potential to create very attractive habitats for mosquitoes and other vectors because of highly organic, often heavily vegetated areas mixed with shallow water. Routine inspections for areas of standing water within the BMP and corrective measures to restore proper infiltration rates are necessary to prevent creating mosquito and other vector habitat. In addition, biotreatment BMPs are susceptible to invasion by aggressive plant species such as cattails, which increase the chances of water standing and subsequent vector production if not routinely maintained.

In order to maintain the treatment area's appearance it may be necessary to prune and weed. Furthermore, mulch replacement is suggested when erosion is evident or when the site begins to look unattractive. Specifically, the entire area may require mulch replacement every two to three years, although spot mulching may be sufficient when there are random void areas. Mulch replacement should be done prior to the start of the wet season.

Accumulated sediment and debris removal (especially at the inflow point) will normally be the primary maintenance function. Other potential tasks include replacement of dead vegetation, soil pH regulation, erosion repair at inflow points, mulch replenishment, unclogging the under drain, and repairing overflow structures. There is also the possibility that the cation exchange capacity of the soils in the cell will be significantly reduced over time. Depending on pollutant loads, soils may need to be replaced within 5-10 years of construction (LID, 2000).

Biotreatment Cell Sizing

Surface area of the proposed biotreatment cells equals 4% of the total area that drains to the facility, per standard Santa Clara Valley Urban Runoff Pollution Prevention Program methodology for bioretention sizing.

Drainage Area B

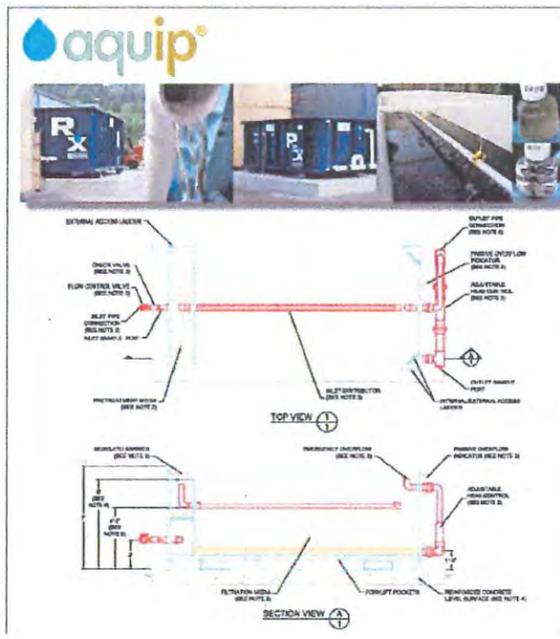
Step 1 Determine drainage area for the BMP

Total Drainage Area to BMP
= 60,000 ft²

Step 2 Size the BMP

Required surface area
= 0.04 x 60,000 ft²
= 2,400 ft²

Proposed biotreatment cell surface area = 3,300 ft²



Media Filter Vault Sizing

The Rational Method information contained in Step 1 is based on the methodology provided by the Santa Clara Valley Urban Runoff Pollution Prevention Program for calculating design flow rates.

Media Filter Vault Drainage Area

Step 1 Calculate the peak flow rate from the water quality storm (Q₁₀) for the site

Use the Rational Method Q=CIA to solve for Q, where Q = Flow (cubic feet/second), C = Runoff Coefficient, I = Rainfall Intensity (inches/hour), and A = Total Site Area (acres)

C = 1.0

I = 182 in/hr (14.9" Mean Annual Precip @ site / 13.9" Mean Annual Precip - SJ Airport Gage reference) x (17 in/hr Design Rainfall Intensity per SCVURPPP)

A = 117,733 sf = 2.7 ac

Q = CIA = 1.0 x 182 in/hr x 2.7 ac = 0.49 cfs

Step 2 Calculate the size of Aquip Filter Unit required to treat the peak water quality flow rate (N₁₀) for the site

N₁₀ = Q = 0.49 cfs
= 3.67 g/s
= 220.2 gpm

Proposed Configuration: StormwaterRx Aquip Model 160U (7.5' x 25' unit, treatment flow capacity 265 gpm; 14,200 gallon pre-treatment storage)

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Stormwater Compliance
1570 Oakland Road
San Jose, CA 95131 (408) 487-2200
HMHca.com

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STORMWATER CONTROL PLAN DETAILS AND NOTES

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