



## CITY COUNCIL STAFF REPORT

<b>File Nos.</b>	C19-016 & CP18-027
<b>Applicant:</b>	Robinson Oil
<b>Location</b>	Northeast corner of Story Road and South Jackson Avenue (2305 Story Road)
<b>APN</b>	484-35-022
<b>Council District</b>	5
<b>General Plan Designation</b>	Neighborhood/Community Commercial
<b>Existing Zoning</b>	CP Commercial Pedestrian
<b>Proposed Zoning</b>	CN Commercial Neighborhood
<b>Acreage</b>	0.53-gross acres
<b>Historic Resource</b>	No
<b>Demolition</b>	1,500 square feet
<b>Existing/Proposed Land Uses</b>	Fuel Service Station and Convenience Store
<b>Additional Policy Review</b>	Off-Sale Alcohol and Determination of Public Convenience or Necessity
<b>Annexation Date:</b>	January 10, 1957 (Hillview No 3)
<b>CEQA:</b>	Initial Study/Mitigated Negative Declaration (IS/MND) for the Rotten Robbie on Story Road

### APPLICATION SUMMARY:

Conforming Rezoning from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District and a Site Development Permit to allow the demolition of an existing approximately 1,500-square foot convenience store for the construction of an approximately 3,200-square foot convenience store, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale alcohol (Type 20 ABC License – Beer and Wine Only) with late-night use (hours of operation 5:00 am to 11:00 pm) on an approximately 0.53-gross acre site.

### RECOMMENDATION:

Staff recommends that the City Council take all of the following actions:

1. Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Rotten Robbie on Story Road project and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA).
2. Approve an ordinance rezoning the approximately 0.53-gross acre site located on the northeast corner of Story Road and South Jackson Avenue from the CP Commercial

Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 0.53-gross acre site.

3. Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the demolition of an existing approximately 1,500-square foot convenience store for the construction of an approximately 3,200-square foot convenience store and a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale alcohol (Type 20 ABC License – Beer and Wine only) with late night use (hours of operation 5:00 am to 11:00 pm) on an approximately 0.53-gross acre site.

**PROJECT DATA**

<b>GENERAL PLAN CONSISTENCY</b>			
<b>General Plan Designation</b>		<b>Neighborhood/Community Commercial</b> <input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>	
<b>Consistent Policies</b>		<b>IP-1.1, IP-1.7, IP-8.2, and IP-8.3, LU-5.1, LU-5.4, CD-1.7, VN-1.3, VN-1.8</b>	
<b>SURROUNDING USES</b>			
	<b>General Plan Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Residential Neighborhood	R-1-8 Single-Family Zoning District	Single-Family Residence
<b>South</b>	Neighborhood/Community Commercial	CO(PD) Planned Development Zoning District (File No. PDC74-057)	Commercial Shopping Center
<b>East</b>	Residential Neighborhood	R-1-8 Single-Family Zoning District	Single-Family Residence
<b>West</b>	Neighborhood/Community Commercial	A(PD) Planned Development Zoning District (File No. PDC82-089)	Auto repair shop

**RELATED APPROVALS**

<b>Date</b>	<b>Action</b>
<b>7/18/2002</b>	File No. AD02-833. Permit Adjustment to allow the addition of ground water and soil remediation equipment on an unused portion of the property.
<b>7/08/2008</b>	File No. AD08-861. Permit Adjustment to allow the installation of an Enhanced Vapor Recovery System within a metal enclosure

**PROJECT DESCRIPTION**

On July 2, 2018, the applicant Robinson Oil, submitted the following applications to be reviewed concurrently:

- Conforming Rezoning to rezone the property from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 0.53-gross acre site.
- Site Development Permit to allow the demolition of an existing approximately 1,500-

square foot convenience store and the construction of an approximately 3,200-square foot convenience store with parking and landscaping upgrades, and a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale alcohol (beer and wine only) with late-night use (hours of operation 5:00 am to 11:00 pm) on an approximately 0.53-gross acre site.

## **EXECUTIVE SUMMARY**

The project would allow the rezoning of the site from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District, a Site Development Permit to allow the demolition of an approximately 1,500-square foot convenience store for the construction of an approximately 3,200-square foot convenience store, and a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale alcohol (Type 20 ABC License - beer and wine only) with late night use (hours of operation 5:00 am to 11:00 pm) on an approximately 0.53-gross acre site.

Both the rezoning and existing and proposed uses would conform with the Envision San José 2040 General Plan Land Use Designation of Neighborhood/Community Commercial. The project would be consistent with applicable General Plan policies for Implementation, Land Use, Community Design, and Vibrant Neighborhoods. The project would revitalize an existing aging fuel service station and associated convenience store while providing approximately six jobs and convenient retail services to surrounding neighbors and employees.

The existing and proposed uses are consistent with the allowed uses of the CN Commercial Neighborhood Zoning District. The project would meet all setback, height, and parking requirements of the CN Zoning District. The project meets all required findings for the demolition of the existing convenience store. The rezoning would be consistent with Senate Bill 330 as it would result in no net loss of residential units. Neither the existing CP Zoning District or the proposed CN Zoning District would allow for residential uses.

The fuel service station and associated convenience store would operate between the hours of 5am to 11pm Monday through Friday, 6am to 11pm on Saturdays, and 7am to 11pm on Sundays. The project would be consistent with City Council Policy 6-24: Evaluation of 24-Hour Uses.

The project applicant proposes off-sale alcohol of beer and wine only, with the intent to obtain a Type 20 ABC License. The project site is located within Census Tract 5040.02. According to the San José Police Department Memorandum, the subject site is located in San José Police Beat Charles One. The reported crime statistics as defined by Business and Professions Code (B&P) Section 23958.4(a)(1) and (c) are not more than 20 percent greater than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency, thus the location is not considered unduly concentrated with regards to crime. However, pursuant to B&P Section 23958.4(a)(3), the ratio of off-sale retail licenses to population in Census Tract 5040.02 would exceed the ratio of off-sale licenses to population in the county in which the applicant premises is located. Therefore, a Determination of Public Convenience or Necessity is also required. The project does not meet all of the findings for Off-Sale Alcohol or a Determination of Public Convenience or Necessity pursuant to Chapter 6.84 of the Municipal Code. Therefore, the City Council must determine that the project would provide a significant and overriding public benefit. The San José Police Department is neutral to

the proposed off-sale establishment. As conditioned in this Conditional Use Permit, alcohol sales would not make up more than five percent of the total sales floor area of the convenience store. While the project is located in an over-concentrated census tract, it would not lead to the grouping of more than four off-sale establishments within a 1,000-foot radius of the site. The Operations Plan provided includes mitigation measures for addressing neighborhood concerns, trash clean up, loitering, graffiti, security, noise, lighting, and employee training.

In accordance with the California Environmental Quality Act (CEQA), the project required the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND). The IS/MND was circulated for public review between October 5, 2020 and October 27, 2020.

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. An on-site sign was also posted on the project frontage. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public. No public comments were received.

Therefore, staff recommends that City Council consider the facts and findings as discussed in the following memo and approve the project as recommended.

### **Background**

The subject site is located on the northeast corner of Story Road and South Jackson Avenue (See Figure 1). The subject site is currently developed with a fuel service station, associated canopy, and an approximately 1,500-square foot convenience store.

The project includes the demolition of the existing approximately 1,500-square foot convenience store to facilitate the construction of an approximately 3,200-square foot convenience store. The project would include the closure of two driveways along Story Road and South Jackson Avenue. Additional site upgrades include landscaping and the restriping and reconfiguration of the parking lot. The existing fuel canopy, fuel pumps, and underground storage tanks would remain.

In addition to the construction of the convenience store and site upgrades, the project also includes proposed off-sale alcohol. The applicant proposes the off-sale of beer and wine only, with the intent to obtain a Type 20 California Alcoholic Beverage Control (ABC) license. The project site is located within Census Tract 5040.02. According to the San José Police Department Memorandum, the subject site is located in San José Police Beat Charles One. The reported crime statistics as defined by Business and Professions Code (B&P) Section 23958.4(a)(1) and (c) are not more than 20 percent greater than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency, thus the location is not considered unduly concentrated with regards to crime. However, pursuant to B&P Section 23958.4(a)(3), the ratio of off-sale retail license to population in Census Tract 5040.02 would exceed the ratio of off-sale licenses to population in the county in which the applicant premises is located. Therefore, a Determination of Public Convenience or Necessity is required. The subject site is located within the East Valley/680 Communities SNI Area. The project would be located within 150 feet of a residence. Therefore, the City Council must determine that the project would provide a significant and overriding public benefit in order to approve the Conditional Use Permit for off-sale alcohol and Determination of Public

Convenience or Necessity. As conditioned in this Conditional Use Permit, alcohol sales would not make up more than five percent of the total sales floor area of the convenience store. The fuel service station and convenience store would operate between the hours of 5:00 am to 11:00 pm Monday through Friday, 6:00 am to 11:00 pm on Saturdays, and 7:00 am to 11:00 pm on Sundays. The fuel service station and convenience store would employ approximately six employees.

The project site is accessible from two right in/right out 26-foot-wide driveways on Story Road and one 32-foot-wide driveway along South Jackson Avenue. The project is accessible to pedestrians from a 12-foot-wide sidewalk along Story Road and a 13-foot-wide sidewalk along South Jackson Avenue. The project provides 22 vehicle parking spaces and one bicycle parking space in accordance with the Zoning Code.

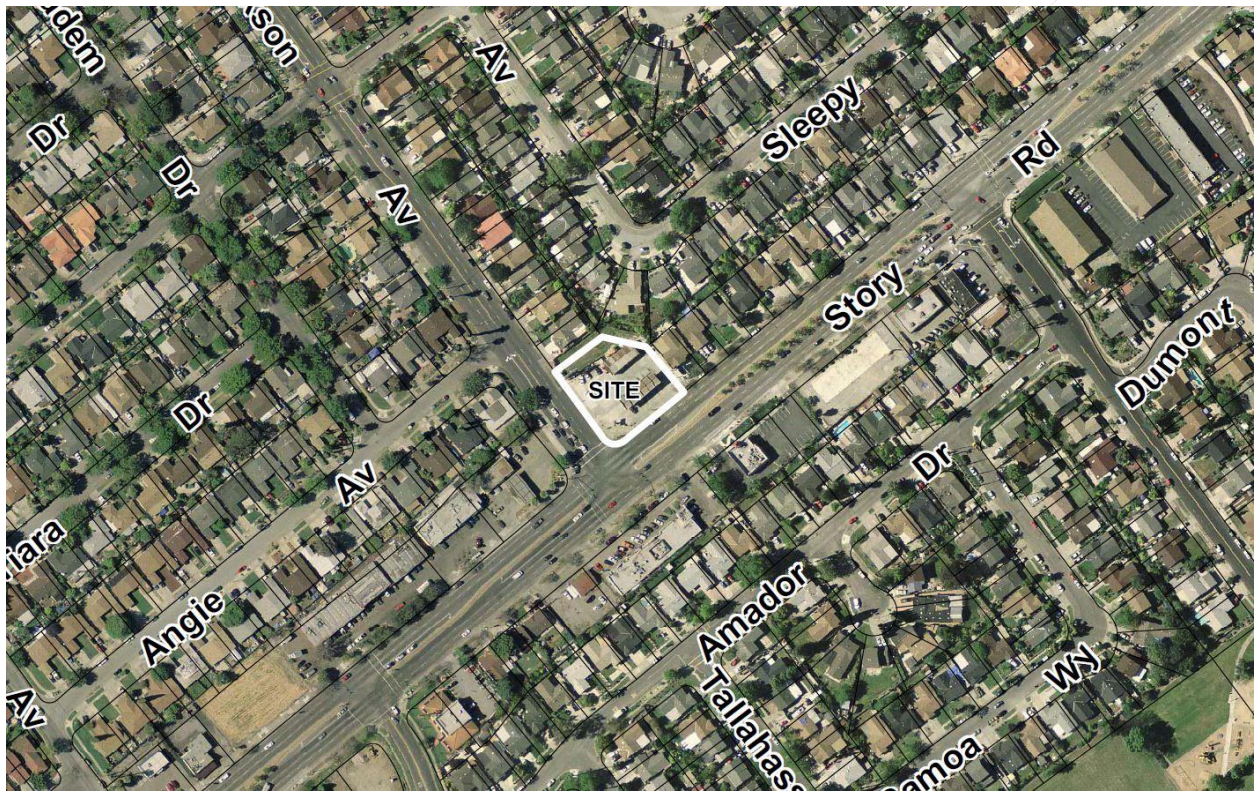


Figure 1: Aerial image of the subject site

As previously discussed, the subject property is currently located in the CP Commercial Pedestrian Zoning District. The applicant has applied to rezone the site to the CN Commercial Neighborhood Zoning District, which would conform with the General Plan Land Use/Transportation Diagram land use designation of Neighborhood/Community Commercial.

## ANALYSIS

The proposed project was analyzed for conformance with the following: 1) Envision San José 2040 General Plan, 2) Zoning Ordinance, 3) Senate Bill 330 “no net loss” requirements, 4) City Council Policies, 5) Commercial Design Guidelines, 6) Site Development Permit Findings, 7) Conditional Use Permit Findings, 8) Off-Sale Alcohol Findings, 9) Public Convenience and Necessity Findings, 10) California Environmental Quality Act (CEQA)

### Envision San José 2040 General Plan Conformance

The subject site has an [Envision San José 2040 General Plan](#) Land Use/Transportation Diagram land use designation of Neighborhood/Community Commercial (see Figure 2).

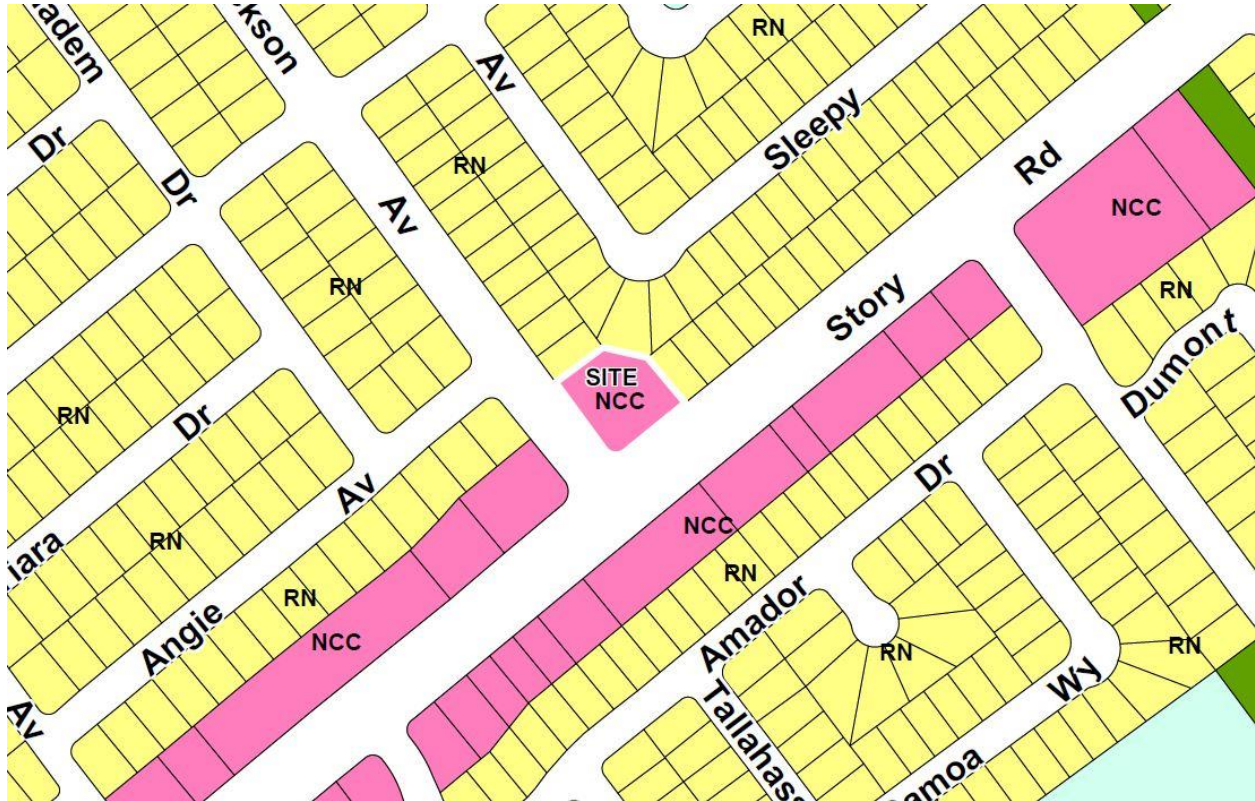


Figure 2: General Plan Land Use/Transportation Diagram

As shown in the above General Plan Map (Figure 3), the project site has an Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Neighborhood/Community Commercial. This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. 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. General office uses, hospitals and private community gathering facilities are also allowed in this designation. The subject site is also located in the Story Road Employment Area.

The rezoning is consistent with the following General Plan policies:

1. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the Envision General Plan Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the *Envision General Plan*. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.

2. Implementation Policy IP-1.7 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan vision, goals and policies.
3. Implementation Policy IP-8.3 – Zoning: For the review of privately or publicly initiated rezoning applications, consider the appropriateness of the proposed zoning district in terms of how it will further the Envision General Plan goals and policies as follows:
  - a. Align with the Envision General Plan Land Use/Transportation Diagram
  - b. Retain or expand existing employment capacity
  - c. Preserve existing retail activity
  - d. Avoid adverse land use incompatibilities
  - e. Implement the Envision General Plan goals and policies including those for Urban Design.
  - f. Support higher density land uses consistent with the City’s transition to a more urban environment.
  - g. Facilitate the intensification of Villages and other growth areas consistent with the goal of creating walkable, mixed-use communities
  - h. Address height limits, setbacks, land use interfaces and other design standards so as to provide for the intensification of land uses adjacent to already developed areas.
4. Implementation Policy IP-8.2 - Zoning: Use the City’s conventional zoning districts, contained in its Zoning Ordinance, to implement the *Envision General Plan* Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective *Envision General Plan* land use designations, while providing greater detail as to the appropriate land uses and form of development.

*Analysis: The project consists of a Conforming Rezoning of the property from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District. The rezoning would conform with the General Plan Land Use Designation of Neighborhood/Community Commercial. The project would retain and expand existing employment and retail activity and would not result in a change to the primary land uses of a fuel service station and convenience store at the subject site. The rezoning would facilitate the construction of a new approximately 3,200-square foot convenience store as well as allowing various site and landscaping improvements that would beautify the site.*

The associated Site Development Permit and Conditional Use Permit is consistent with the following General Plan policies:

Land Use Policy LU-5.1: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.

Land Use Policy LU-5.4: Encourage new and intensification of existing commercial development, including stand-alone, vertical mixed-use or integrated horizontal mixed-use projects, consistent with the Land Use/Transportation Diagram.

Community Design Policy 1.7: Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.

Vibrant 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.

Vibrant Neighborhoods Policy VN-1.8: Include site planning, landscaping and architectural features within all new retail development, including both small-format and large-format retail uses, to promote expanded pedestrian and bicycle activity on site and greater connectivity for pedestrians and bicyclists between adjacent uses.

*Analysis: The project would revitalize an existing retail use by allowing the demolition of an existing 1,500-square foot convenience store for the construction of a new approximately 3,200-square foot convenience store with associated site and landscaping improvements. The convenience store and fuel service station, as well as the new off-sale alcohol use, would provide a convenient neighborhood service to residents and employees within driving, biking, and walking distance. The newly constructed convenience store would replace an aging store and would provide substantial variation in wall plane and roof line with the addition of a parapet wall and canopy over the entrance. Variation in materials and colors would also be provided at the base, corners, and entrance of the building. Minor architectural details such as stone veneer and trellis features are included as additional design features. The project would also include perimeter landscaping and the planting of nine trees to better integrate the use with surrounding residential uses. The project would also include repaving and restriping to improve site circulation and function. The project would construct a pedestrian pathway within the site to and from the newly constructed sidewalks on both Story Road and South Jackson Avenue.*

### **Zoning Ordinance Conformance**

The proposed rezoning conforms with [Table 20-270, Section 20.120.110](#) of the San José Municipal Code, which identifies the CN Commercial Neighborhood Zoning District as a conforming district to the General Plan Land Use/Transportation Diagram land use designation of Neighborhood/Community Commercial.



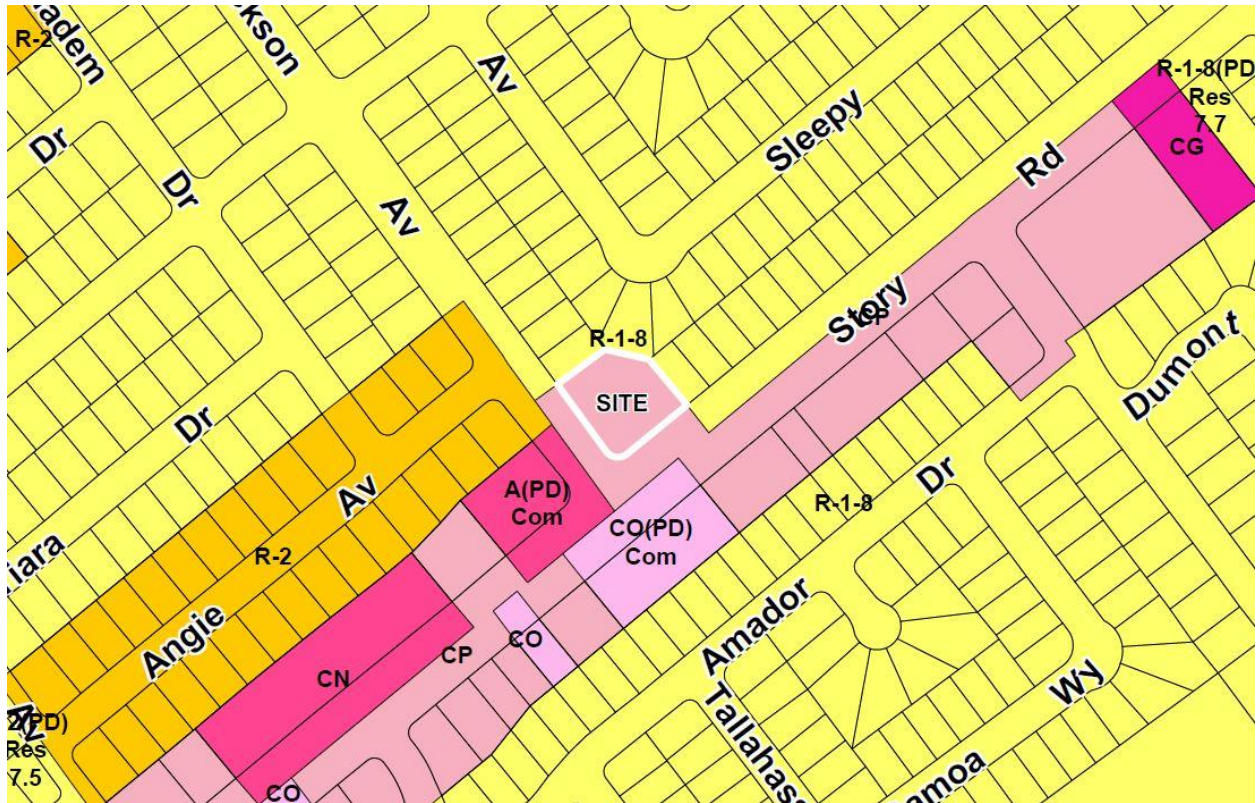


Figure 3: Proposed Zoning Map

Land Uses

The existing fuel service station would remain. A convenience store is a permitted use, while off-sale alcohol and late-night use are conditional uses within the CN Commercial Neighborhood Zoning District. Therefore, a Site Development Permit is required for the construction of the convenience store and a Conditional Use Permit is required for the proposed late-night and off-sale alcohol uses.

Development Standards

The project would conform with all required height and setback requirements of the CN Commercial Neighborhood Zoning District.

Standard	Required	Provided
Front setback	10 feet	19 feet, 7 inches
Side, interior setback	None	34 feet, 48 feet
Side, corner setback	12.5 feet	10 feet
Rear, corner setback	None	6 feet
Maximum height	50 feet	20 feet, 6 inches

Parking

Use	Ratio	Required
Fuel Service Station	1 per employee, plus 1 per air and water pump area, plus 1 per space for information stop	8
Convenience Store	1 per 200 sf of floor area	14
Total Provided		22

Noise

The existing land use would not change. The operational noise level would not change from what currently exists at the site today. Construction would be limited to between the hours of 7:00 am to 7:00 pm Monday through Friday. The existing refueling area is located at the southernmost end of the site, away from the adjacent residential uses to the north and east. The existing and proposed entrance to the convenience store would also face south, toward the street and away from the residential areas. Furthermore, the project would continue to operate no earlier than 5:00 am and no later than 11:00 pm. The project includes standard permit conditions as part of the Initial Study/Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Plan for the reduction of noise related to construction activities. These standard permit conditions are included as part of this Conditional Use Permit.

**Senate Bill 330 Compliance**

The Housing Crisis Act of 2019 (SB 330, 2019) limits the manner in which local governments may reduce the capacity for residential units that can be built within the local agency’s jurisdiction, including actions such as downzoning, changing general or specific plan land use designations to a less intensive use, reductions in height, density or floor area ratio, or other types of increased requirements that work to reduce the amount of housing capacity in the jurisdiction. An exception to this limitation is that a property may be allowed to reduce intensity of residential uses if changes in land use designations or zoning elsewhere in the jurisdiction ensure there is no net loss in residential capacity within the jurisdiction.

The proposed rezoning (File No. C19-0016) does not reduce the city’s capacity for residential uses. The existing CP Commercial Pedestrian Zoning District does not allow for standalone residential uses. The proposed Zoning District, CN Commercial Neighborhood, also does not allow for standalone residential uses. Therefore, the rezoning from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District would not result in any net gain or loss in the allowable number of residential units, nor has this site been used for residential purposes.

**City Council Policy 6-27 Evaluation of 24-Hour Uses**

For the purposes of the following policies, 24-hour uses are defined as any commercial business that operates between the hours of 12:00 midnight and 6:00 am. The fuel service station and convenience store would operate between the hours of 5:00 am to 11:00 pm Monday through Friday, 6:00 am to 11:00 pm on Saturdays, and 7:00 am to 11:00 pm on Sundays. Therefore, the project was evaluated for consistency with the following relevant criteria of [City Council Policy 6-27: Evaluation of 24-hour Uses](#):

1. Area Use Compatibility. Twenty-four-hour uses should not be approved unless the facility can operate without detriment to nearby residential uses or the general welfare of the

surrounding area. Users which are largely take-out and convenience in nature tend to have the most problematic neighborhood impacts, specifically: higher traffic volumes, quick turnover with vehicles left running and radios on, litter problems, consuming food and beverages in cars while on site. Given the potential for problems arising from such uses which may or may not have been anticipated at the time of approval, all such permits should include a condition for a Compliance Review based on written complaints, and all such complaints should be referred to the Planning Commission.

*Analysis: Based on available records, a fuel service station and associated convenience store have existed at the subject site since at least 1991. As previously discussed, the gas station and convenience store would operate between the hours of 5:00 am and 11:00 pm Monday through Friday, 6:00 am to 11:00 pm on Saturdays, and 7:00 am to 11:00 pm on Sundays. These hours would not change from the hours of operation at the existing convenience store. The existing use and hours of operation predate this City Council Policy. Therefore, this Conditional Use Permit evaluates the project as a new use under this policy. The attached Operations Plan includes mitigation measures for trash, graffiti, loitering, site maintenance, security, lighting, noise, and employee training. Loitering would not be tolerated, and all employees would be required to go through a strict training process for alcohol and tobacco sales.*

2. Use Separation. Physical separation of incompatible uses is the best means to avoid potential problems. Generally, 24-hour uses should not be located within 300 feet (measured from the building entrance and "Designated Parking Area" and/or "Outdoor Use Area" to the residential property line) from any property residentially zoned, planned, or used. Exceptions to the 300-foot separation may be made if the project site is located in the Downtown Core Area or in transition areas where the proximate residential uses are not zoned or planned for residential uses in the long term. The 300-foot separation requirement may be increased or decreased on a case-by-case review of the specific circumstances of the site and proposed use based on the intensity of use, location of other buildings and physical features, neighborhood input or other relevant criteria.

*Analysis: The subject site is adjacent to residentially zoned properties to the north and east. There would be no change in the existing land uses at the subject site. The fuel service station and convenience store would continue to exist with the same hours of operation of 5:00 am and 11:00 pm Monday through Friday, 6:00 am to 11:00 pm on Saturdays, and 7:00 am to 11:00 pm on Sundays. Outdoor activities such as refueling are located at the southernmost portion of the site, away from the residential uses to the north and east. The existing and proposed entrance to the convenience store would also face south, toward the street and away from the residential areas. To soften the transition between the fuel service station use and residential uses, a new 6-foot-high concrete wall and landscaping would be installed around the northern and eastern perimeter of the site.*

3. Outdoor Activities. Outdoor activities may be limited for 24-hour operations except in the Downtown Core Area. Due to the unique combination of uses in the Downtown Core Area, 24-hour outdoor activities will be evaluated on a case-by-case basis. Services and sales should be conducted entirely within interior spaces between the hours of 12:00 midnight and 6:00 a.m., except for specific development types identified under Policy 2. More restrictive hours and days of operation may be imposed in order to implement policy requirements. Other late-night outdoor activities on the site such as truck deliveries, maintenance and garbage collection should be reviewed and may be conditioned to minimize noise impacts.

*Analysis: Outdoor activities would be limited to the fuel pump islands. There are no changes proposed to the existing fuel pump islands or fuel canopy. As previously stated, the fuel service station and convenience store are existing uses that have operated at the subject site since at least 1991. Under the Operations Plan provided, no loitering and no alcoholic beverage consumption signs would be posted on-site in both English and Spanish. The site is not located in the Downtown Core.*

4. Police Issues. Crime statistics and police safety issues which are directly related to uses operating between 12:00 midnight and 6:00 a.m. will be analyzed and considered in determining the appropriateness of 24-hour uses. The Chief of Police should provide a written memorandum with this analysis, including a recommendation with or without conditions, for each Conditional Use Permit application for a 24-hour use. Conditions may be imposed to monitor 24-hour uses and minimize nuisance activities. These conditions may include such requirements as interior or exterior security guards, video cameras, additional lighting, limited occupancy, and modifications of controls or procedures to increase effective law enforcement. The likelihood of impacts caused by the disorderly conduct of late-night patrons on the surrounding neighborhood should be considered in the review process, especially as it relates to proximity of residential uses.

*Analysis: Based on the attached San José Police Department Memorandum (Attachment F), dated June 24, 2019, the Police Department is neutral to the issuance of a Conditional Use Permit to allow both off-sale alcohol and late-night use at the subject site. The site is located in San José Police Beat Charles One. The reported crime statistics as defined by B&P Section 23958.4© are not over the 20 percent crime index, and thus the location is not considered unduly concentrated with regards to crime. As previously discussed, the project would conform to the attached Operations Plan (Attachment E), which includes mitigation measures for trash, graffiti, site maintenance, loitering and panhandling, lighting, security, and employee training.*

5. Restroom Facilities. Restroom facilities required by other codes or policies shall remain open and be available during late night business hours. Customer access to restrooms is not required for drive-through facilities when there is no customer access permitted to interior areas. Restrooms that have exterior access will be analyzed from a safety and surveillance aspect and will remain open on a case-by-case basis.

*Analysis: All restroom facilities would be open to the public during hours of operation.*

6. Noise. Use of sound attenuation walls and landscaping may be required at property lines in order to minimize noise emanating from the site. Special attention should be paid to the possibility of noise at late night hours such as car stereos, cars starting and conversations which may not be quantifiable, but can reasonably be expected to occur. No amplified sound is permitted between 10:00 p.m. and 7:00 a.m., except low-volume drive-through speakers specifically approved in conjunction with 24-hour drive-through use.

*Analysis: The existing land use would not change. Construction would be limited to between the hours of 7:00 am to 7:00 pm Monday through Friday. The refueling area would be located at the southernmost end of the site away from the adjacent residential uses to the north and east. The entrance to the convenience store would also face south, towards the street and away from the residential areas. To soften the transition between the fuel service station use and residential uses, a new 6-foot-high concrete wall and landscaping would be installed around the northern and eastern perimeter of the site. Furthermore, the project would operate no earlier than 5:00 am and no later than 11:00 pm. The project includes*

*standard permit conditions as part of the Initial Study/Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Plan for the reduction of noise related to construction activities. These standard permit conditions are included as part of this Conditional Use Permit.*

7. Lighting. Light fixtures shall be designed and installed to minimize impacts on adjacent properties, while providing adequate lighting levels to assure security and discourage loitering in parking areas. Typically, light levels of 1.5 or greater footcandles (fc) average illumination at ground surface are encouraged. Twenty-four-hour uses may be required to install additional parking lot lighting in the “Designated Parking Area” and such lighting may be other than low pressure sodium. Higher lighting levels may be required for 24-hour uses in the Downtown Core Area on a case-by-case basis.

*Analysis: The project would conform with the lighting plan shown on the attached Conditional Use Permit Plan Set (Attachment A). The fueling and parking areas would be well lit. All lighting would be downward facing and directed away from adjacent residential areas to the north and east. As shown in Detail 16 on Sheet A103 of the plan set, the pole mounted lighting that would exceed 4,500 lumens per lamp would be fully shielded. The average footcandle for the proposed lighting is 2.0 fc.*

8. Cleaning and Maintenance. Cleaning and maintenance for outdoor areas utilizing mechanical blowers, vacuums or other noise generating equipment shall not be used between the hours of 10:00 p.m. and 7:00 a.m. Special conditions to control on-and off-site litter may be required on a case-by-case basis.

*Analysis: As previously discussed, the project would be required to conform to the attached Operations Plan, which includes mitigation measures for site maintenance and noise. Mechanical blowers, vacuums and other noise generating equipment would be prohibited between the hours of 10:00 pm to 7:00 am.*

9. Site Improvements. As a function of the review process for 24-hour uses, the physical condition of the site should be considered. Aesthetic improvements and maintenance conditions may be required to prevent blight.

*Analysis: The project would include various site improvements, including the demolition of the existing aging convenience store for the construction of a new approximately 3,200-square foot convenience store. The parking lot would be repaved and restriped. A new trash enclosure would be constructed to store garbage and recycling receptacles and prevent windblown litter and odor. The site would be fully landscaped along the perimeter nearest to the residential uses to the north and east, as well as the space along the southwest corner of the site at the intersection. Landscaping improvements also include stormwater treatment as conditioned by the Department of Public Works. A 6-foot-high masonry wall would be installed around the north and east perimeter of the site. The project would include the closure of the driveway along South Jackson Avenue, nearest to the intersection of Story Road, which would improve pedestrian connectivity and reduce the space where cars would cross the sidewalk.*

10. Mitigation Management Plan. A mitigation management plan should be required for all mitigated 24-hour uses to ensure compliance with conditions of approval. The plan should be realistic, practical and enforceable. The plan should include detailed provisions for response to neighborhood complaints; control of noise, litter, graffiti, etc., and provide a protocol for interface with police to resolve potential problems with gangs, drugs, loitering, and other

criminal activities.

*Analysis: As previously discussed, the attached Operations Plan (Attachment E) includes mitigation measures for trash, graffiti, loitering, site maintenance, security, lighting, noise, and employee training. Loitering would not be tolerated, and all employees would be required to go through a strict training process for alcohol and tobacco sales.*

## Commercial Design Guidelines

The project is subject to the [Commercial Design Guidelines](#). The guidelines address issues of neighborhood compatibility, project function and aesthetics. The guidelines seek to assure that new commercial development preserves or improves the positive character of the existing neighborhood. The following guidelines apply to the project:

- Site Organization

- The site should be designed to accommodate all legitimate, anticipated circulation patterns, but those patterns should be defined by reduced areas of paving and well-placed landscape areas. Driveway cuts should be limited to one, occasionally two, per street.
- All structures on the site (including kiosks, gas pump columns, etc.) should be architecturally consistent with the main structure.
- All building elevations facing public streets, whether such elevations function as the front, side, or rear of the building should be architecturally detailed to avoid the appearance of the “back of the building”; buildings should contribute a positive presence to the street scene.

*Analysis: The approximately 0.53-gross acre site is large enough to accommodate the existing fuel canopy and fuel pumps as well as the new approximately 3,200-square foot convenience store, trash enclosure, and associated parking and landscape areas. The fuel canopy would be painted to match the colors of the newly constructed convenience store and would include similar architectural details such as the stone veneer. The primary building entrance would be located along Story Road and would be oriented toward the street. Blank walls would be mitigated with variations in color and materials as well as the addition of landscaping to the perimeter of the site.*

- Structures

- Monotony of building design should be avoided. Variation in wall plane, roof line, detailing, materials, and siting may be used to prevent a monotonous appearance in buildings.
- Parapet walls should be treated as an integral part of the building design.
- Materials and colors should be varied where appropriate to provide architectural interest.

*Analysis: The newly constructed convenience store would provide substantial variation in wall plane and roof line with the addition of a parapet wall and canopy over the entrance. Variation in materials and colors would also be provided at the base, corners, and entrance of the building. Minor architectural*

*details such as stone veneer and trellis features are included as additional design features.*

- Special Requirements

- Areas should be provided on self-service station sites to allow patrons to service their vehicles with water and air. These facilities should be located where they do not obstruct the circulation patterns of the site.
- Public restrooms are required on service station sites and must be available during all hours of operation of the service station.
- Each pump island should include stacking for two vehicles (40 feet) on-site.
- Truck circulation patterns and positions for tank filling should not conflict with critical customer circulation patterns or cause a potential for stacking overflow onto a street.

*Analysis: The project would include stations for air and water and public restrooms would be available to the public at all hours of operation. Each pump island provides stacking for vehicles that is greater than 40 feet. Two 26-foot-wide driveways along Story Road and a new, approximately 32-foot-wide driveway along South Jackson Avenue would allow for trucks to safely enter and exit the site.*

- Landscaping

- All areas not covered by structures, service yards, walkways, driveways, and parking spaces should be landscaped.
- The perimeter of the site should be landscaped to provide parking lot screening, a buffer for adjacent uses, and an attractive view from the street.
- A mixed planting of trees, shrubs, and groundcover in the area between buildings and the sidewalk should be included

*Analysis: The entire perimeter of the site would be landscaped except for the driveways. The project would include the planting of nine (9) trees in addition to ground cover, shrubs, and areas dedicated to stormwater treatment. The trees planted at the perimeter would screen the parking lot, canopy, and convenience store from adjacent residential areas.*

- Service Facilities

- All trash and garbage bins should be stored in an approved enclosure unless bins are stored in an approved service yard.
- Trash enclosures should be constructed with masonry walls and heavy wood and/or metal doors and should be architecturally compatible with the project
- Trash enclosures should include provisions for concrete stress pads to reduce pavement damage from disposal trucks.

*Analysis: The project would include the construction of a trash enclosure at the northeast corner of the parking lot. The trash enclosure would be constructed with masonry walls and a metal gate and roof. A concrete stress pad would be provided in front of the trash enclosure to reduce damage from disposal trucks.*

### Conditional Use Permit Findings

Pursuant to San José Municipal Code [Section 20.100.720](#), staff recommends City Council make the following findings:

1. The Conditional Use Permit, as approved, is consistent with and will further the policies of the General Plan, applicable specific plans and area development policies; and

*Analysis: The existing and proposed use would conform with the General Plan Land Use Designation of Neighborhood/Community Commercial as it would continue to provide a convenient service and retail option to the residents and employees of the surrounding area. The project would provide employment to approximately six employees and would include upgrades that would beautify the site. The applicant has provided an Operations Plan with mitigation measures to ensure that the proposed late night and off-sale alcohol uses are compatible with the surrounding residential and commercial uses.*

2. The Conditional Use Permit, as approved, conforms with the Zoning Code and all other provisions of the San José Municipal Code applicable to the project; and

*Analysis: As previously discussed, late night use and off-sale alcohol require the issuance of a Conditional Use Permit for properties located in the CN Commercial Neighborhood Zoning District. See the findings for off-sale alcohol below.*

3. The Conditional Use Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: As discussed in the City Council Policy section above, the project is consistent with City Council Policy 6-24 for the Evaluation of 24-hour uses. As previously discussed, the gas station and convenience store would operate between the hours of 5:00 am and 11:00 pm Monday through Friday, 6:00 am to 11:00 pm on Saturdays, and 7:00 am to 11:00 pm on Sundays. These hours would not change from the hours of operation at the existing fuel service station and convenience store. Based on the San José Police Department Memorandum provided (Attachment F), the site is not located in an area of high crime. The project would conform to the attached Operations Plan (Attachment E), which includes mitigation measures for trash, graffiti, site maintenance, loitering and panhandling, lighting, security, and employee training.*

4. The proposed use at the location requested 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

*Analysis: As previously discussed, the hours would not change from the existing hours of operation at the existing fuel service station and convenience store. Based on the San José Police Department Memorandum provided (Attachment F), the site is not located in an area of high crime. The project would conform to the attached Operations Plan (Attachment E), which includes mitigation measures for trash, graffiti, site maintenance, loitering and panhandling, lighting, security, and employee training.*



5. 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 this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

*Analysis: The approximately 0.53-gross acre site is adequate in size to accommodate the existing fuel pumps and canopy as well as the newly constructed convenience store, trash enclosure, parking areas, and landscaping. The project would allow for adequate vehicular and pedestrian circulation and would also allow for safe ingress and egress for trucks to refuel.*

6. 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.

*Analysis: The subject site is directly accessible from two driveways along Story Road and one driveway along South Jackson Avenue. VTA service (bus routes 25, 70, and 522) is located within 1/3 mile of the site. A bus stop is located directly in front of the site along South Jackson Avenue. Bike lanes are provided along South Jackson Avenue. Regional access is provided by both Interstate 680 to the north and U.S. Route 101 to the west. The site is served by all necessary public and private utilities.*

7. 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.

*Analysis: An Initial Study/Mitigated Negative Declaration was prepared for the project and was circulated for public review from October 5 to October 27, 2020. Construction hours would be limited to between the hours of 7:00 am to 7:00 pm Monday through Friday. Any impacts related to noise, vibration, dust, draining, erosion, stormwater runoff, and odor, would be temporary and would only occur during construction. This Conditional Use Permit also includes standard permit conditions to reduce impacts during construction. The project also includes the addition of pervious surface and the construction of a trash enclosure to improve and treat stormwater runoff. Therefore, the project would not result in any unacceptable negative effects on adjacent property or properties.*

### **Site Development Permit Findings**

Pursuant to San José Municipal Code [Section 20.100.630](#), staff recommends City Council make the following findings:

1. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan, applicable specific plans and area development policies; and

*Analysis: As previously discussed, the construction of the convenience store would be consistent with the General Plan Land Use Designation of Neighborhood Community Commercial. The convenience store would provide general retail goods at a convenient*

*location. Additionally, the fuel service station would continue to provide a necessary service to residents and employees of the surrounding area. The project would also provide employment to approximately six employees. The project is consistent with applicable General Plan policies related to Vibrant Neighborhoods, Community Design, Land Use, and Implementation.*

2. The Site Development Permit, as approved, conforms with the Zoning Code and all other Provisions of the San José Municipal Code applicable to the project; and

*Analysis: As discussed in the Zoning Section above, general retail is a permitted use within the CN Commercial Neighborhood Zoning District. The project would conform with all applicable height and setback requirements of the CN Zoning District. The project would also meet all parking requirements for vehicle and bicycle parking.*

3. The Site Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: 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. An on-site sign was also posted on the project frontage. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.*

4. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

*Analysis: The approximately 3,200-square foot convenience store would replace an existing approximately 1,500-square foot convenience store on-site. All buildings and structures on-site would be one-story and would be architecturally compatible. The existing fuel canopy would be painted to match the colors of the newly constructed convenience store and would include similar architectural details such as stone veneer.*

5. 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.

*Analysis: The newly constructed convenience store would match the existing pattern of development in the surrounding commercial area, as it would be set back from Story Road at the rear of the site. All buildings on site would be one-story and would be consistent with other commercial and residential buildings in the surrounding neighborhood. The project would upgrade an existing use in the neighborhood with the construction of a new convenience store and would include site improvements such as landscaping and restriping.*

6. 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 effect on adjacent property or properties.

*Analysis: An Initial Study/Mitigated Negative Declaration was prepared for the project and was circulated for public review from October 5 to October 27, 2020. Construction hours would be limited to between the hours of 7:00 am to 7:00 pm Monday through Friday. Any*

*impacts related to noise, vibration, dust, draining, erosion, stormwater runoff, and odor, would be temporary and would only occur during construction. This Conditional Use Permit also includes standard permit conditions to reduce impacts during construction. The project also includes the addition of pervious surface and the construction of a trash enclosure to improve and treat stormwater runoff. Therefore, the project would not result in any unacceptable negative effects on adjacent property or properties.*

7. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

*Analysis: The entire perimeter of the site would be landscaped except for the driveways. The project would include the planting of nine (9) trees in addition to ground cover, shrubs, and areas dedicated to stormwater treatment. The trees planted at the perimeter would screen the parking lot, canopy, and convenience store from adjacent residential areas. The project would include the construction of a trash enclosure at the northeast corner of the parking lot. The trash enclosure would be constructed with masonry walls and a metal gate and roof. A concrete stress pad would be provided in front of the trash enclosure to reduce damage from disposal trucks.*

8. Traffic access, pedestrian access and parking are adequate.

*Analysis: Traffic access would be provided from both Story Road and South Jackson Avenue. Pedestrian access would be provided with the construction of a 12-foot-wide sidewalk along Story Road and a 13-foot-wide sidewalk on South Jackson Avenue. A pedestrian pathway would also be constructed around the parking lot to provide a safe path of travel from Story Road and South Jackson Avenue to the newly constructed convenience store. As previously discussed, all required vehicle and bicycle parking would be provided.*

**Demolition Permit Findings.** Chapter 20.80 of the San José Municipal Code establishes evaluation criteria for the issuance of a permit to allow demolition.

1. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
2. The failure to approve the permit would jeopardize public health, safety or welfare;
3. The approval of the permit should facilitate a project that is compatible with the surrounding neighborhood;
4. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
5. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
6. Rehabilitation or reuse of the existing building would not be feasible; and
7. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

*Analysis: The project includes the demolition of one approximately 1,500-square foot convenience store for the construction of an approximately 3,200-square foot convenience store. The approval of the demolition permit would not result in the creation or continued*

*existence of a nuisance, blight or dangerous condition. The failure to approve the permit would not jeopardize public health, safety or welfare. The demolition permit would facilitate a project that is compatible with the surrounding neighborhood. As previously discussed, the project is consistent with all applicable General Plan goals and policies, zoning code requirements, City Council policies, and design guidelines. The demolition of the existing building would facilitate the construction of an approximately 3,200-square foot convenience store that would offer retail services to the surrounding neighborhood. Given the scope of the project, the rehabilitation or reuse of any of the existing buildings on-site would not be feasible. The Initial Study/Mitigated Negative Declaration evaluated all structures on-site for potential historical significance. The project would not allow the demolition of any buildings or sites of historical significance. The demolition of any existing buildings on-site would not be approved until the issuance of a grading permit as conditioned in the Conditional Use Permit for the subject site.*

## Off-Sale Alcohol Findings

### SJMC Title 20

A Conditional Use Permit may be issued pursuant to the applicable provisions of this title for the off-sale of any alcoholic beverages only if the decision-making body first makes the following additional findings, where applicable pursuant to [Section 20.80.900](#) of the Zoning Code:

1. For such use at a location closer than five hundred feet from any other such use involving the off-sale of alcoholic beverages, situated either within or outside the city, that the proposed location of the off-sale alcohol use would not result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the proposed location.

*Analysis: The proposed location would not result in a total of more than four establishment that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the proposed location. There are currently three off-sale alcohol establishments within a one-thousand-foot radius of the subject site. Story Liquor is located approximately 370 feet to the west, Jack's Liquor is located approximately 200 feet to the south, and Quik Stop is located approximately 500 feet to the east. Rotten Robbie would be the fourth establishment within a one-thousand-foot radius of the subject site. Therefore, **this finding can be made.***

2. For such use at a location closer than five hundred feet from any other use involving the off-sale of alcoholic beverages, situated either within or outside the city, where the proposed location of the off-sale of alcoholic beverages use would result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the proposed location, that the resulting excess concentration of such uses will not:
  - a. Adversely affect the peace, health, safety, morals, or welfare of persons residing in or working in the surrounding area; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the area; or
  - c. Be detrimental to public health, safety or general welfare

*Analysis: As previously stated, the use would not result in a total of more than four off-sale alcohol establishments within a one-thousand-foot radius. The nearest off-sale establishment is Jack's Liquor, located across Story Road approximately 200 feet to the*

*south. As indicated in the San José Police Memorandum, dated June 24, 2019, the Police Department is neutral regarding the project use. Additionally, the Operations Plan, prepared by the project applicant, provides provisions for trash and graffiti removal, security and safety, loitering, panhandling, and employee alcohol sales training. Therefore, **this finding can be made.***

3. For such use at a location closer than five hundred feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university, or one hundred fifty feet from any residentially zoned property, that the building in which the proposed use is to be located is situated and oriented in such a manner that would not adversely affect such residential, child care center, public park, social service agency, residential care facility, residential service facility and/or school use.

*Analysis: The subject site would not be located within five hundred feet from a child care center, public park, social services agency, residential care facility, residential service facility, elementary school, secondary school, college, or university. The site is located within 100 feet of a residentially zoned property, as the site is adjacent to single-family residences to the north and east. Therefore, **this finding cannot be made.***

#### **Determination of Public Convenience or Necessity Findings – State Law**

Under California Business and Professions Code Sections 23958 and 23958.4, the Department of Alcohol Beverage Control (ABC) must deny an application for a liquor license “if issuance of that license would tend to create a law enforcement problem, or if the issuance would result in or add to an undue concentration of liquor licenses in the area,” unless the City determines that the public convenience or necessity would be served by the issuance of the license (Determination of Public Convenience or Necessity, or PCN). An “undue concentration” is defined as follows:

1. The premises of the proposed license are located in an area that has 20 percent greater number of reported crimes than the average number of reported crimes for the City as a whole, or
2. The premises of the proposed license are located in a census tract where the ratio of existing retail off-sale licenses to population in the census tract exceeds the ratio in the County as a whole.

*Analysis: The project site is located within Census Tract 5040.02. According to the Police Department Memo, the subject site is located in San José Police Beat Charles One. The reported crime statistics as defined by B&P Section 23958.4© are not over the 20% crime index, and thus the location is not considered unduly concentrated with regards to crime. However, the ratio of off-sale retail licenses to population in Census Tract 5040.02 would exceed the ratio of off-sale licenses to population in the county in which the applicant premises is located. Therefore, a Determination of Public Convenience or Necessity is required.*

#### **SJMC Chapter 6.84**

[Chapter 6.84](#) of Title 6 identifies the process and findings related specifically for the off-sale of alcohol and specifies that the Planning Commission may issue a Determination of Public Convenience or Necessity only after first making all of the findings specified below (see San Jose Municipal Code section [6.84.030](#)):

1. The proposed use is not located within a Strong Neighborhoods Initiative or neighborhood revitalization area or other area designated by the city for targeted neighborhood enhancement services or programs, or located within an area in which the chief of police has determined based upon quantifiable information that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area; and
  - a. Would be detrimental to the public health, safety, or welfare of persons located in the area; or
  - b. Would increase the severity of existing law enforcement or public nuisance problems in the area; and

*Analysis: The subject site is located within the East Valley/680 Communities SNI Area. Therefore, **this finding cannot be made**. As previously discussed, the project site is located within Census Tract 5040.02. According to the Police Department Memo, the subject site is located in San José Police Beat Charles One. The reported crime statistics as defined by B&P Section 23958.4(c) are not over the 20 percent crime index; thus, the location is not considered unduly concentrated with regards to crime. The Police Department has indicated that it is neutral to off-sale alcohol at the subject site. Additionally, the Operations Plan provided includes mitigation measures for staff training, security, loitering, panhandling, trash, graffiti removal, noise, and addressing neighborhood concerns. Therefore, the project would not increase the severity of existing law enforcement and would not be detrimental to the public health, safety, or welfare of persons located in the area.*

2. The proposed use would not lead to the grouping of more than four off-premises sale of alcoholic beverage uses within a one-thousand-foot radius from the exterior of the building containing the proposed use; and

*Analysis: As previously stated, the proposed location would not result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one-thousand-foot radius from the proposed location. There are currently three off-sale alcohol establishments within a one-thousand-foot radius of the subject site. Story Liquor is located approximately 370 feet to the west, Jack's Liquor is located approximately 200 feet to the south, and Quik Stop is located approximately 500 feet to the east. Rotten Robbie would be the fourth establishment within a one-thousand-foot radius of the subject site. Therefore, **this finding can be made**.*

3. The proposed use would not be located within five hundred feet of a school, day care center, public park, social services agency, or residential care or service facility, or within one hundred fifty feet of a residence; and

*Analysis: As previously stated, the subject site would not be located within five hundred feet from a child care center, public park, social services agency, residential care facility, residential service facility, elementary school, secondary school, college, or university. However, the site is located within 100 feet of a residentially zoned property, as the site is adjacent to single-family residences to the north and east. Therefore, **this finding cannot be made**.*

4. Alcoholic beverage sales would not represent a majority of the proposed use; and

*Analysis: As shown on the site plan in the attached plan set (Exhibit A), the total square footage of alcohol sales would not exceed 5 percent of the total sales floor area. The total approximate floor area of the convenience store would be 2,720 square feet. The total alcohol sales area would be approximately 114 square feet, located in the walk-in cooler. Therefore, the alcohol sales area would be approximately 4.1 percent of the total sales floor area. Additional products sold would include drinks, snacks, grab and go sandwiches, burritos, deli items, frozen foods, pastries, chips, candy and other common convenience store items. Therefore, **this finding can be made.***

5. At least one of the following additional findings:

- a. The census tract in which the proposed outlet for the off-premises sale of alcoholic beverages is located is unusually configured and the proposed outlet would act as a convenience to an underserved portion of the community without presenting a significant adverse impact on public health or safety; or

*Analysis: The subject site is not located in an unusually configured census tract. Therefore, **this finding cannot be made.***

- b. The proposed outlet for the off-premises sale of alcoholic beverages would enhance or facilitate the vitality of an existing commercial area without presenting a significant adverse impact on public health or safety; or

*Analysis: The project would include the demolition of an aging convenience store for the construction of a new approximately 3,200-square foot convenience store with additional services and site improvements. As previously discussed, the project site is located within Census Tract 5040.02. According to the Police Department memo, the subject site is located in San José Police Beat Charles One. The reported crime statistics as defined by B&P Section 23958.4© are not over the 20% crime index; thus the location is not considered unduly concentrated with regards to crime. The Police Department has indicated that it is neutral to off-sale alcohol at the subject site. Additionally, the Operations Plan provided includes mitigation measures for staff training, security, loitering, panhandling, trash, graffiti removal, noise, and addressing neighborhood concerns. Therefore, **this finding can be made.***

- c. The census tract in which the proposed outlet is located has a low population density in relation to other census tracts in the city, and the proposed outlet would not contribute to an over-concentration in the absolute numbers of outlets for the off-premises sale of alcoholic beverages in the area; or

*Analysis: The census tract in which the proposed outlet is located does not have a low population density in relation to other census tracts in the city. The outlet would contribute to an over-concentration of outlets for off-sale alcohol in the area. Therefore, **this finding cannot be made.***

- d. The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.

*Analysis: As shown on the site plan in the attached plan set (Exhibit A), the total square footage of alcohol sales would not exceed 5% of the total sales floor area. The total approximate floor area of the convenience store would be 2,720 square feet. The total alcohol sales area would be approximately 114 square feet, located in the walk-in cooler. Therefore, the alcohol sales area would be approximately 4.1% of the total*

*sales floor area. Therefore, **this finding can be made.***

The City Council may issue a Determination in connection with an application for a license from the California Department of Alcoholic Beverage Control for the off-premises sale of alcoholic beverages where the City Council does all of the following:

- a. Makes a determination that not all of the required findings set forth in Subsection B of [Section 6.84.030](#) of the Municipal Code can be made; and
- b. Identifies and finds that a significant and overriding public benefit or benefits will be provided by the proposed use.

*Analysis: Given the analysis above, not all findings for a Conditional Use Permit, Off-Sale Alcohol, and Determination of Public Convenience or Necessity can be made. Therefore, City Council must make a determination that the proposed off-sale alcohol establishment would provide a significant and overriding public benefit. The proposed off-sale establishment would provide beer and wine in an approximately 114-square foot space within the larger approximately 2,270-square foot sales floor area. Based on the Police Department memo dated June 24, 2019, the subject site is not located in an area of high crime. The Police Department is neutral to the issuance of a CUP for off-sale alcohol and late-night use. While the project is located in an overconcentrated census tract, it would not lead to the grouping of more than four off-sale establishments within a 1,000-foot radius of the site. The convenience store would be open from no earlier than 5:00 am to no later than 11:00 pm. The Operations Plan includes mitigation measures for addressing neighborhood concerns, trash clean up, loitering, graffiti, security, noise, lighting, and employee training. Staff has not received any public comments on this project prior to the date of posting of this memorandum. Therefore, staff recommends that the City Council determine that the project would provide a significant and overriding public benefit and approve the Conditional Use Permit for off-sale alcohol and Determination of Public Convenience or Necessity.*

## CONCLUSION

Should the rezoning be approved by the City Council, the property would be rezoned from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District. Should the resolution be adopted, the project would be allowed to proceed with the demolition of the existing approximately 1,500-square foot convenience store and allow the construction of an approximately 3,200-square foot convenience store. The project would also allow the operation of a fuel service station, off-sale alcohol with a Type 20 ABC License (Beer and Wine only), and Late Night Use (Hours of Operation from 5:00 am to 11:00 pm).

## CLIMATE SMART SAN JOSÉ

The recommendation in this staff report aligns with one or more Climate Smart San José energy, water, or mobility goals. The project would facilitate the energy efficiency of a newly constructed commercial building would be required to meet the requirements of San José Municipal Code Chapter 17.84.220, Green Building Compliance Requirements. The project would also provide employment to approximately six employees at the site.



## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of San José, as the lead agency for the proposed project, prepared an Initial Study/Mitigated Declaration (MND) in compliance with CEQA. The IS/MND was circulated for public review and comments from October 5, 2020 through October 27, 2020. A total of two comment letters were received. One formal letter was received from the Santa Clara County Department of Roads and Airports during the public circulation period, with comments regarding the Local Transportation Analysis (LTA). Another comment letter was received from the Pacific Gas & Electric Company to acknowledge the project would not directly interfere with existing PG&E facilities. The comments letters did not result in any substantial changes to the project description, analyses, and/or impacts that was not previously disclosed in the IS/MND. These environmental comments are addressed by staff in a formal Response to Comments document.

The Initial Study identified one relevant mitigation measure for potential impacts related to hazardous materials contamination on the project site. In addition, standard permit conditions are made part of the permit approval. These standard permit conditions include best management practices for controlling dust and exhaust during construction, tree replacement, compliance with the Habitat Plan, uncovering buried archaeological or historic resources and human remains during construction activities, preventing impacts from lead-based paint and asbestos during demolition activities, preventing stormwater pollution during construction, and reducing construction noise levels. The mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) and both the mitigation measure and standard permit conditions are made a part of this permit.

The Initial Study concluded that the proposed project would not result in any significant and unavoidable environmental impacts, with implementation of identified mitigation measures. Therefore, an EIR is not required, and an Initial Study/Mitigated Negative Declaration is the appropriate level of CEQA clearance for the project.

The entire IS/MND, Responses to Comments, and other related environmental documents are available on the Planning web site at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/rotten-robbie-on-story-rd>

## PUBLIC HEARING NOTIFICATION

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. An on-site sign was also posted on the project frontage. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public. No public comments were received.

/s/

CHU CHANG, Acting Director  
Planning, Building and Code Enforcement

For questions, please contact Robert Manford, Deputy Director, at (408) 535-7900.

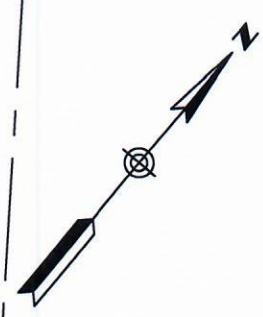
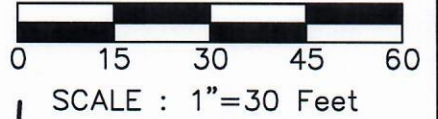
June 7, 2021

**Subject: File No. C19-016 & CP18-02**

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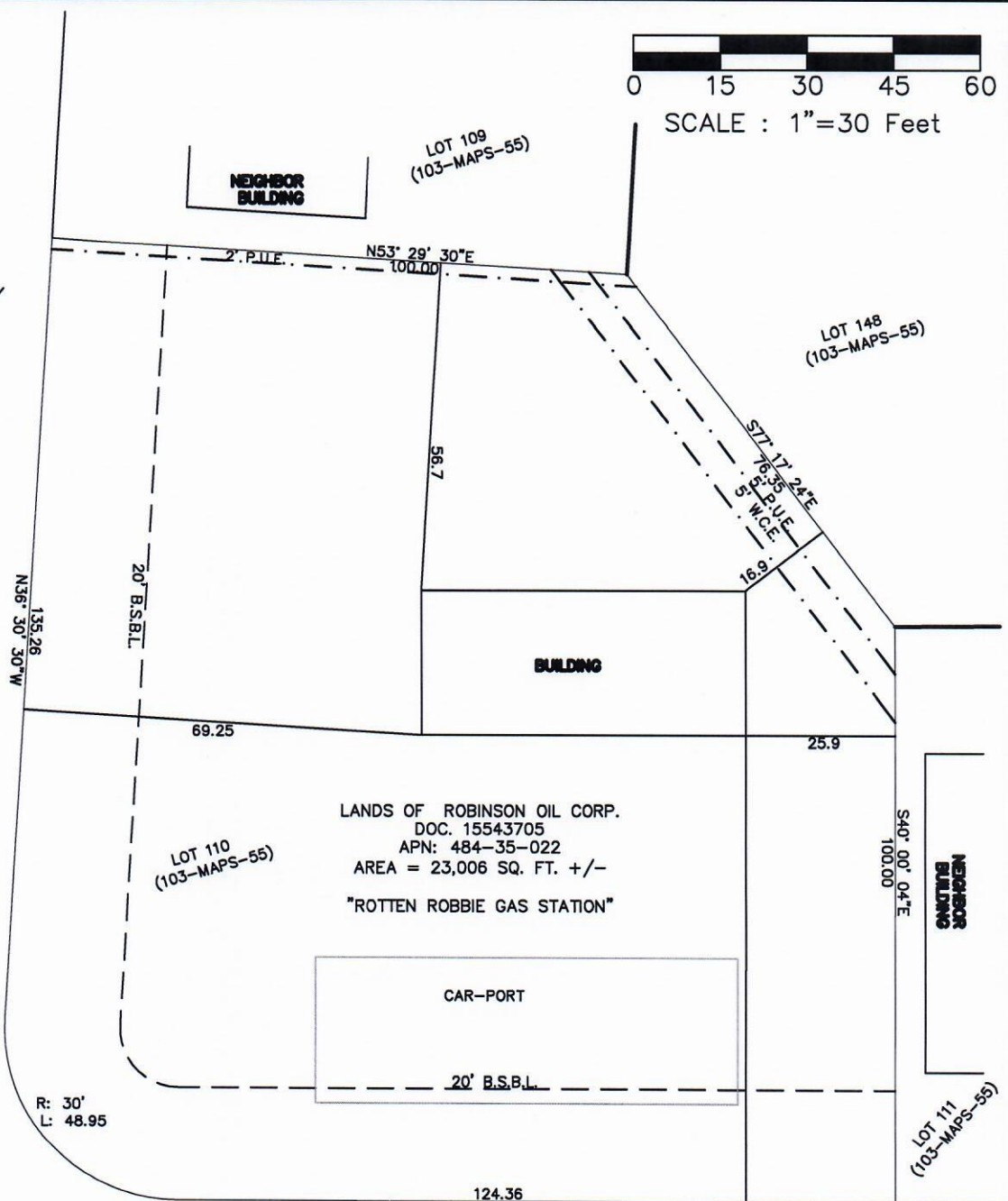
Attachments:

- A. Legal Description & Plat Map
- B. Plan Set
- C. Operations Plan
- D. San José Police Department Memorandum



BAISIS OF BEARINGS  
N36° 30' 30"W

JACKSON AVE  
(R/W: 90')



**LEGEND:**

- PROPERTY LINE = \_\_\_\_\_
- CENTER LINE = - - - - -
- EASEMENT LINE = . . . . .

- P.U.E. = UTILITY EASEMENT
- W.C.E. = WATER EASEMENT
- B.S.B.L. = BUILDING SETBACK LINE

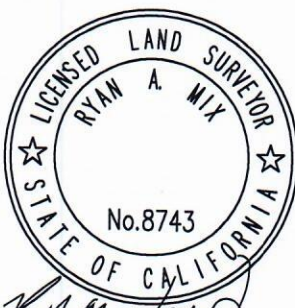
R/W = RIGHT OF WAY  
 ALL BUILDINGS ARE EXISTING.  
 ALL MEASUREMENTS ARE IN FEET AND DECIMALS THEREOF.  
 BASIS OF BEARINGS IS BASED ON TRACT NO. 2202 ENTITLED "STORYBOOK FARMS UNIT NO. 2" FILED FOR RECORD IN BOOK 103 OF MAPS AT PAGE 55, SANTA CLARA COUNTY RECORDS.

STORY ROAD  
(R/W: 90')

**SITE INFO:**

APN: 484-35-022  
 ADDRESS:  
 2305 Story Rd San Jose CA  
 COUNTY OF SANTA CLARA  
 DOCUMENT # 15543705  
 LOT:  
 LOT 110 BOOK: 103 PAGE:  
 TRACT: 2202

ZONE: COMMERCIAL PEDESTRIAN



<b>EXHIBIT B</b>
DRAWN BY: JN
DATE: 05-01-2019
APPROVED BY: RM
FILENAME: RR-STORY

**PLAT FOR RE-ZONING PURPOSES**  
 2305 STORY ROAD, SAN JOSE, 95122  
 SANTA CLARA COUNTY, CALIFORNIA



**SMP ENGINEERS**  
 CIVIL ENGINEERS—LAND SURVEYORS  
 1534 Carob Lane Los Altos, CA 94024  
 Tel. (650) 941-8055 Fax (650) 941-8755

EXHIBIT "A"

(City of San Jose)

Lot(s) 110, Tract No. 2202, Storybook Farms, Unit No. 2, filed March 19, 1959 in Book 103 of Map . at Page( ) 55, Santa Clara County Records.

Assessor' Parcel Number: 484-35-022



*Ryan A. Mix*

# Rotten Robbie

## #11

**2305 STORY ROAD  
SAN JOSE, CALIFORNIA  
95122-1057**



**K12 Architects**

K12 Architects, Inc  
3090 Fite Circle, #104  
Sacramento, CA 95827

PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

CONTRACTOR:

PROJECT:

**Rotten  
Robbie #11**

CP-18-027

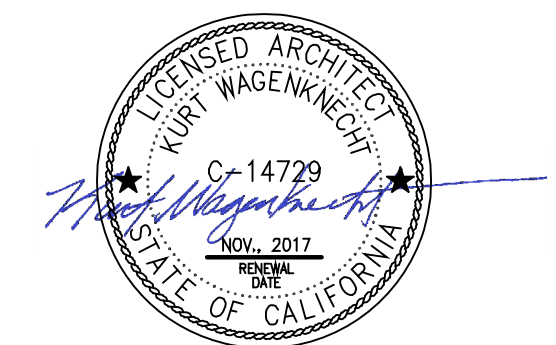
2305 Story Road  
San Jose, California  
95122-1057

DEVELOPER:

**Robinson Oil Corporation**  
**955 Martin Ave.**  
**Santa Clara, CA 95050**

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER: **17-043** | PROJECT DATE: **10-13-2017**

SHEET CONTENTS:

**COVER SHEET**

SHEET NUMBER:

**A001**

### CONSULTANTS

#### CIVIL & LANDSCAPING:

**SMP ENGINEERS**  
1534 Carob Ln.  
Los Altos CA 94024  
P: (650) 941-8055  
Contact: Saied Razavi

#### LANDSCAPING:

**PERRY DESIGN**  
2280 Strap Miner Trail  
Cool CA 95014  
P: (530) 823-2621  
Contact: Carol Brown

#### ELECTRICAL

CJS LIGHTING

### PROJECT DATA

ASSESSOR'S PARCEL NUMBER(S): 484-35-022  
ZONING: CN - COMMERCIAL NEIGHBORHOOD  
FILE NUMBER: C19-076  
PROJECT SITE AREA (GROSS): (0.5 ACRES) 21,780 S.F.

STRUCTURE	U.B.C. OCCUP.	TYPE OF CONST.	AREA
RETAIL CONVENIENCE STORE	M	V B	5,227 S.F. 3,200 S.F.
(E) FUELING CANOPY	M	II B	2,027 S.F.

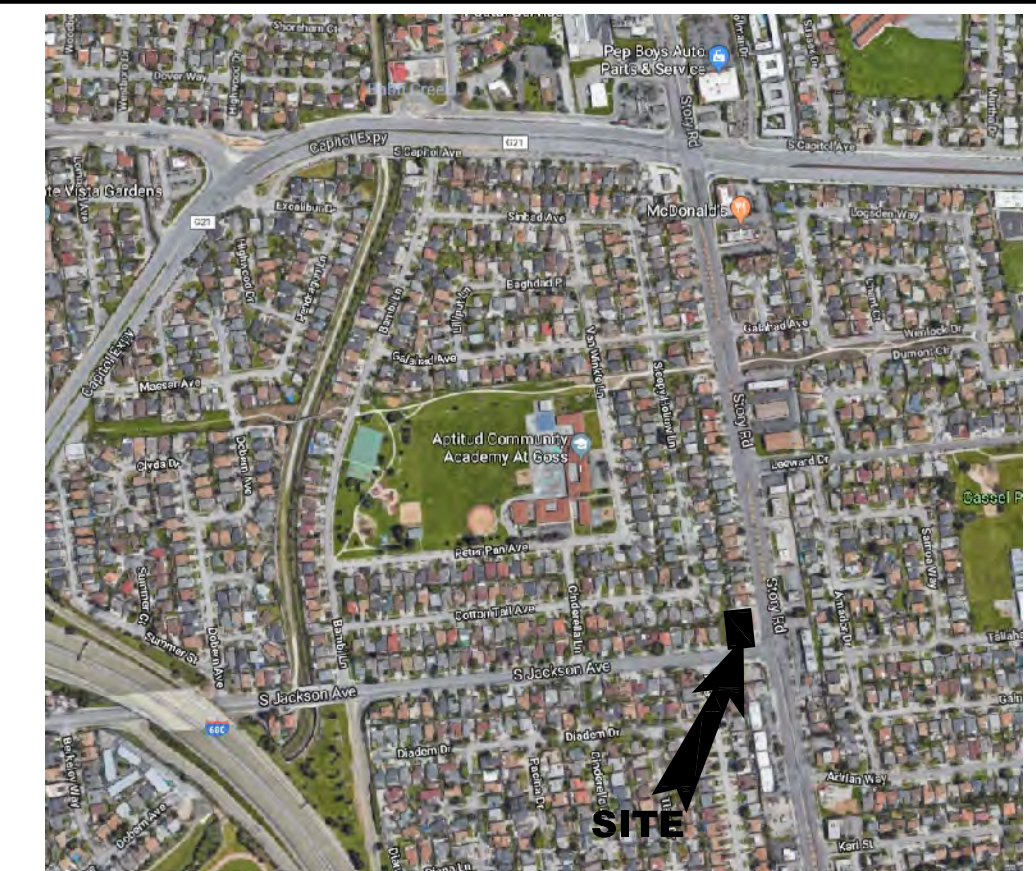
FLOOR TO AREA RATIO:  
TOTAL AREA OF SITE: 21,780 S.F.  
TOTAL AREA OF BLDGS: (W/O CANOPY) 14.7% 3,200 S.F.  
TOTAL AREA OF BLDGS: (W/ CANOPY) 24.8% 5,227 S.F.

BUILDING AREA	PARKING RATIO	REQD.
CONVENIENCE STORE	(1:200)	3,200/200 = 16
FUELING CANOPY	(Has 12 Fueling Positions)	= N/A
<b>TOTAL REQD PARKING</b>		<b>= 16</b>
BICYCLE PARKING	(1 PER 10 FULL TIME EMPLOYEES)	= 1
PARKING PROVIDED		
REGULAR SPACES		= 8
ACCESSIBLE SPACES		= 1
FUELING POSITIONS		= 12
AIR/WATER		= 1
<b>TOTAL</b>		<b>= 22</b>
BICYCLE PARKING		= 2

### BUILDING CODE ANALYSIS

DESIGN CODE: 2016 CBC, CPC, CMC, CFC, CEC, CGBSC, CA ENERGY CODE  
OCCUPANCY AND BUILDING USE: GROUP M (MERCANTILE)  
TYPE OF CONSTRUCTION: V B  
NUMBER OF STORES: 2 ALLOWED / 1 SHOWN  
BUILDING HEIGHT: 17'-6"  
BUILDING HEIGHT ALLOWED (PER CBC TABLE 504.3): 60 FT  
BUILDING AREA: 3,200 SF  
BUILDING AREA ALLOWED (PER CBC SEC. 506.2 NONSPRINKLERED) TYPE V B: 3,000 SF  
FIRE RATING: 2HR (PER TABLE 602) FSD-4FT  
FIRE SPRINKLERS: NO  
FIRE ALARM: NO  
OCCUPANT LOAD FOR EGRESS: MERCANTILE/ FUNCTION OF USE BUSINESS AREAS  
CONVENIENCE STORE: 3,200 SF / 100 PER OCC. = 32 OCC.  
ENTS:  
2 ENTS REQUIRED FOR OCCUPANT LOAD > 50  
CONVENIENCE STORE EXIT WIDTH: 32 OCCUPANTS x .2 = 6.4 IN. REQUIRED  
(1) 72" EXIT DOORS + (1) 36" EXIT DOOR = 108 IN. PROVIDED  
HIGH FIRE HAZARD SEVERITY ZONE: NO  
SEISMIC JOINTS: NO  
EMERG. RESPONDER RADIO COVERAGE: YES

### VICINITY MAP



SCALE: 1" = 500'-0"

### DRAWING INDEX

- GENERAL**
- A001 PROJECT COVER SHEET
- ARCHITECTURAL**
- A101 SITE PLAN
  - A102 DEMOLITION SITE PLAN
  - A103 SITE DETAILS
  - A201 CONVENIENCE STORE FLOOR PLAN
  - A301 CONVENIENCE STORE EXTERIOR ELEVATIONS
  - A302 CONVENIENCE STORE EXTERIOR ELEVATIONS
  - A303 ROTTEN ROBBIE PHOTO COLLAGE (FOR REFERENCE)
  - A901 EXISTING CANOPY ELEVATIONS
- CIVIL**
- C-1 COVER PAGE
  - C-2 GRADING PLAN
  - C-3 STORM NOTES
  - C-4 STORM PLAN
- LANDSCAPING**
- LP-1 PLANTING PLAN
- ELECTRICAL**
- PHOTOMETRIC PLAN

### SCOPE OF WORK

THE PROJECT ENTAILS REMOVAL OF AN APPROXIMATELY 1,500 SQUARE FOOT BUILDING AND EXISTING BILLBOARDS. PROPOSED REDEVELOPMENT INCLUDES CONSTRUCTION OF A 3,200 SQUARE FOOT CONVENIENCE STORE WITH PARKING AND LANDSCAPE UPGRADES. OTHER IMPROVEMENTS INCLUDE REMOVING ALL EXISTING DRIVEWAYS ON BOTH STREETS AND CONSTRUCTING 1 DRIVEWAY ALONG S JACKSON AVE. AND 2 DRIVEWAY ALONG STORY ROAD  
HOURS OF OPERATION: 5:00 AM TO 11:00 PM DAILY - OFF-SALE ALCOHOL TYPE 20



**SITE PLAN KEYNOTES**

- 1 FUEL PRICING MONUMENT SIGN TO REMAIN
- 2 CONCRETE CURB
- 3 CONCRETE WALK
- 4 SITE YARD LIGHT, WITH CONCRETE BASE SHALL HAVE A DRY BACK FINISH. TYPICAL
- 5 LANDSCAPING, SEE LANDSCAPING DRAWINGS.
- 6 EXISTING CONCRETE PAVING.
- 7 NEW 6'-0" HIGH CMU BLOCK WALL, TYP. SEE DETAIL 18/A104 AS INDICATED.
- 8 EXISTING LINE OF AUTO FUELING CANOPY OVERHANG.
- 9 TRASH ENCLOSURE AND CONC. APPROX. SLAB.
- 10 ELECTRICAL TRANSFORMER
- 11 EXISTING MULTI-PRODUCT FUEL DISPENSER
- 12 AIR & WATER SERVICE, SEE DETAIL 18/A103
- 13 EXISTING UNDERGROUND FUEL STORAGE TANKS.
- 14 EXISTING GAS SIGN TO REMAIN
- 15 ACCESSIBLE VAN PARKING STALL SEE DETAIL AS INDICATED
- 16 NEW DRIVEWAY - SEE CIVIL DWGS
- 17 NEW FIRE HYDRANT PER CITY OF SAN JOSE STANDARDS
- 18 NOT USED
- 19 TRUNCATED DORIES - WIDTH OF ACCESS x 36" DEEP
- 20 EXISTING SIDEWALK
- 21 INSTALL CONCRETE WHEEL STOP, ANCHOR WITH REBAR, SEE DETAIL 2/A103
- 22 4" WIDE PAINT STRIPING, WHITE, UNLESS NOTED OTHERWISE.
- 23 10'-0" SETBACK
- 24 ACCESSIBILITY SITE SIGNAGE, SEE DETAIL 5 ON SHEET A103
- 25 PATH OF ACCESSIBLE TRAVEL SIGNAGE, SEE DETAIL 20/A103
- 26 EXPANSION AND CONTROL JOIST, SEE DETAIL 18/A104
- 27 NEW VENT STACK WITH CANISTER
- 28 CLASS II RACK FOR 1 BICYCLE. INSTALL PER MANUFACTURER'S SPECIFICATIONS. SEE DETAIL 11/A103
- 29 1-HR RATED WALL WITH ASSEMBLY - GA WP1206 / UL U425 LIMESTONE, CINDERS OR AIR COOLED SLAG.

ALL WALKWAYS AND SIDEWALKS ALONG ACCESSIBLE ROUTES OF TRAVEL (1) ARE CONTINUOUSLY ACCESSIBLE, (2) HAVE A MAXIMUM 1/2" CHANGE IN ELEVATION, (3) ARE MINIMUM 48" IN WIDTH, (4) HAVE A MAXIMUM 2% CROSS SLOPE, AND (5) WHERE NECESSARY TO CHANGE ELEVATION AT A SLOPE EXCEEDING 5% (I.E. 1:20) SHALL HAVE RAMPES COMPLYING WITH 2019 CBC, SECTION 11B-405 OR 11B-406 AS APPROPRIATE, WHERE A WALK CROSSES OR ADJACENT A VEHICULAR WAY, AND THE WALKING SURFACES ARE NOT SEPARATED BY CURBS, RAILINGS OR OTHER ELEMENTS BETWEEN THE PEDESTRIAN AREAS AND VEHICULAR AREAS SHALL BE DEFINED BY A CONTINUOUS DETECTABLE WARNING WHICH IS 36" WIDE, COMPLYING 2019 CBC, SECTION 11B-705.12.5.

--- PATH OF TRAVEL



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CONSULTANTS:  
 CONTRACTOR:

PROJECT:  
**Rotten Robbie #11**  
 CP-18-027

2305 Story Road  
 San Jose, California  
 95122-1057

DEVELOPER:  
**Robinson Oil Corporation**  
 955 Martin Ave.  
 Santa Clara, CA 95050

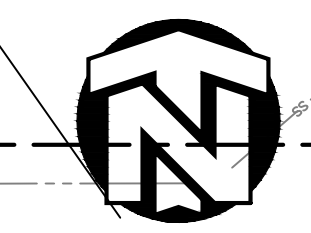
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 PROFESSIONAL SEALS:

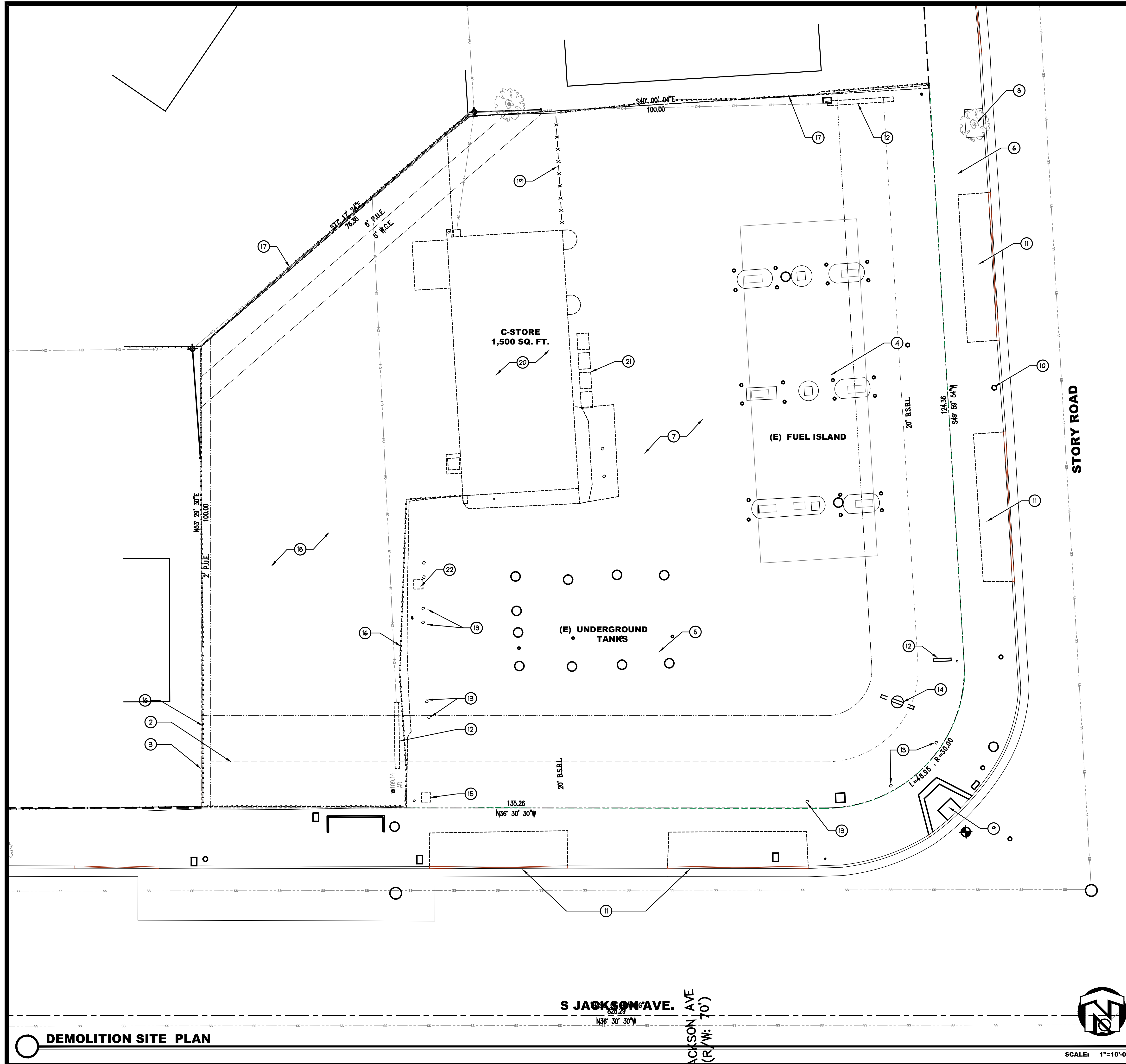


PROJECT NUMBER: **17-043** PROJECT DATE: **10-13-2017**

SHEET CONTENTS:  
**SITE PLAN**

SHEET NUMBER:  
**A101**





**SITE PLAN KEYNOTES**

- 1 NOT USED
- 2 10'-0" FRONT SETBACK
- 3 PROPERTY LINE
- 4 EXISTING FUEL ISLAND TO REMAIN
- 5 EXISTING UNDERGROUND TANKS TO REMAIN
- 6 EXISTING PUBLIC RIGHT OF WAY WALK TO REMAIN
- 7 EXISTING CONCRETE PAVING TO REMAIN
- 8 EXISTING LANDSCAPING TO REMAIN
- 9 EXISTING CURB RAMP TO REMAIN
- 10 EXISTING LIGHT POLE TO REMAIN
- 11 EXISTING DRIVEWAY TO BE REMOVED AND PREPARED FOR NEW DRIVEWAY
- 12 EXISTING GAS SIGN TO REMAIN
- 13 EXISTING BOLLARD TO BE REMOVED, TYP
- 14 EXISTING GAS MONUMENT SIGN TO REMAIN
- 15 EXISTING LIGHT POLE TO BE REMOVED
- 16 EXISTING CHAIN LINK FENCE TO BE REMOVED
- 17 EXISTING WOOD FENCE TO BE REMOVED
- 18 EXISTING LANDSCAPE AREA TO BE ALTERED FOR NEW DEVELOPMENT
- 19 EXISTING GATE TO BE REMOVED
- 20 EXISTING BUILDING TO BE REMOVED
- 21 EXISTING VENDING MACHINE TO BE REMOVED, TYP
- 22 EXISTING AIR/WATER SERVICE TO BE REMOVED

NOTE: EXISTING ZONING: COMMERCIAL PEDESTRIAN TO BE RE-ZONED PER RE-ZONING APPLICATION TO COMMERCIAL NEIGHBORHOOD



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 Santa Clara, CA 95050

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER: **17-043** PROJECT DATE: **10-13-2017**

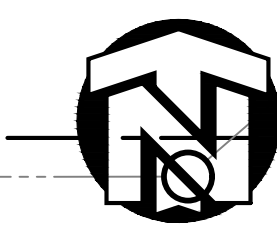
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**DEMOLITION SITE PLAN**

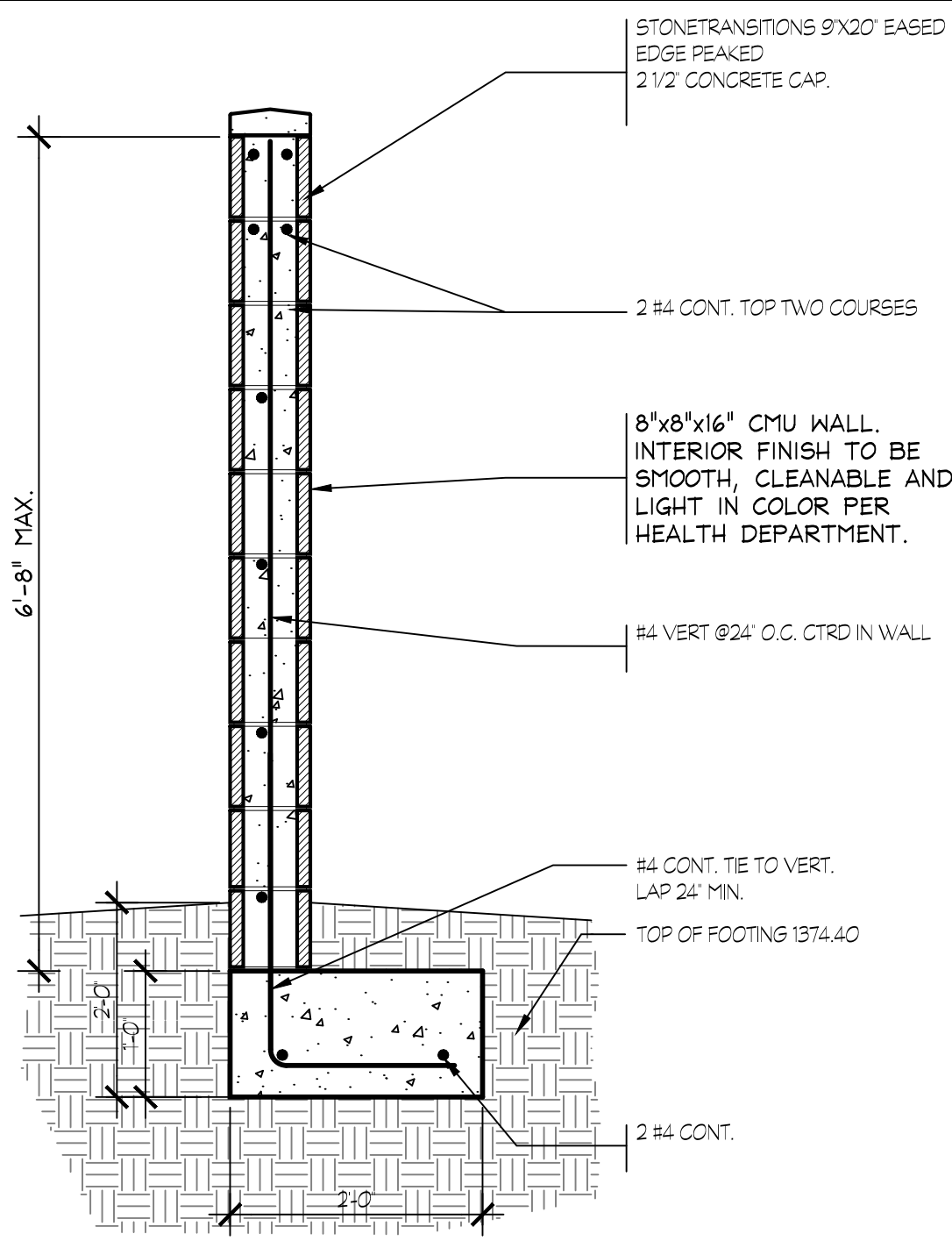
SHEET NUMBER:

**A102**

**DEMOLITION SITE PLAN**

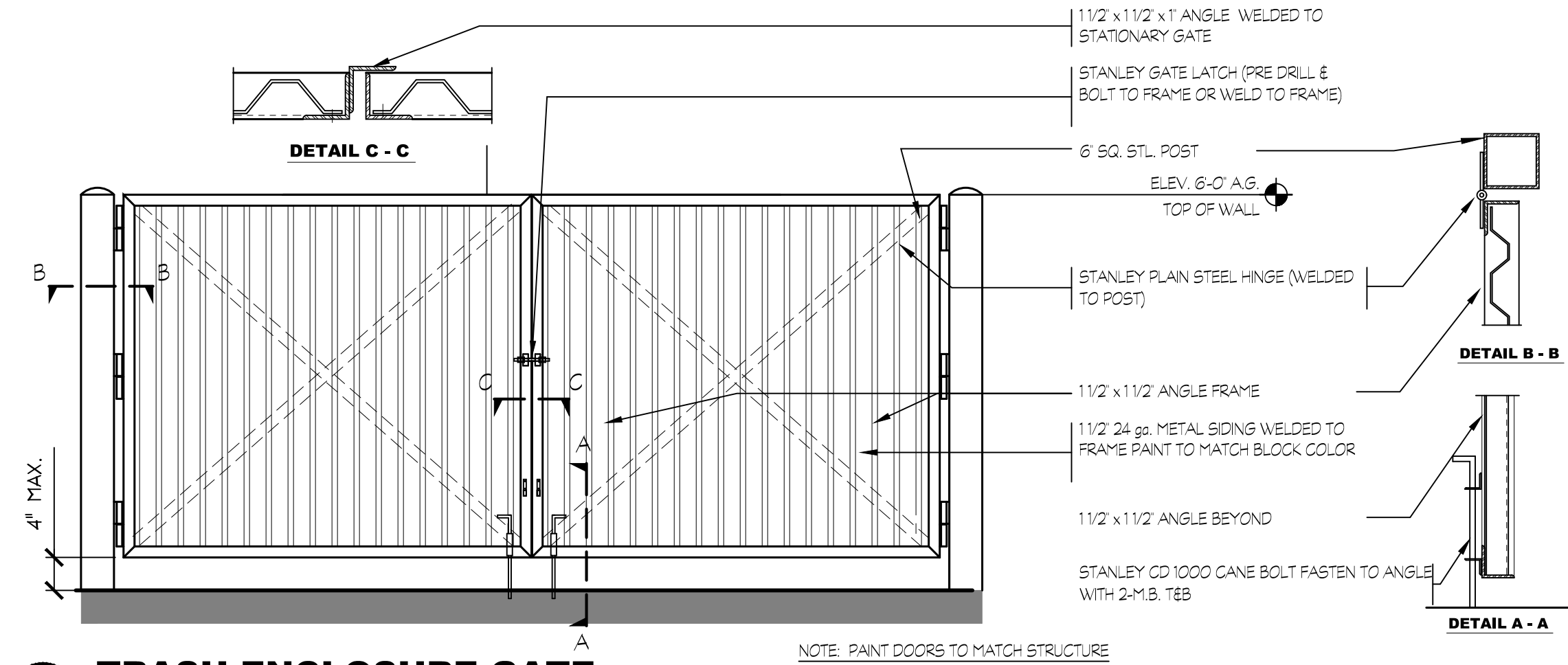
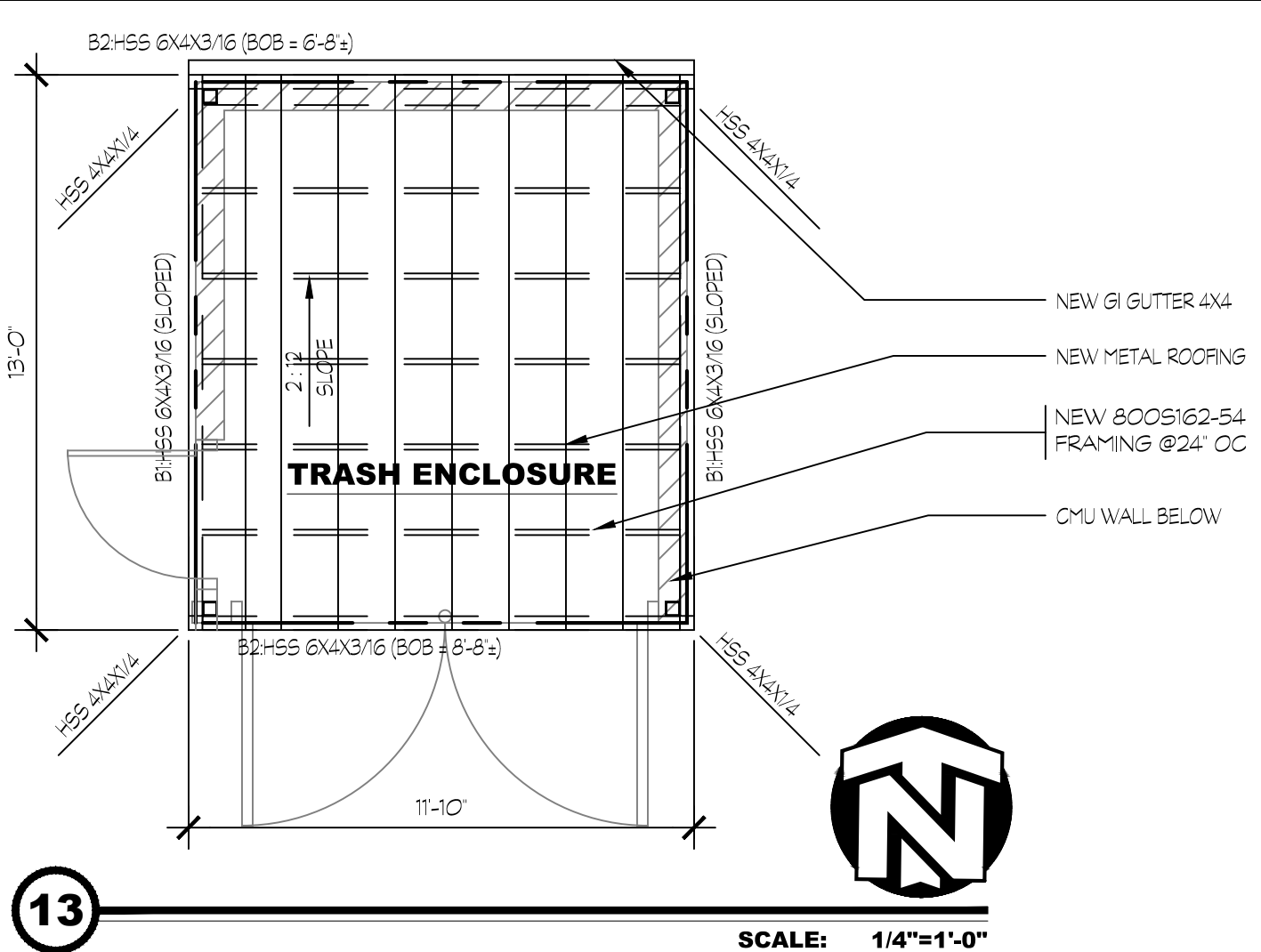


SCALE: 1"=10'-0"

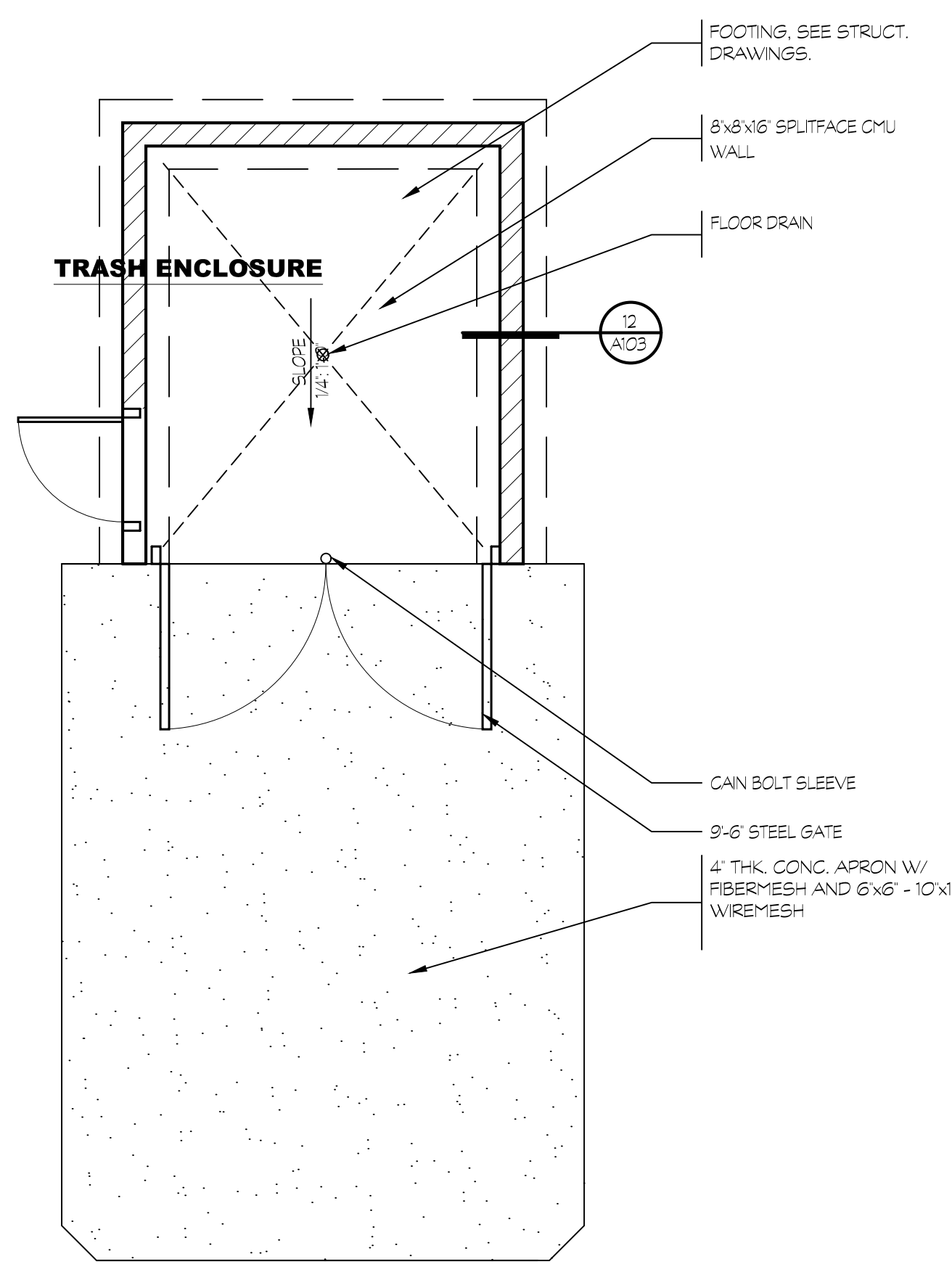


**MATERIAL SPECIFICATIONS:**  
 MASONRY UNITS: ASTM C90 (1,800 PSI)  
 MORTAR: ASTM C270 TYPE S (1,800 PSI)  
 GROUT: ASTM C476 (2,000 PSI)  
 CONCRETE: 2500 PSI

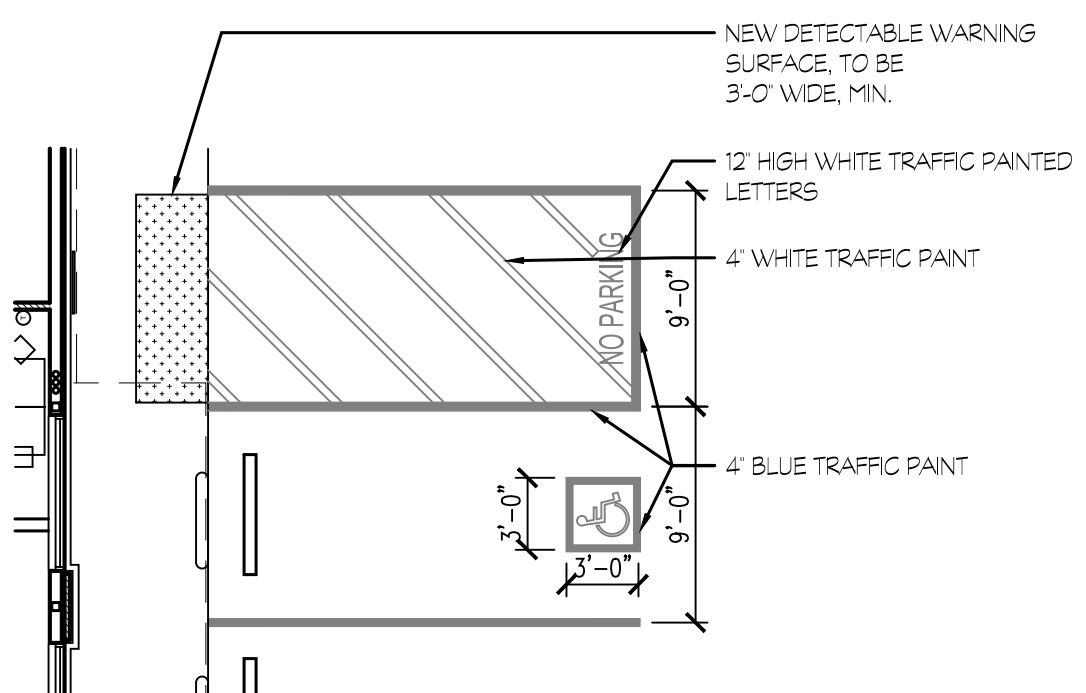
**18 CMU WALL**  
 SCALE: 3/4" = 1'-0"



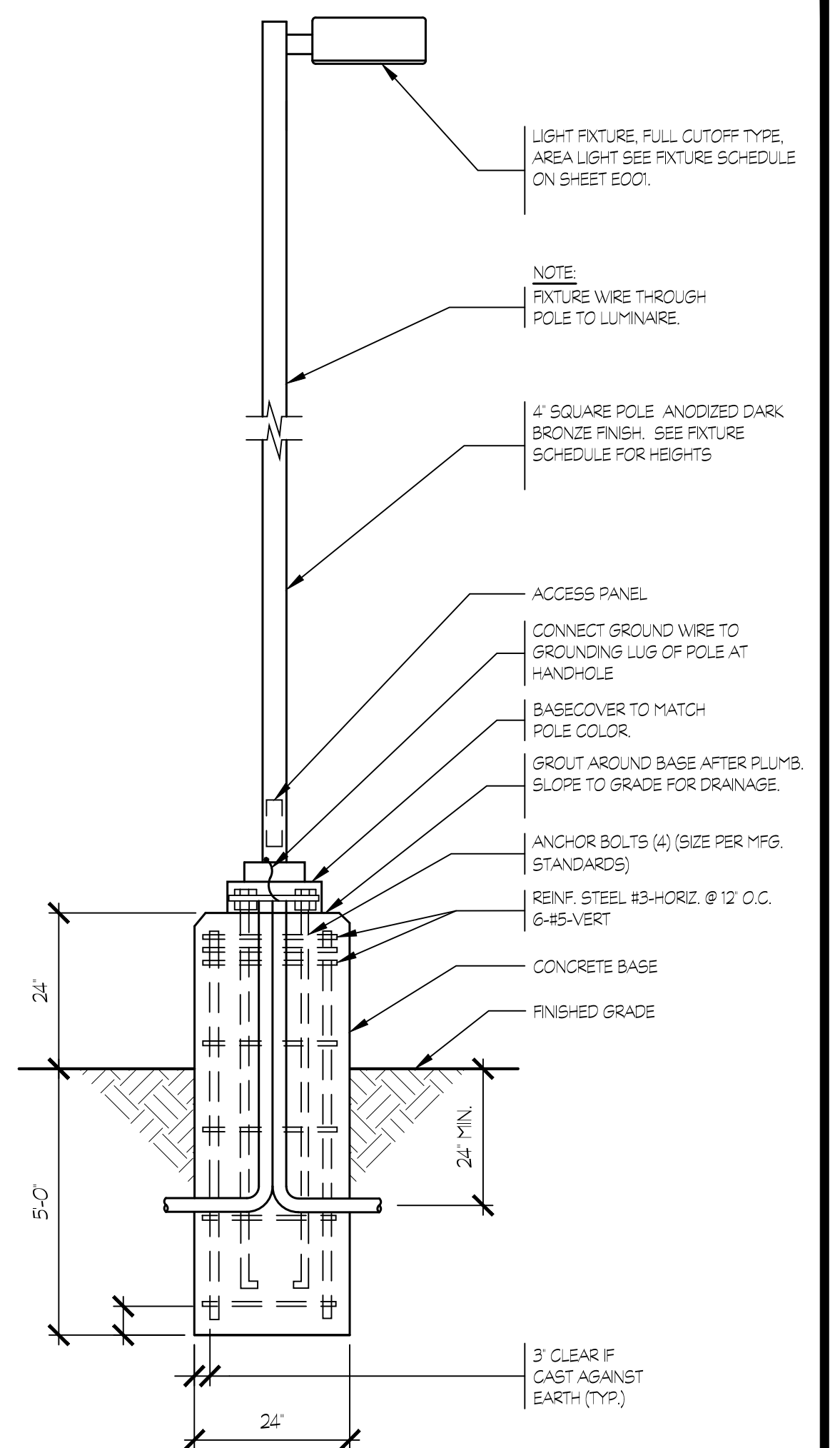
**14 TRASH ENCLOSURE GATE**  
 SCALE: 1/2" = 1'-0"



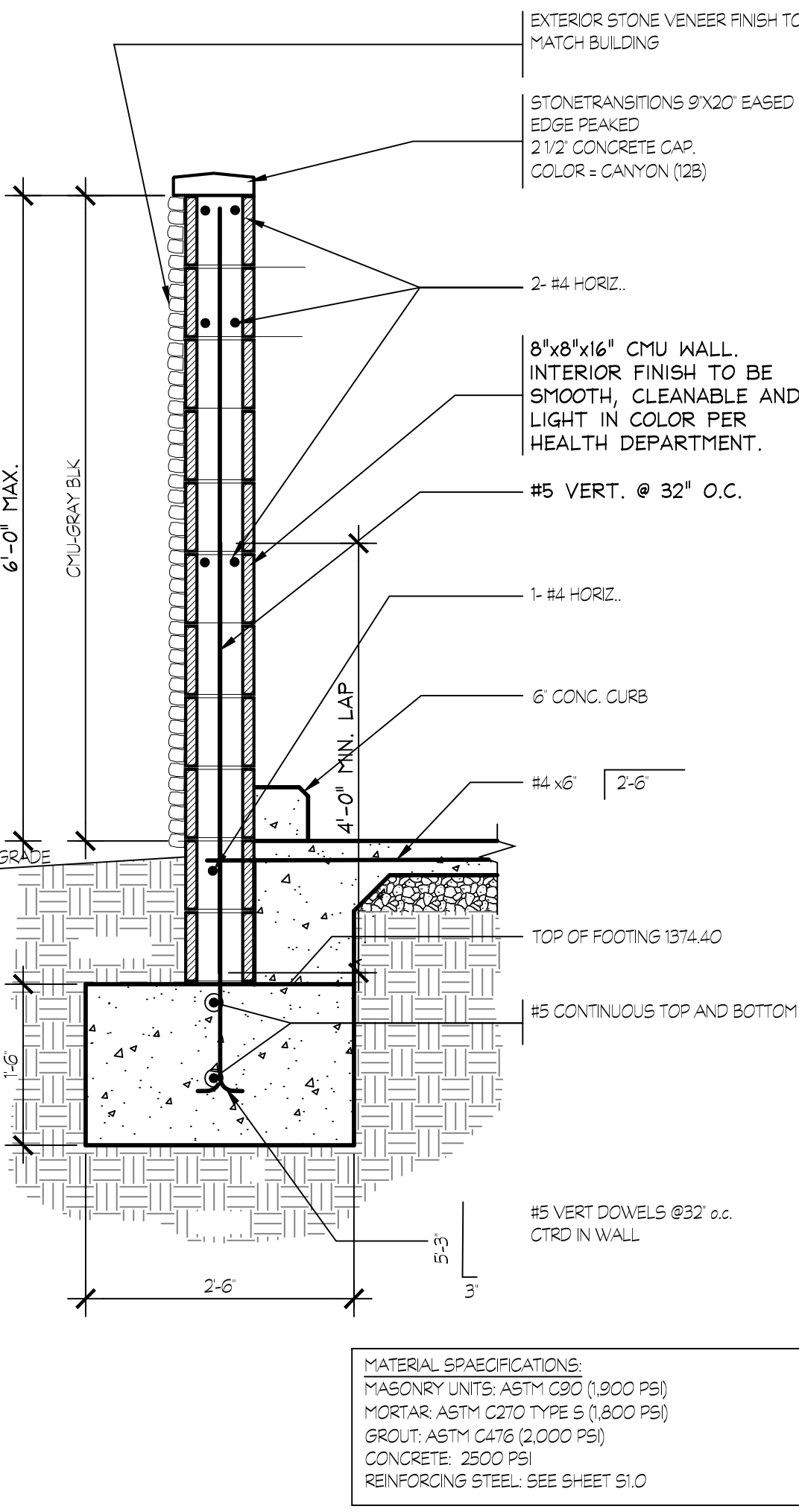
**6 TRASH ENCLOSURE PLAN**  
 SCALE: 0" = 0'-0"



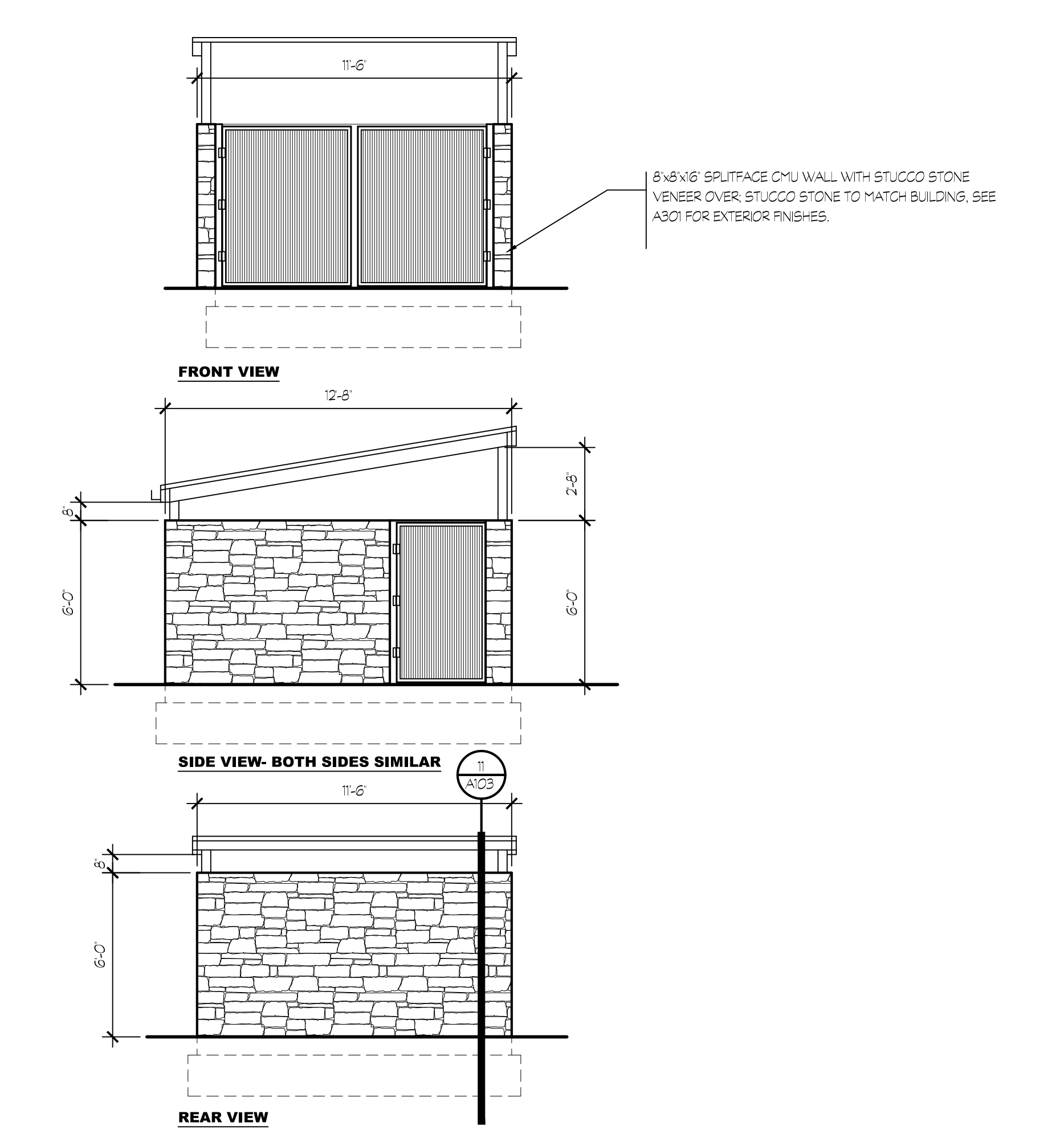
**19 ACCESSIBLE PARKING**  
 SCALE: 1/8" = 1'-0"



**16 POLE MOUNTED LIGHT FIXTURE**  
 SCALE: NTS



**12 TRASH ENCLOSURE WALL SEC.**  
 SCALE: 3/4" = 1'-0"



**8 TRASH ENCLOSURE ELEVATIONS**  
 SCALE: 1/4" = 1'-0"



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 CP-18-027

2305 Story Road  
 San Jose, California  
 95122-1057

**Robinson Oil Corporation**  
 955 Martin Ave.  
 Santa Clara, CA 95050

REVISIONS:  
 PLANNING REVISIONS AUG. 1, 2018



PROJECT NUMBER: 17-043 PROJECT DATE: 10-13-2017

SHEET CONTENTS:

**SITE DETAILS**

SHEET NUMBER:

**A103**





**K12 Architects**

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CONSULTANTS:

CONTRACTOR:

PROJECT:

**Rotten  
Robbie #11**

CP-18-027

2305 Story Road  
San Jose, California  
95122-1057

DEVELOPER:

**Robinson Oil Corporation**

**955 Martin Ave.  
Santa Clara, CA 95050**

REVISIONS:

PLANNING REVISIONS AUG. 1, 2018

PROFESSIONAL SEALS:



PROJECT NUMBER:

17-043

PROJECT DATE:

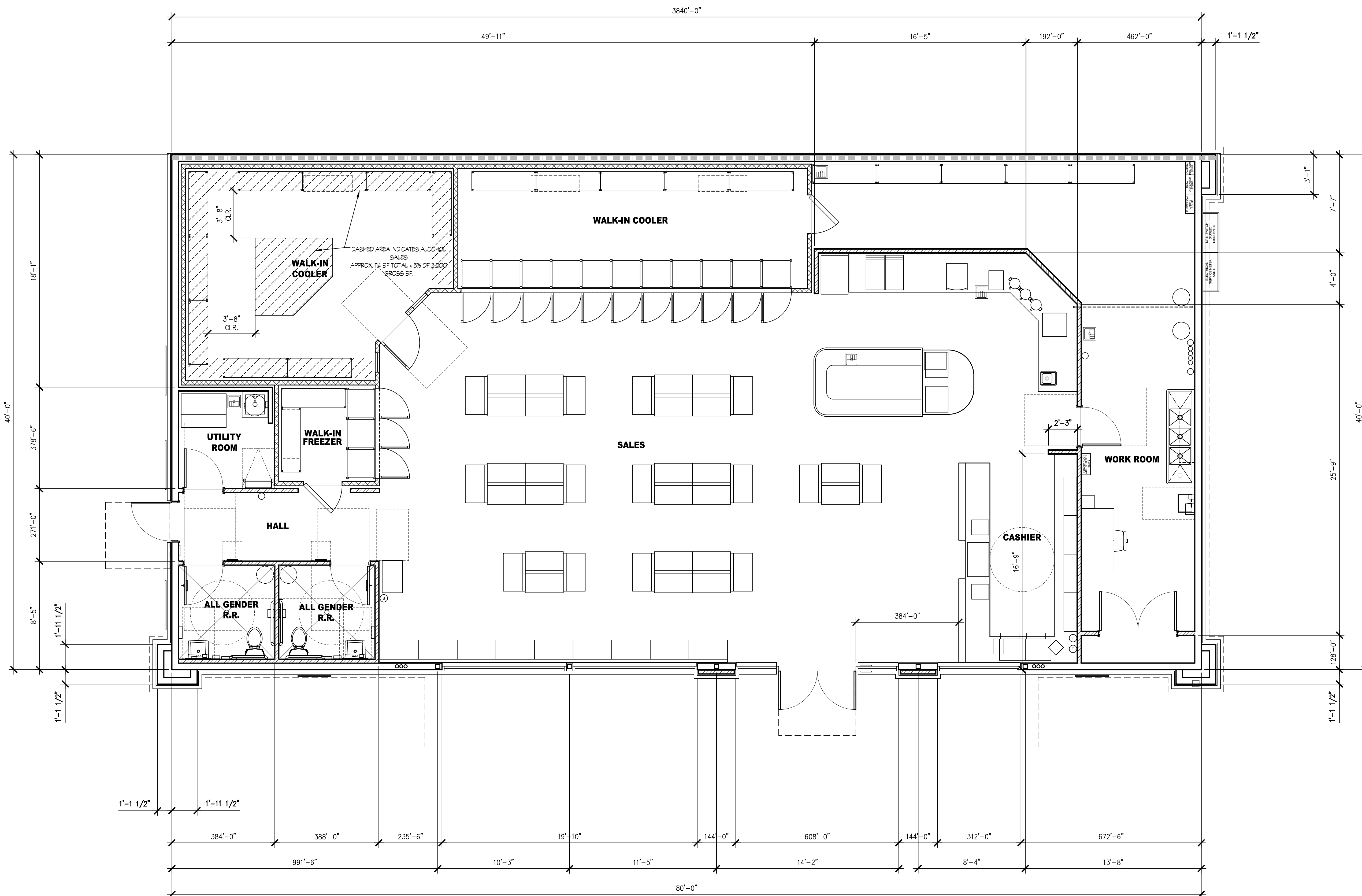
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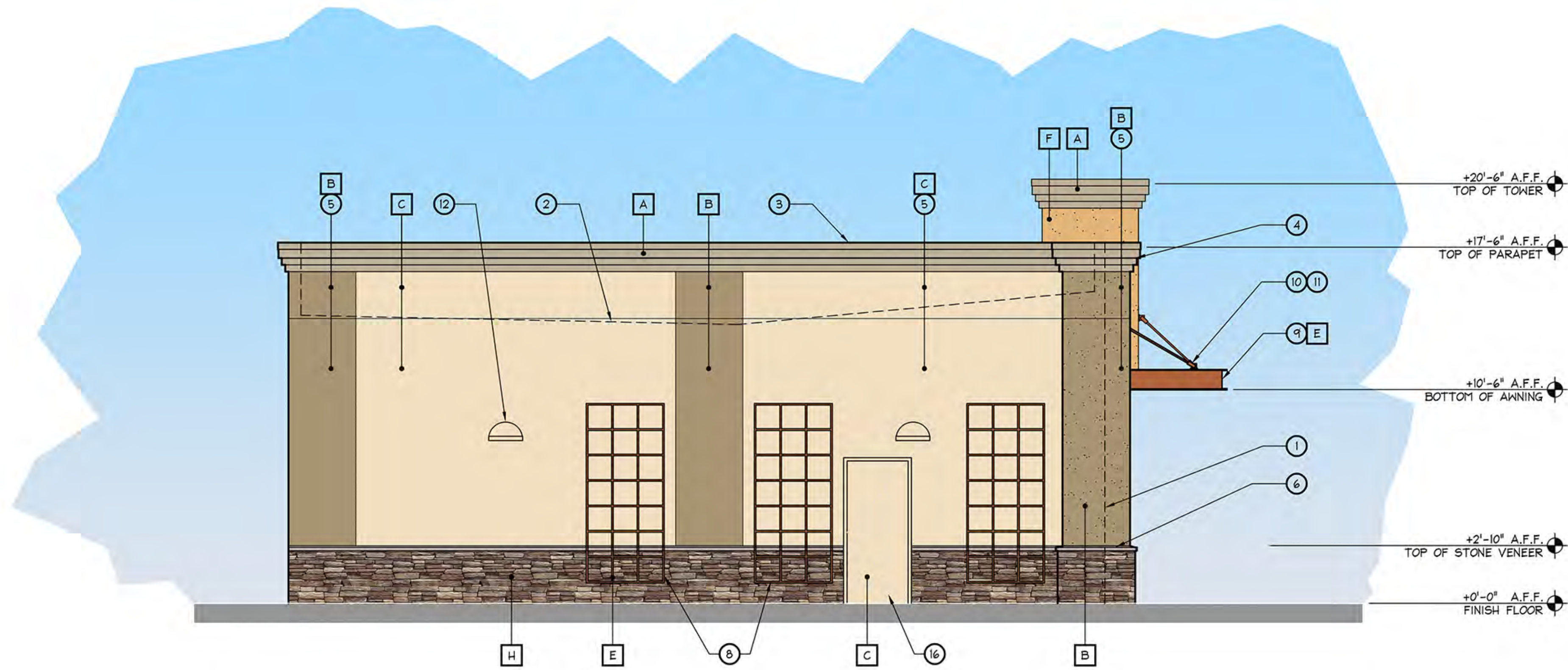
SHEET CONTENTS:

**FLOOR PLAN**

SHEET NUMBER:

**A201**





CONVENIENCE STORE - SOUTH ELEVATION

SCALE: 1/4"=1'-0"

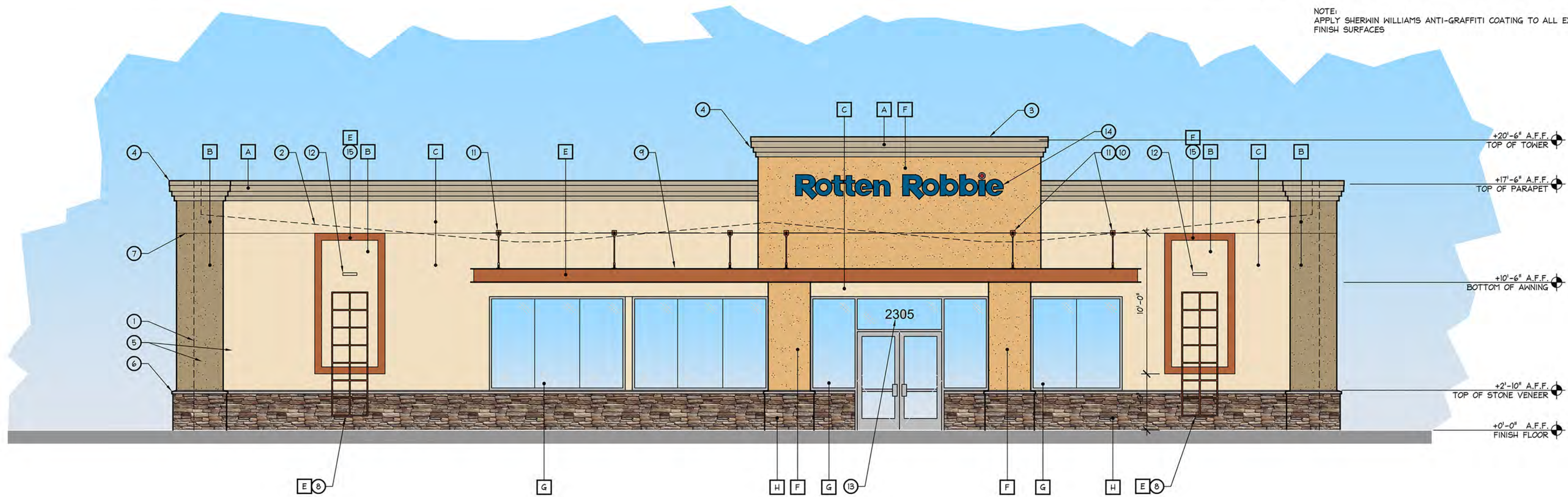
**KEY NOTES**

- 1 LINE OF WALL BEYOND.
- 2 LINE OF ROOF BEYOND.
- 3 GALVANIZED SHEET METAL PARAPET CAP, PAINT TO MATCH CORNICE.
- 4 FOAM PARAPET CORNICE MOLDING.
- 5 EXTERIOR PLASTER FINISH.
- 6 PRECAST WATERTABLE, MATCH STONE VENEER.
- 7 EXTERIOR PLASTER EXPANSION JOINT.
- 8 ALUMINUM TRELLIS, SEE SHEET A103
- 9 STEEL CHANNEL AWNING FASCIA, SEE STRUCTURAL DRAWINGS.
- 10 NON-STRUCTURAL AWNING BRACKET, TIE ROD AND TURNBUCKLES.
- 11 INSTALL NON-STRUCTURAL AWNING BRACKETS AT THE SAME ELEVATIONS, ADJUST TIE ROD ANGLES AS REQUIRED FOR WALL PLANE DIFFERENCE.
- 12 LIGHT FIXTURE, SEE ELECTRICAL DRAWINGS.
- 13 BUILDING ADDRESS, 6" HIGH NUMERALS WITH MINIMUM 1" WIDE BRUSH STROKE.
- 14 ILLUMINATED BUILDING SIGNAGE, UNDER A SEPARATE PERMIT APPLICATION.
- 15 FOAM TRIM
- 16 STEEL MAN DOOR, TYP.

**COLOR LEGEND**

- A SHERWIN WILLIAMS "AVENUE TAN" - SW7543.
- B SHERWIN WILLIAMS "PRICKLY PEAR" - SW2218.
- C SHERWIN WILLIAMS "BUFF" - SW7683.
- D NOT USED
- E ICI "COLORADO RUST" - 267.
- F SHERWIN WILLIAMS "MUSTARD FIELD" - SW2341.
- G ALUMINUM STOREFRONT - CLEAR ANODIZED ALUMINUM.
- H STONE VENEER - ELDORADO STONE "RUSTIC LEDGE" - SARATOGA (OR APPROVED EQUAL)

NOTE:  
APPLY SHERWIN WILLIAMS ANTI-GRAFFITI COATING TO ALL EXTERIOR FINISH SURFACES



CONVENIENCE STORE - EAST ELEVATION

SCALE: 1/4"=1'-0"



**Architects**

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CONSULTANTS:

CONTRACTOR:

PROJECT:

**ROTTEN  
ROBBIE #11  
CP-18-027**

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**Santa Clara, CA 95050**

REVISIONS:

PLANNING REVISIONS AUG. 1, 2018

PROFESSIONAL SEALS:



PROJECT NUMBER: 17-043

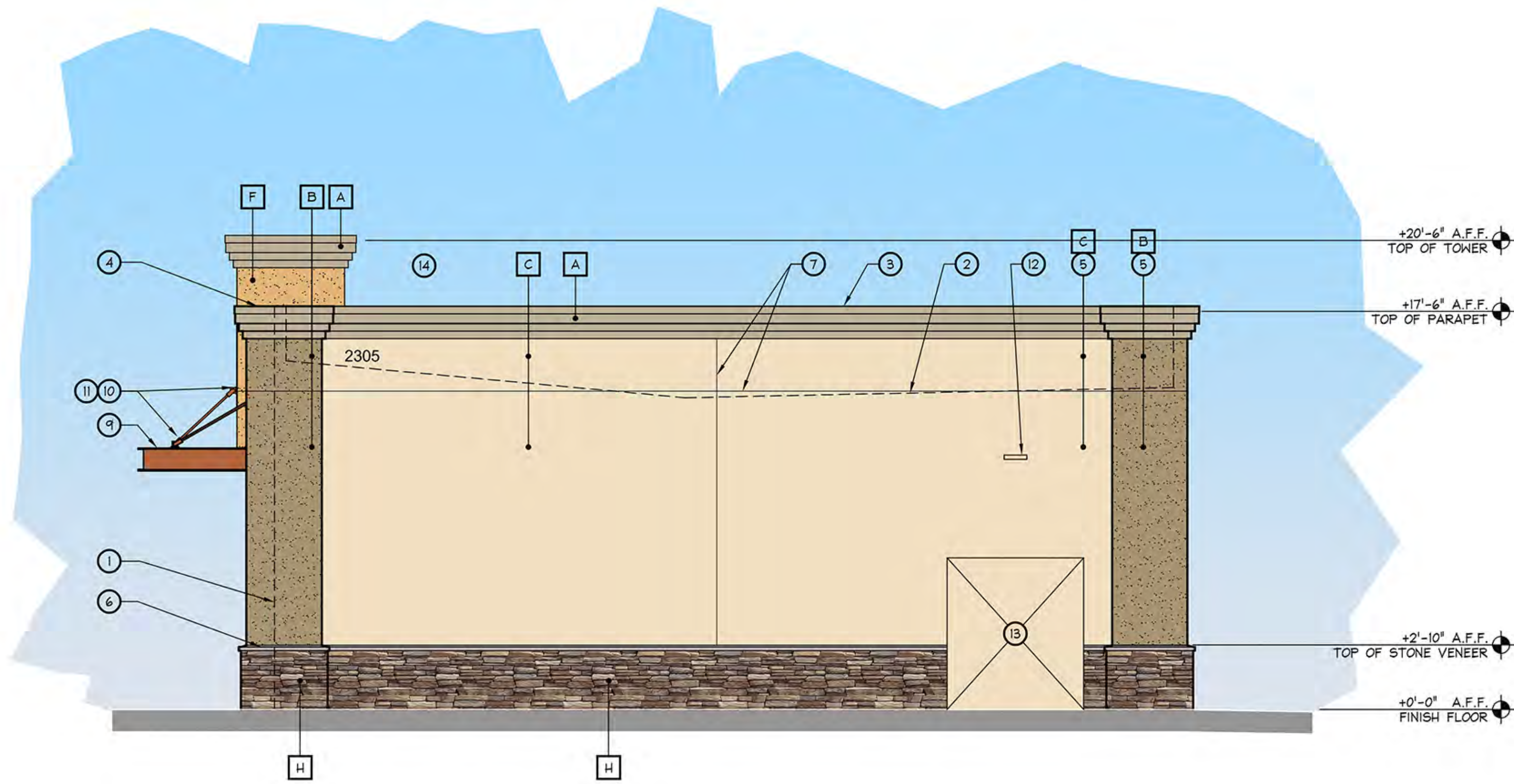
PROJECT DATE: 10-13-2017

SHEET CONTENTS:

**CONVENIENCE  
STORE  
EXTERIOR  
ELEVATIONS**

SHEET NUMBER:

**A301**



**CONVENIENCE STORE - NORTH ELEVATION**

SCALE: 1/4"=1'-0"

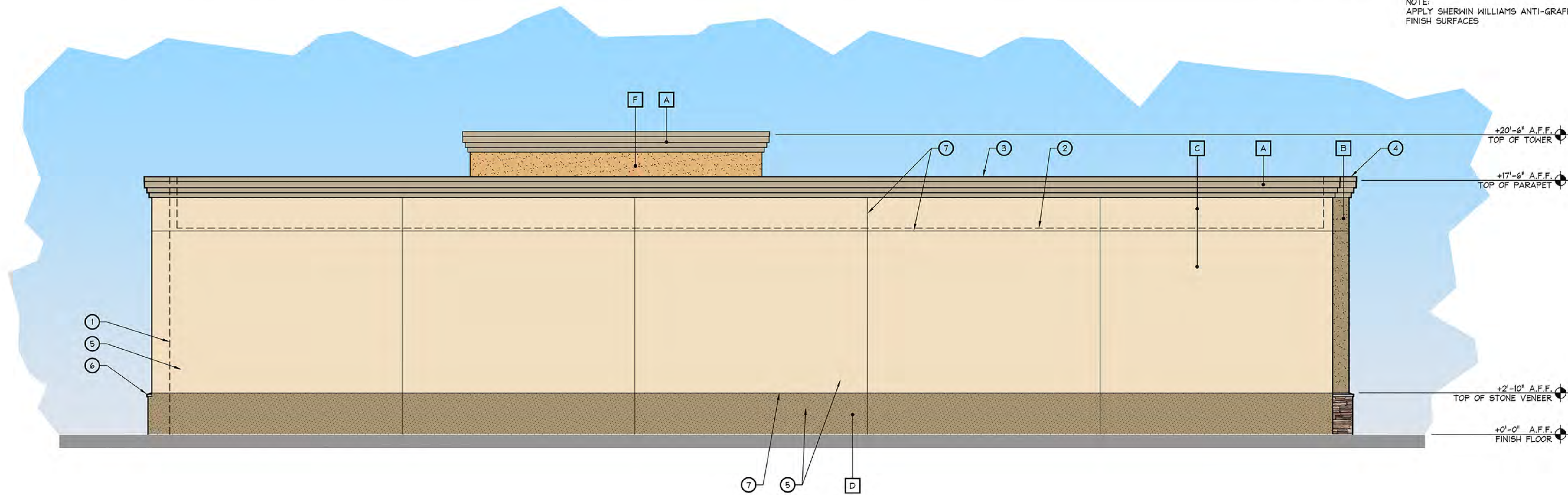
**KEY NOTES**

- ① LINE OF WALL BEYOND.
- ② LINE OF ROOF BEYOND.
- ③ GALVANIZED SHEET METAL PARAPET CAP, PAINT TO MATCH CORNICE.
- ④ FOAM PARAPET CORNICE MOLDING.
- ⑤ EXTERIOR PLASTER FINISH.
- ⑥ PRECAST WATERTABLE, MATCH STONE VENEER.
- ⑦ EXTERIOR PLASTER EXPANSION JOINT.
- ⑧ ALUMINUM TRELLIS, SEE DETAIL 16/A10.1.
- ⑨ STEEL CHANNEL AWNING FASCIA, SEE STRUCTURAL DRAWINGS.
- ⑩ NON-STRUCTURAL AWNING BRACKET, TIE ROD AND TURNBUCKLES.
- ⑪ INSTALL NON-STRUCTURAL AWNING BRACKETS AT THE SAME ELEVATIONS, ADJUST TIE ROD ANGLES AS REQUIRED FOR WALL PLANE DIFFERENCE.
- ⑫ LIGHT FIXTURE, SEE ELECTRICAL DRAWINGS.
- ⑬ ELECTRICAL CABINET, SEE ELECTRICAL DRAWINGS.
- ⑭ BUILDING ADDRESS, 6" HIGH NUMERALS WITH MINIMUM 1" WIDE BRUSH STROKE.

**COLOR LEGEND**

- A SHERWIN WILLIAMS "AVENUE TAN" - SW7543.
- B SHERWIN WILLIAMS "PRICKLY PEAR" - SW2218.
- C SHERWIN WILLIAMS "BUFF" - SW7683.
- D SHERWIN WILLIAMS "OUTRIGGER" - SW2202.
- E ICI "COLORADO RUST" - 267.
- F SHERWIN WILLIAMS "MUSTARD FIELD" - SW2341.
- G NOT USED
- H STONE VENEER - ELDORADO STONE "RUSTIC LEDGE" - SARATOGA (OR APPROVED EQUAL)

NOTE:  
APPLY SHERWIN WILLIAMS ANTI-GRAFFITI COATING TO ALL EXTERIOR FINISH SURFACES



**CONVENIENCE STORE - WEST ELEVATION**

SCALE: 1/4"=1'-0"



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CONSULTANTS:

CONTRACTOR:

PROJECT:

**ROTTEN  
ROBBIE #11  
CP-18-027**

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San Jose, California  
95122-1057

DEVELOPER:

**Robinson Oil Corporation**  
**955 Martin Ave.**  
**Santa Clara, CA 95050**

REVISIONS:

PLANNING REVISIONS AUG. 1, 2018

PROFESSIONAL SEALS:



PROJECT NUMBER: **17-043** PROJECT DATE: **10-13-2017**

SHEET CONTENTS:

**CONVENIENCE  
STORE  
EXTERIOR  
ELEVATIONS**

SHEET NUMBER:

**A302**



**K12  
Architects**

K12 Architects, Inc  
3090 File Circle, #104  
Sacramento, CA 95827  
PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

CONTRACTOR:

PROJECT:

**ROTTEN  
ROBBIE #11  
CP-18-027**

2305 Story Road  
San Jose, California  
95122-1057

DEVELOPER:

**Robinson Oil Corporation**  
**955 Martin Ave.**  
**Santa Clara, CA 95050**

REVISIONS:

PLANNING REVISIONS    AUG. 1, 2018

PROFESSIONAL SEALS:



PROJECT NUMBER: **17-043**    PROJECT DATE: **10-13-2017**

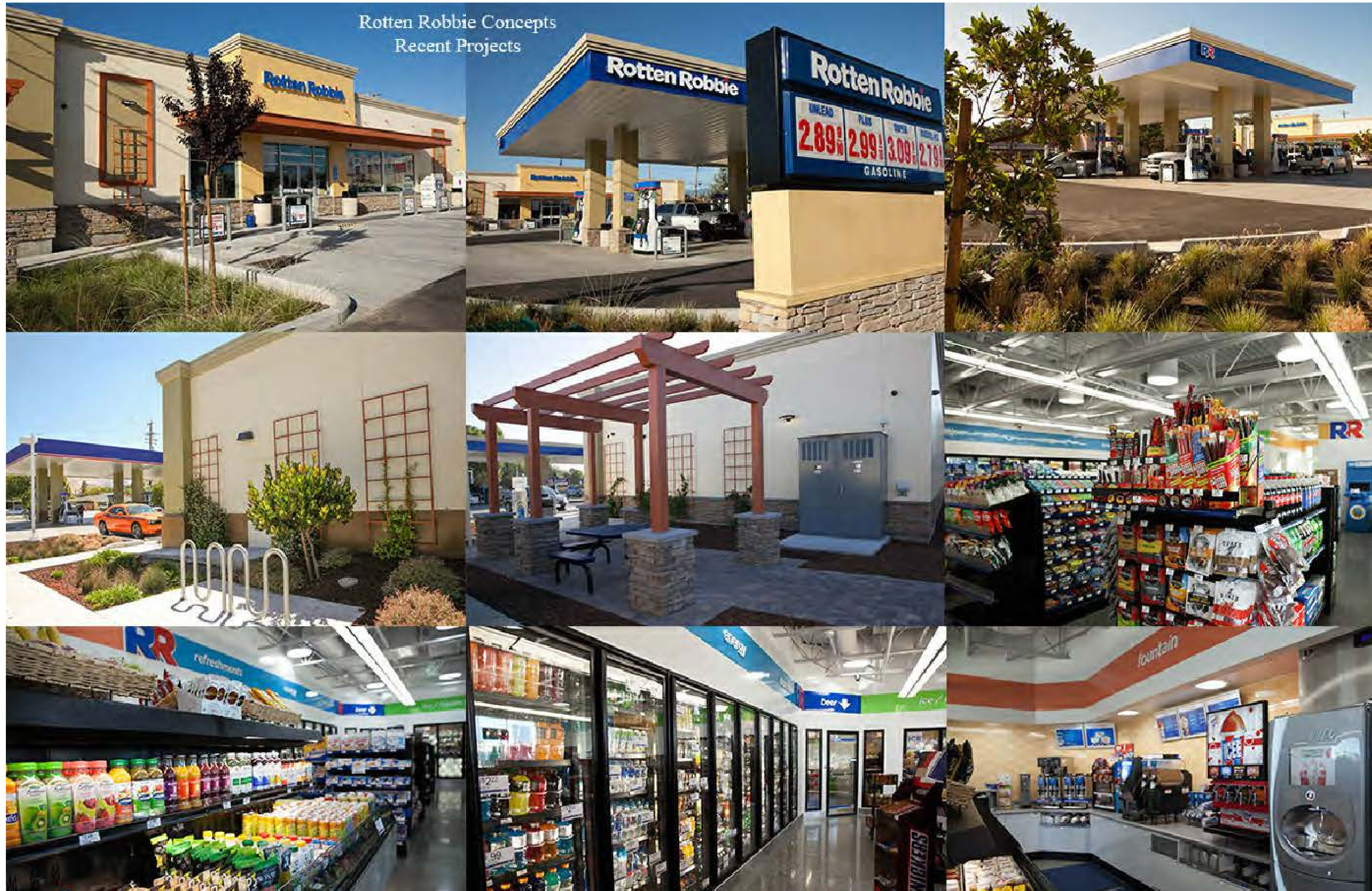
SHEET CONTENTS:

**EXISTING RR  
PROJECT  
PHOTOS**

SHEET NUMBER:

**A303**

Rotten Robbie Concepts  
Recent Projects



**KEY NOTES**

① EXISTING CANOPY COLUMN. PREPARE FOR PAINT AND PAINT, TYP.

**COLOR LEGEND**

□ SHERWIN WILLIAMS "BUFF" - SW7603.

NOTE:  
APPLY SHERWIN WILLIAMS ANTI-GRAFFITI COATING TO ALL EXTERIOR FINISH SURFACES



**Architects**

K12 Architects, Inc  
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Sacramento, CA 95827  
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**Rotten Robbie #11**

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PROFESSIONAL SEALS:



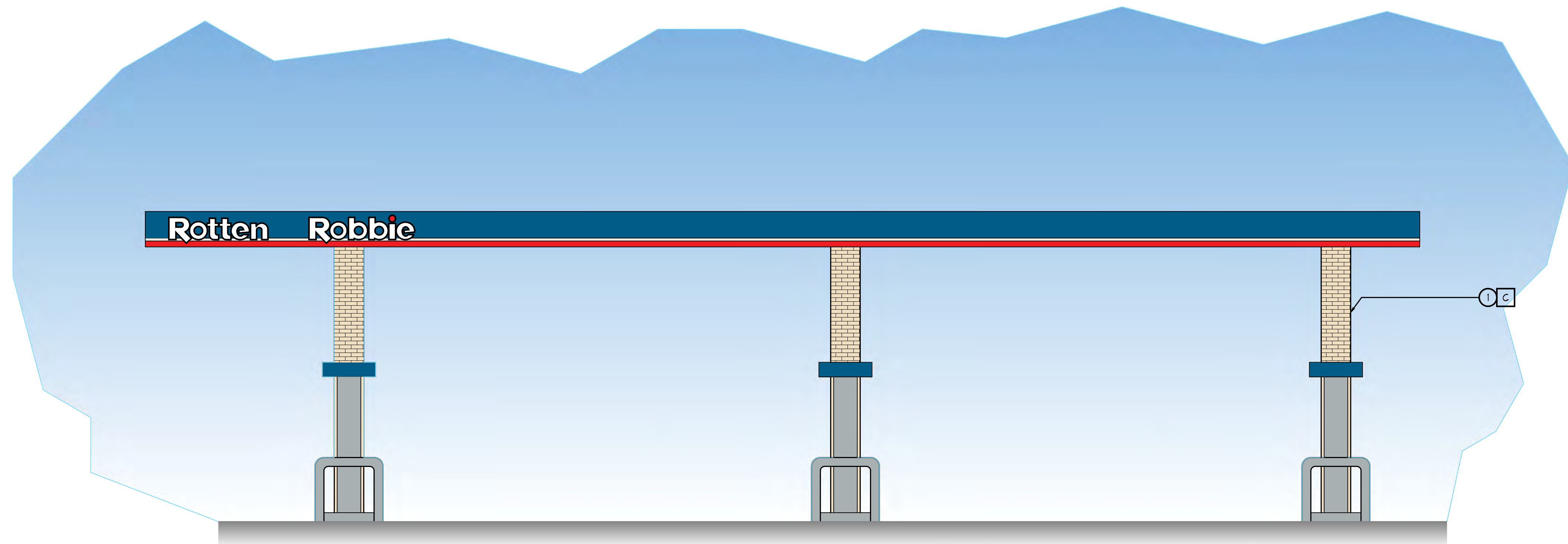
PROJECT NUMBER: **17-043**    PROJECT DATE: **10-13-2017**

SHEET CONTENTS:

**EXISTING CANOPY ELEVATIONS**

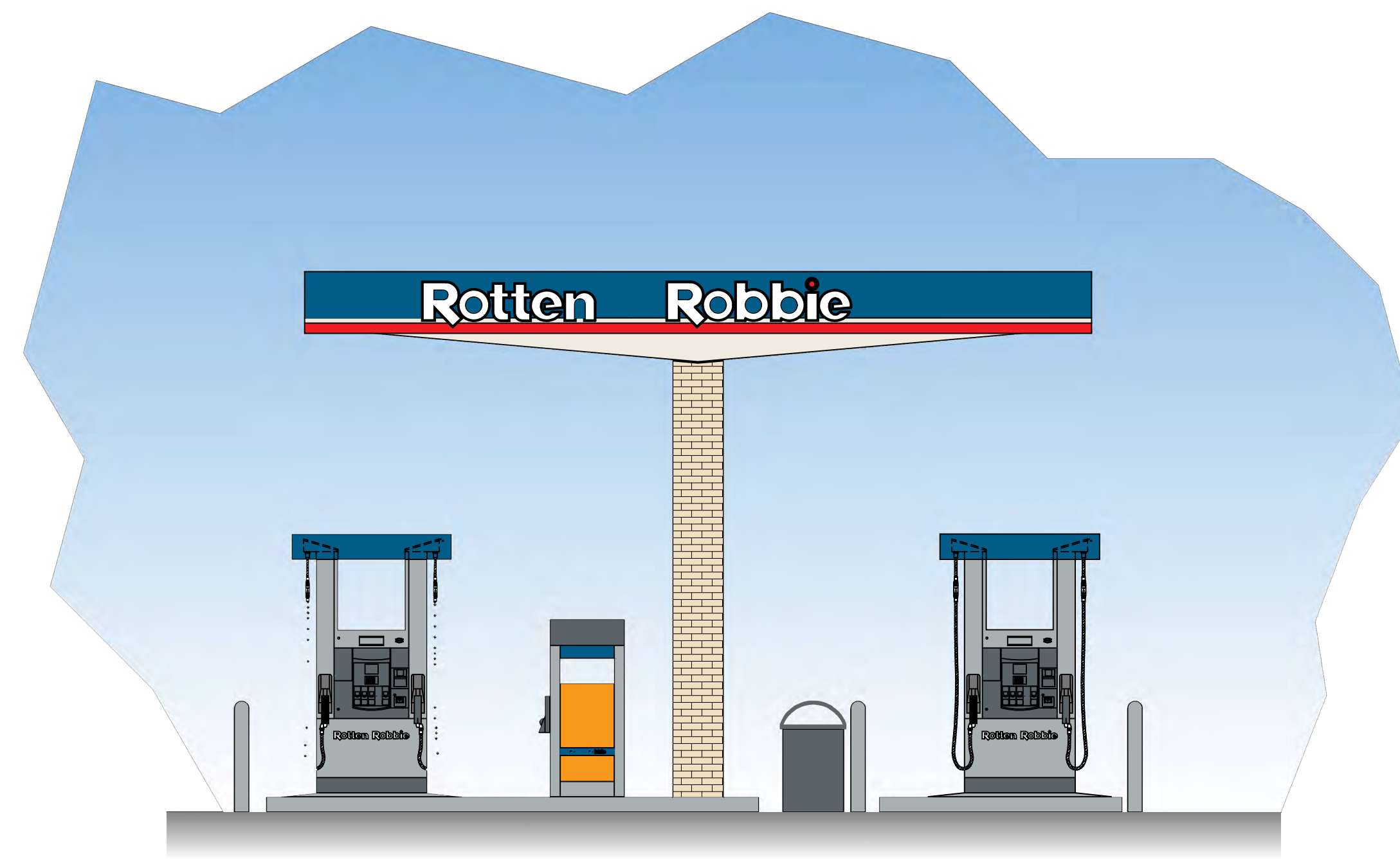
SHEET NUMBER:

**A901**



**18 EAST ELEVATION**

SCALE: 1/4"=1'-0"



**12 SOUTH ELEVATION**

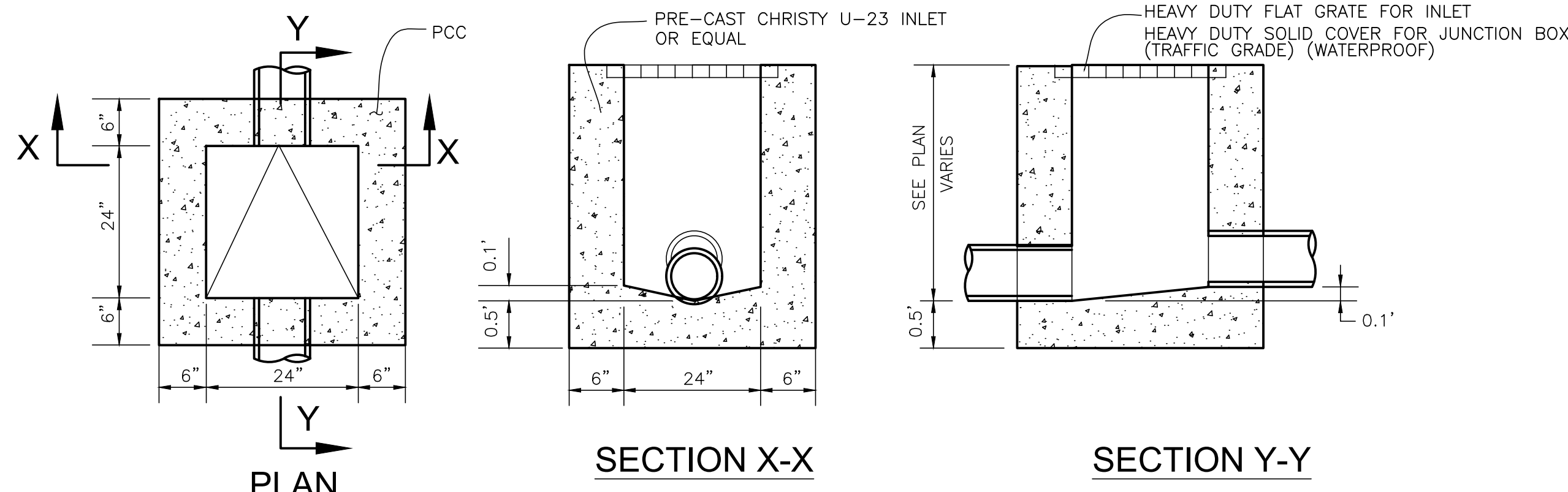
SCALE: 1/4"=1'-0"

# PRELIMINARY GRADING AND DRAINAGE PLANS

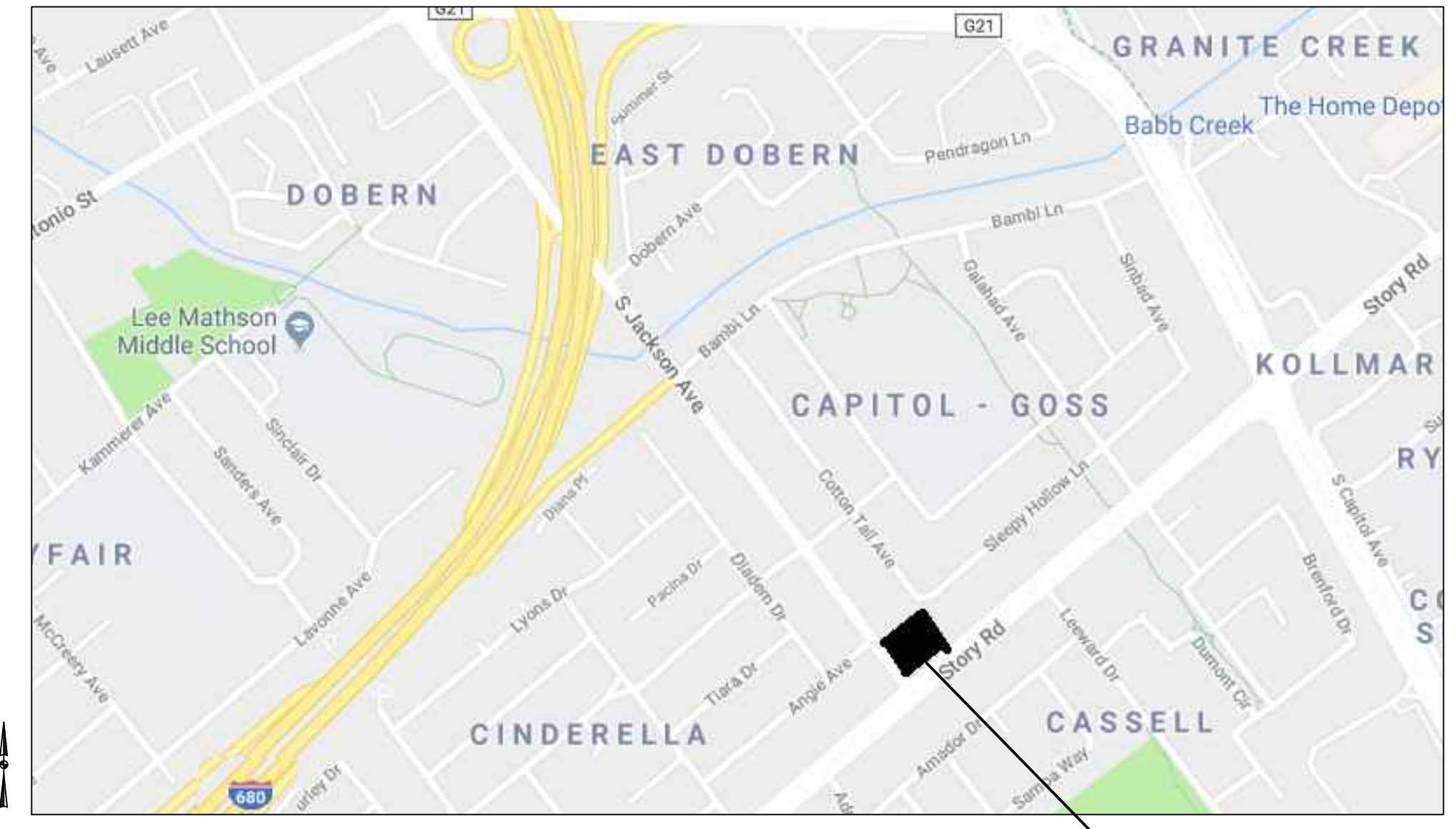
## RETAIL BUILDING AT GAS STATION

### 2035 STORY ROAD,

ABBREVIATIONS			
DESCRIPTION	DESCRIPTION	DESCRIPTION	
AB	AGGREGATE BASE (CLASS AS NOTED)	JP	JOINT POLE
AC	ASPHALT CONCRETE	MON	MONUMENT
AD	AREA DRAIN	OG	ORIGINAL GROUND
BC	BEGIN OF CURVE	PB	PULL BOX
BO	BLOW OFF	PGEV	PG&E VAULT
BW	BACK OF WALK	R_PL	PROPERTY LINE
BWAL	BLACK WALNUT TREE	PP	POWER POLE
CF	GARAGE FINISH FLOOR (BACK)	PPP	PLASTIC PERFORATED PIPE
C.L.	CENTERLINE	PSE	PUBLIC SERVICE EASEMENT
CLSW	CENTERLINE SWALE	PVC	POLYVINYL CHLORIDE
CO	CLEANOUT	R/W	RIGHT OF WAY
CP	CONTROL POINT	RCP	REINFORCED CONCRETE PIPE
DDW	DIRT DRIVEWAY	SD	STORM DRAIN
DI	DROP INLET	SDMH	STORM DRAIN MANHOLE
DLITE	DAYLIGHT	SS	SANITARY SEWER LINE
ELCT	ELECTRIER	SSMH	SANITARY SEWER MANHOLE
EUC	EDGE OF PAVEMENT ELEVATION	SW	SIDEWALK
EUC	EUCALYPTUS TREE	TC	TOP OF CURB
EX	EXISTING	TOB	TOP OF BANK
FF	FINISHED FLOOR	TOE	TOE OF SLOPE
FG	FINISH GRADE	TF	TOP OF FOUNDATION
FH	FIRE HYDRANT	TP	TOP OF PIPE
FL	FLOWLINE	UG	UNDERGROUND GAS
FNC	FENCE	USS	UNDERGROUND SANITARY SEWER
FG	FOG LINE	UST	UNDERGROUND STORM DRAIN
CB	GRADE BREAK	UT	UNDERGROUND TELEPHONE
GFF	GARAGE FINISHED FLOOR (FRONT)	UW	UNDERGROUND WATER
GUY	GUY WIRE	VCP	VITRIFIED CLAY PIPE
HP	HIGH POINT	WL	WHITE LINE STRIPE
IP	IRON PIPE	WM	WATER METER
LIP	LIP OF GUTTER	WV	WATER VALVE
C&G	CURB AND GUTTER	YL	YELLOW LINE STRIPE



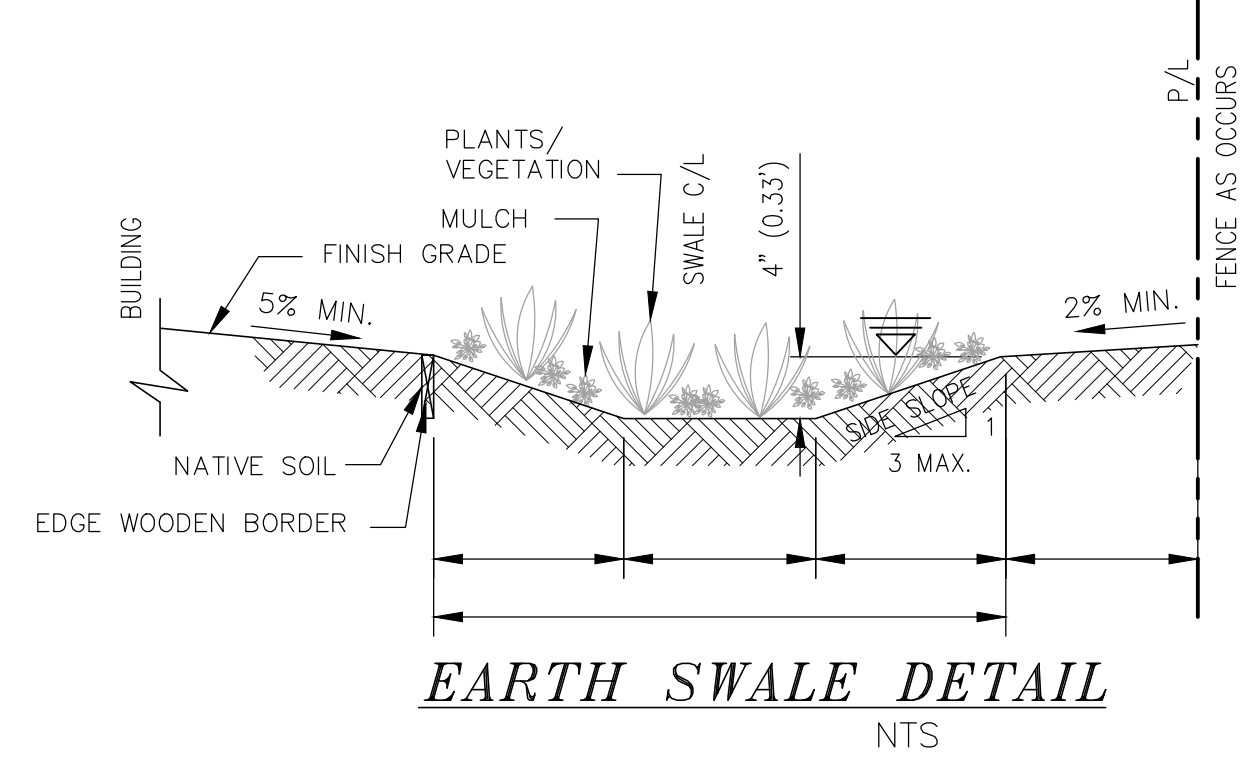
SECTION X-X  
SECTION Y-Y  
STORM DRAIN INLET & JUNCTION BOX  
N.T.S.



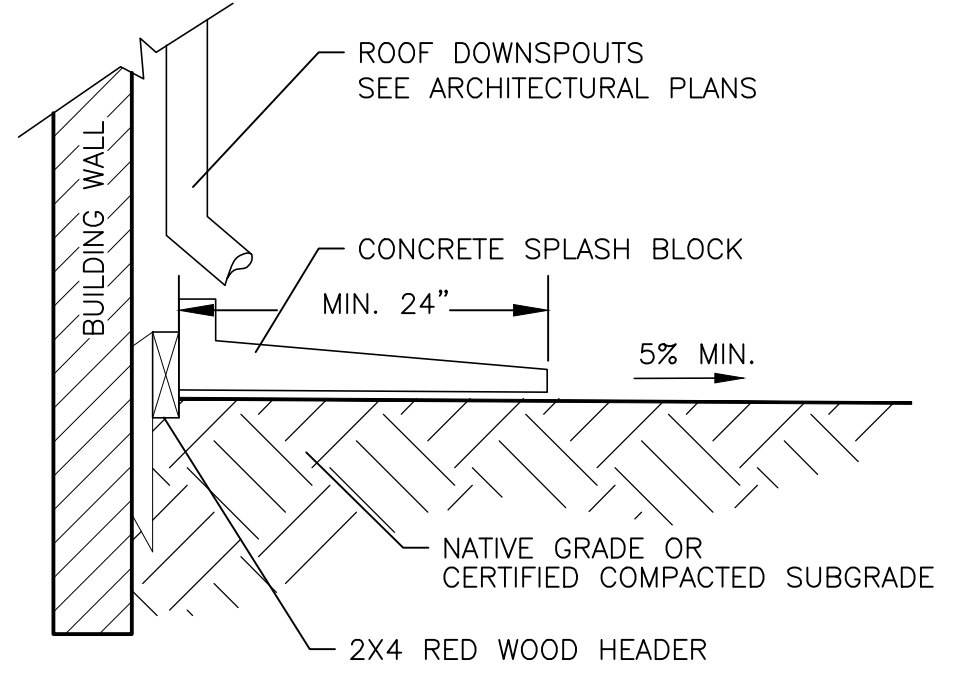
LOCATION MAP  
N.T.S.

EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
F	F	FILL AREA LIMIT
C	C	CUT AREA LIMIT
102	102	CONTOUR
W	W	WATER LINE
SD	SD	STORM DRAIN PIPE (SOLID)
SS	SS	SANITARY SEWER PIPE
SUB	SUB	SUBDRAIN PIPE (PERFORATED)
OH	OH	OVERHEAD UTILITIES WITH POLE
G	G	GAS LINE
E	E	ELECTRIC LINE (UNDERGROUND)
JT	JT	JOINT TRENCH
SLV	SLV	STREET LIGHT VAULT
SSCO	SSCO	SANITARY SEWER CLEANOUT
○	●	SANITARY SEWER MANHOLE
○	●	STORM DRAIN MANHOLE
⊗	⊗	ELECTRIER
⊗	⊗	WATER METER
○	○	TREE WITH TRUNK
x-x	x-x	6' WOODEN FENCE
102.23	102.23	SPOT ELEVATION
○	○	TREE PROTECTION FENCE 5' TALL CHAIN LINK
---	---	SWALE
→	→	DIRECTION OF FLOW IN PIPE
⊗	⊗	STORM DRAIN JUNCTION BOX
→	→	OVERLAND RELEASE PATH
→	→	GRADE TO DRAIN, 2% MIN. AWAY FROM HOUSE 1% MIN. FROM PROPERTY LINE TO SWALE
⊗	⊗	(E) TREE TO BE REMOVE
↓	↓	DOWN-SPOUT
○	○	POP-UP EMITTER

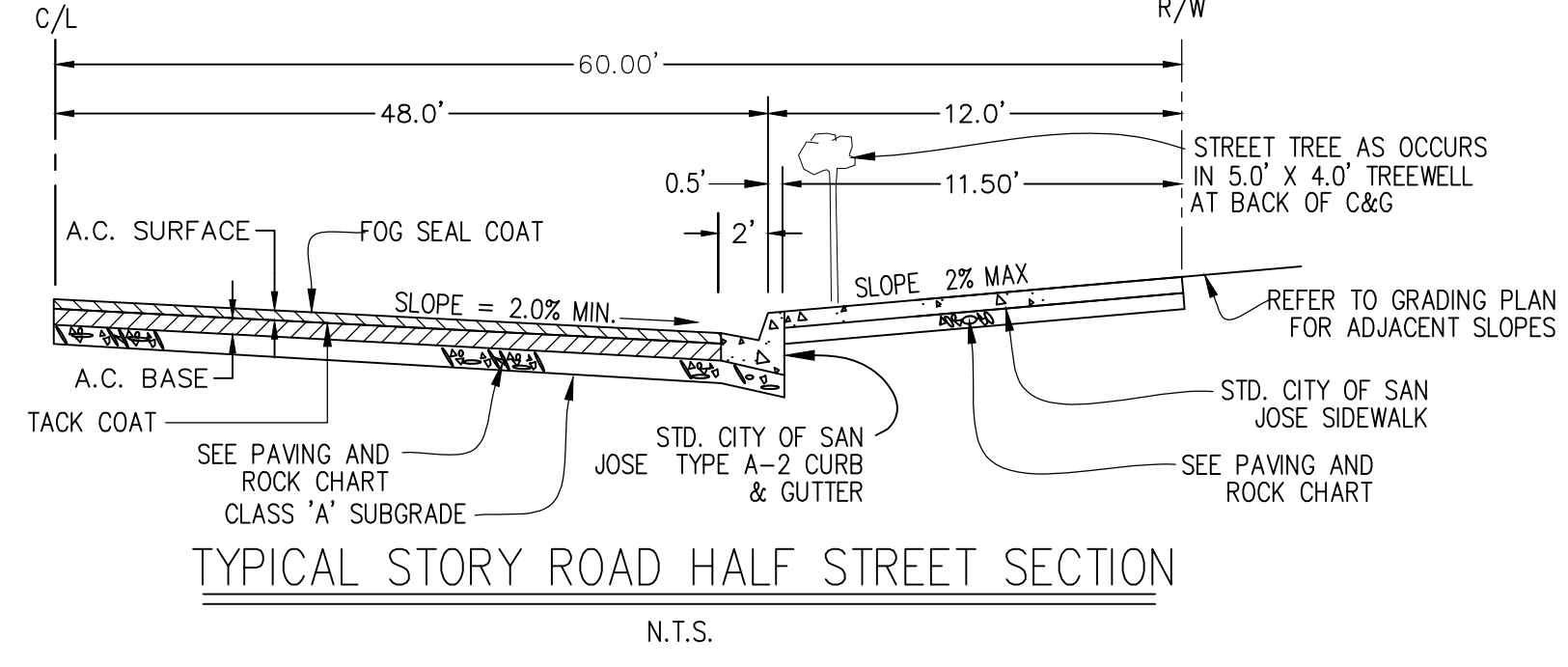
LEGEND



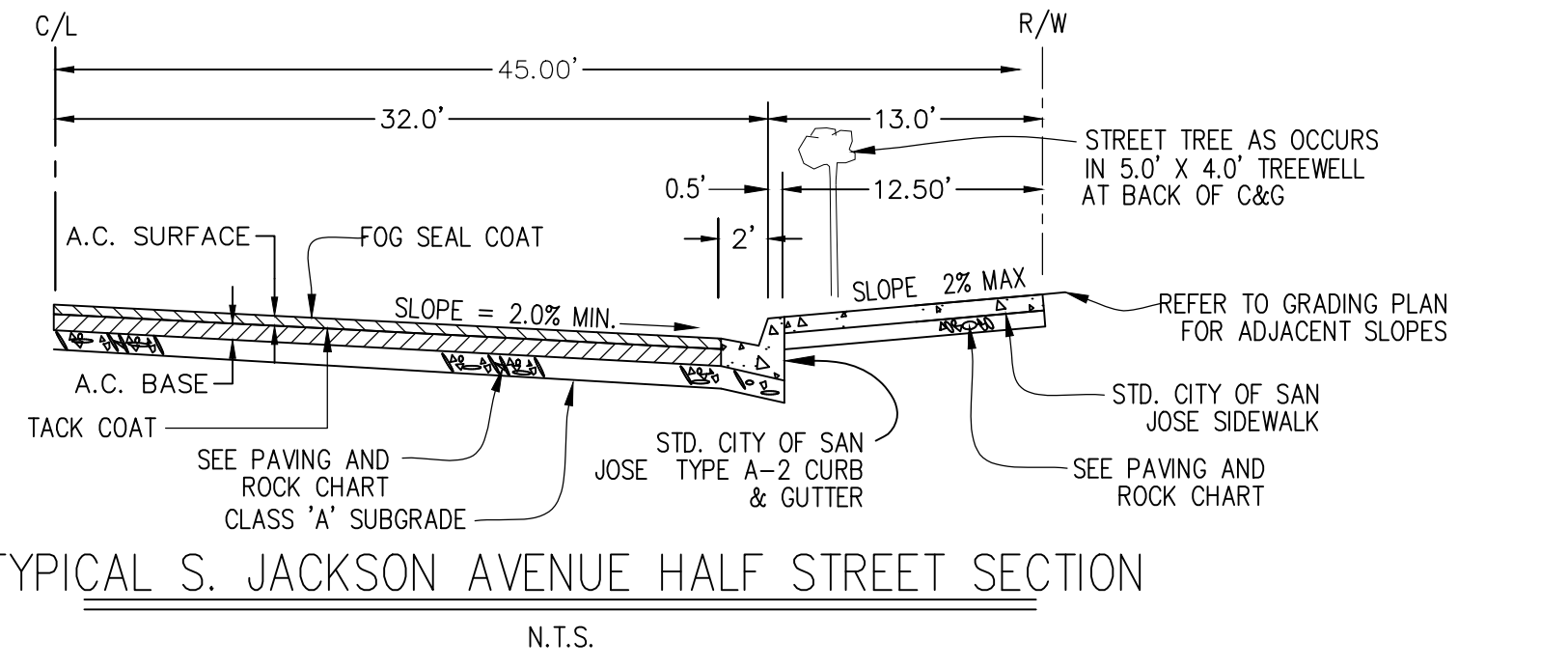
EARTH SWALE DETAIL  
N.T.S.



SPLASH BLOCK  
N.T.S.



TYPICAL STORY ROAD HALF STREET SECTION  
N.T.S.



TYPICAL S. JACKSON AVENUE HALF STREET SECTION  
N.T.S.

SHEET INDEX:

- C-1 COVER SHEET/ NOTES/ DETAILS
- C-2 GRADING AND DRAINAGE PLAN
- C-3 STORMWATER MANAGEMENT PLAN
- C-4 STORMWATER MANAGEMENT PLAN NOTES/ DETAILS

NOTE:

GRADING AND DRAINAGE PLANS SHALL BE REVIEWED AND APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER.

NOTICE TO CONTRACTORS  
CONTRACTOR TO NOTIFY U.S.A. (UNDERGROUND SERVICE ALERT) AT 800-227-2600 A MINIMUM OF 2 WORKING DAYS BEFORE BEGINNING UNDERGROUND WORK FOR VERIFICATION OF THE LOCATION AND DEPTH OF UNDERGROUND UTILITIES.

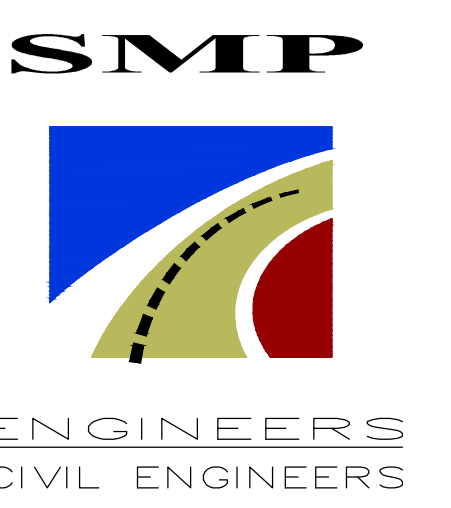


BASIS OF BEARINGS:

THE BEARING N 36°30'30" W OF CENTERLINE OF JACKSON AVE., AS SHOWN ON THAT CERTAIN TRACT NO. 2202, RECORDED IN BOOK 103 OF MAPS, AT PAGE 55, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

PROJECT BENCHMARK:

S.C.V.W.D. BENCHMARK BM #214 DISK FOUND ELEV= 107.84(NAVD 88 DATUM)



1534 CAROB LANE  
LOS ALTOS, CA 94024  
TEL: (650) 941-8055  
FAX: (650) 941-8755

OWNER:

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SMP ENGINEERS  
CIVIL ENGINEERS

COVER SHEET/ NOTES/ DETAILS  
2035 STORY ROAD,  
SAN JOSE, CA 95122  
PRELIMINARY GRADING AND DRAINAGE PLANS

Revisions:



CSJ PLANING FILE NO.  
CP18-027

Date: 8/15/2019  
Scale: N.T.S.  
Designed by: V.G.  
Checked by: S.R.  
Job #: 218117

Sheet: 1 OF 4

PW PROJECT # 3-16090 C-1

OWNER:

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GRADING AND DRAINAGE PLAN  
2035 STORY ROAD,  
SAN JOSE, CA 95122

PRELIMINARY GRADING AND DRAINAGE PLANS

Revisions:

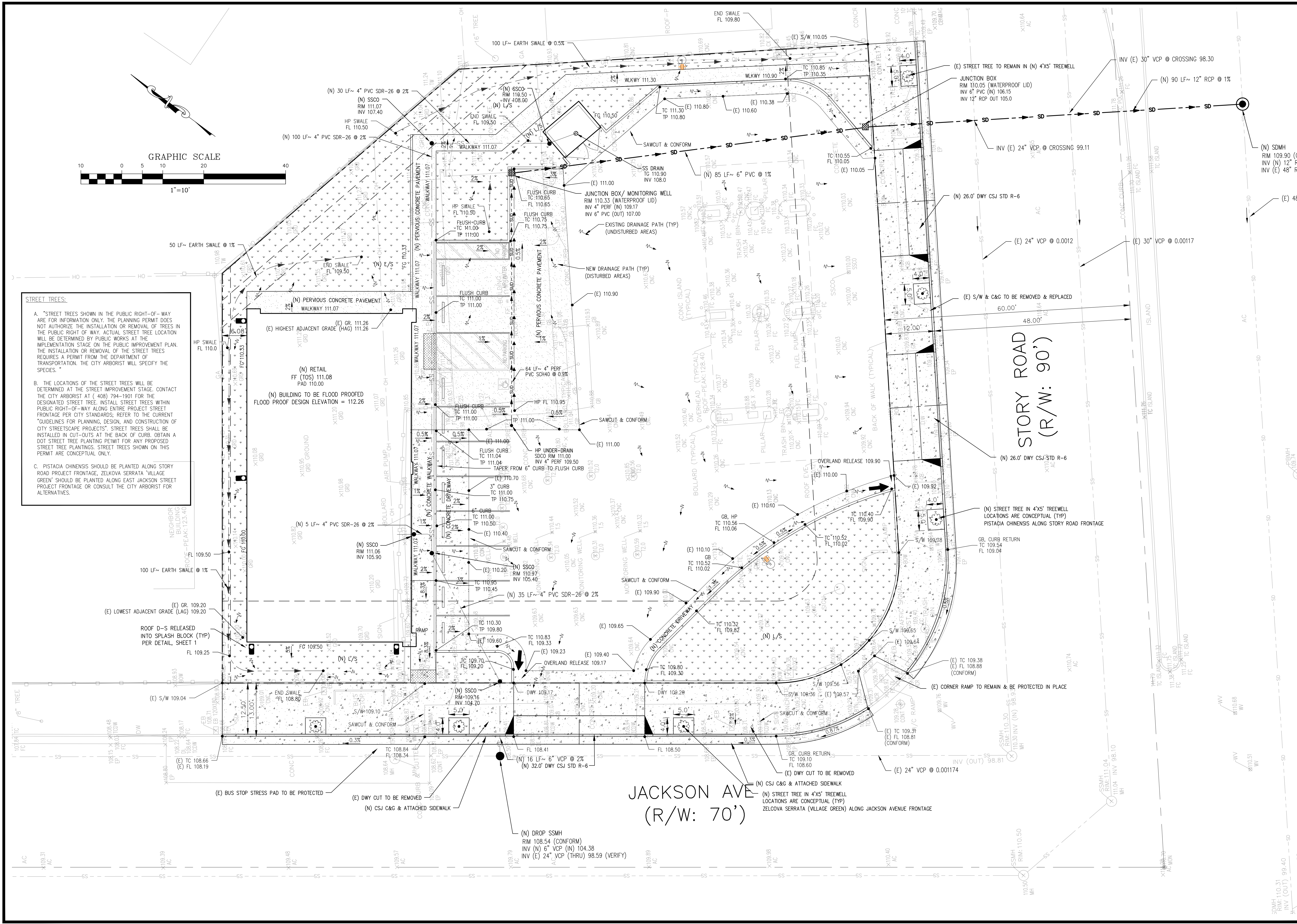


CSJ PLANING FILE NO.  
CP18-027

Date: 8/15/2019  
Scale: 1"=10'  
Designed by: V.G.  
Checked by: S.R.  
Job #: 218117

Sheet: 2 OF 4

PW PROJECT # 3-16090 C-2



**STREET TREES:**

A. "STREET TREES SHOWN IN THE PUBLIC RIGHT-OF-WAY ARE FOR INFORMATION ONLY. THE PLANNING PERMIT DOES NOT AUTHORIZE THE INSTALLATION OR REMOVAL OF TREES IN THE PUBLIC RIGHT OF WAY. ACTUAL STREET TREE LOCATION WILL BE DETERMINED BY PUBLIC WORKS AT THE IMPLEMENTATION STAGE ON THE PUBLIC IMPROVEMENT PLAN. THE INSTALLATION OR REMOVAL OF THE STREET TREES REQUIRES A PERMIT FROM THE DEPARTMENT OF TRANSPORTATION. THE CITY ARBORIST WILL SPECIFY THE SPECIES."

B. THE LOCATIONS OF THE STREET TREES WILL BE DETERMINED AT THE STREET IMPROVEMENT STAGE. 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. STREET TREES SHOWN ON THIS PERMIT ARE CONCEPTUAL ONLY.

C. PISTACIA CHINENSIS SHOULD BE PLANTED ALONG STORY ROAD PROJECT FRONTAGE. ZELKOVA SERRATA "VILLAGE GREEN" SHOULD BE PLANTED ALONG EAST JACKSON STREET PROJECT FRONTAGE OR CONSULT THE CITY ARBORIST FOR ALTERNATIVES.

JACKSON AVE  
(R/W: 70')

STORY ROAD  
(R/W: 90')

SIZING FOR VOLUME BASED TREATMENT			
DMA #	5		
A=	2960	s.f.	
Impervious Area =	0	s.f.	% Imperviousness (I)= 0.00%
Pervious Pavement Area =	2960	s.f.	
MAPsite =	15		Correction Factor= 1.0791
MAPgage =	13.9		
P6(gage):	0.512	in	
P6(site)= P6(gage) x Correction Factor			
P6(site): 0.55252 in			
Cw= 0.858i^3 - 0.78i^2 + 0.774i + 0.04			
Cw: 0.0400000			
Regression Factor (a) a = 1.963 (48 hour draw down)			
Po = a x Cw x P6(site)			
Po: 0.04338 in.			
Design Volume = Po x A x 1ft/12in			
Design Volume = 10.7013 ft^3			

SELF RETAINING (PERVIOUS PAVEMENT)		
Porosity of Rock*	Min. Storage Depth Required (in)	Pervious ≥ 1/2 Impervious**
0.40	0.11	Yes
Minimum Storage Depth = Design Volume (c.f.) / Pervious Pavement Area (s.f.) / rock porosity x 12 in/1 ft		
* Porosity of Class II Permeable = 0.4 based on SCVUURP training.		
** If value = "No" increase size of pervious pavement.		

SIZING FOR VOLUME BASED TREATMENT.  
THIS TABLE IS FOR INFORMATION ONLY, DMA # 5 IS A SELF-TREATING AREA.

## 2. SURFACE DATA

- 2.a. Enter the Project Phase Number (1, 2, 3, etc. or N/A if Not Applicable): N/A
- 2.b. Total area of site: 0.53 acres
- 2.c. Total Existing Impervious Surfaces on site: 16,964 sq. ft.
- 2.d. Total area of site that will be disturbed: 0.30 acres

COMPARISON OF IMPERVIOUS AND PERVIOUS SURFACES AT PROJECT SITE	Existing Surface Area Disturbed sq. ft.	Proposed Surface		RESET CALCULATIONS
		To Be Replaced sq. ft. <sup>1</sup>	New sq. ft. <sup>2</sup>	
<b>2.e. IMPERVIOUS SURFACES</b>				
Roof Area	1,408	163	3,131	Total Proposed Impervious Surface (replaced + new)
Parking	4,848	1,168	0	
Sidewalks, Patios, Driveways, Etc.	680	384	0	
Public Streets	0	0	0	
Private Streets	0	0	0	
Online form auto-calculates Impervious Surfaces Total	e.1. 6,936	e.2. 1,715	e.3. 3,131	e.4. 4,846
<b>2.f. PERVIOUS SURFACES</b>				
Landscaped Area	6,042	2,402	2,770	Total Proposed Pervious Surface (replaced + new)
Pervious Paving	0	509	2,451	
Green Roof and other Pervious Surfaces	0	0	0	
Online form auto-calculates Pervious Surfaces Total	f.1. 6,042	f.2. 2,911	f.3. 5,221	f.4. 8,132

2.g. Percentage of Site's Impervious Area Replacement (e.2 + 2.c) X 100: 10.11 %

- <sup>1</sup> Proposed Replaced Impervious Surface: Replacement of an existing impervious surface with another impervious surface.
- <sup>2</sup> Proposed New Impervious Surface: New impervious surface that will cover an existing pervious surface.

## Compliance with NPDES Permit Provision C.3:

The San Francisco Bay Regional Water Quality Control Board (SFRWQCB) incorporated updated requirements into Santa Clara County's National Pollution Discharge Elimination System (NPDES) Permit in August 06. These updated stormwater quality control requirements are predominantly in the category of new development discharge controls. The Permit requires that permanent, post-construction stormwater quality control measures be implemented as part of development projects.

Updated stormwater quality control measures include:  
 - Source Control Measures  
 - Site Design Measures  
 - Treatment Control Measures

Beginning August 15, 2006, all projects creating or replacing 10,000 sq. ft. or more of impervious surface area must design and install a permanent post-construction stormwater treatment facility on the site. The system must be designed and installed according to numeric sizing criteria.

All projects, regardless of size that create or replace impervious surface may be required to install stormwater quality controls to the maximum extent practicable.

This project proposes to implement appropriate source control and site design measures. The project creates/replaces LESS THAN 10,000 SQFT of impervious surface area, therefore, it is not required to provide stormwater treatment facilities based on numeric sizing criteria. However, the project proposes to implement stormwater treatment measures to maximize the removal of pollutants to the maximum extent practicable.

### SITE DESIGN MEASURES:

- PROTECT EXISTING TREES, VEGETATION, AND SOIL.
- REDUCE EXISTING IMPERVIOUS SURFACES.
- CREATE NEW PERVIOUS AREAS:
  - PARKING STALLS.
  - WALKWAYS AND PATIOS.
  - LANDSCAPE AREAS.
- DIRECT RUNOFF FROM ROOFS, SIDEWALKS, PATIOS TO LANDSCAPED AREAS.
- CLUSTER STRUCTURES/PAVEMENT.
- PARKING:
  - NOT PROVIDED IN EXCESS OF CODE.

### SOURCE CONTROL MEASURES:

- CONNECT THE FOLLOWING FEATURES TO SANITARY SEWER:
  - COVERED TRASH/ RECYCLING ENCLOSURES.
- SERVICE STATIONS/ FUELING AREAS (MUST INCLUDE ALL FOUR BELOW):
  - GRADE FUELING AREAS TO PREVENT PONDING.
  - USE CONCRETE FOR THE FUEL AREA SURFACE.
  - SEPARATE THE FUELING AREA FROM THE REST OF THE SITE BY A GRADE BREAKS THAT PREVENT RUN-OFF.
  - COVER THE FUELING AREAS WITH A CANOPY EXTENDING A MINIMUM OF TEN FEET FROM EACH PUMP.
- BENEFICIAL LANDSCAPING.
- USE OF WATER EFFICIENT IRRIGATION SYSTEMS.
- MAINTENANCE (PAVEMENT SWEEPING, CATCH BASIN CLEANING, GOOD HOUSEKEEPING).
- STORM DRAIN LABELING.

### TREATMENT SYSTEMS:

NOT APPLICABLE

### PROJECT SITE INFORMATION:

- SOILS TYPE: D
- GROUND WATER DEPTH: 18 FT.
- NAME OF RECEIVING BODY: GUADALUPE
- FLOOD ZONE: AO
- FLOOD ELEVATION (IF APPLICABLE): \_\_\_\_\_

### OPERATION AND MAINTENANCE INFORMATION:

#### I. PROPERTY INFORMATION:

I.A. PROPERTY ADDRESS:  
2035 STORY ROAD,

SAN JOSE, CA, 95122

I.B. PROPERTY OWNER:  
ROBINSON OIL CORPORATION,  
A CALIFORNIA CORPORATION

#### II. RESPONSIBLE PARTY FOR MAINTENANCE:

II.A. CONTACT:  
DAVE MORDICK

II.B. PHONE NUMBER OF CONTACT:  
(408) 327-4325

II.C. EMAIL:  
DMORDICK@ROTTENROBBIE.COM

II.D. ADDRESS:  
ROBINSON OIL CORPORATION,  
DAVE MORDICK  
955 MARTIN AVENUE  
SANTA CLARA, CA 95050

### TREATMENT CONTROL MEASURE SUMMARY TABLE

DMA #	TCM #	Location	Treatment Type	LID or Non-LID	Sizing Method	Drainage Area (s.f.)	Impervious Area (s.f.)	Pervious Area (Permeable Pavement) (s.f.)	Pervious Area (Other) (s.f.)	% Onsite Area Treated by LID or Non-LID TCM	Bioretention Area Required (s.f.)	Bioretention Area Provided (s.f.)	Overflow Riser Height (in)	Storage Depth Required (ft)	Storage Depth Provided (ft)	# of Cartridges Required	# of Cartridges Provided	Media Type	Cartridge Height (inches)	# of Credit Trees	Treatment Credit (s.f.)	Comments	
1		Onsite	Self-retaining areas	LID	N/A	6,210	3,198	0	3,012	54.35%													
2		Onsite	Self-retaining areas	LID	N/A	437	96	0	341	3.82%													
3		Onsite	Self-treating areas	LID	N/A	1,666	0	0	1,666	14.58%													
4		Onsite	Self-retaining areas	LID	N/A	153	0	0	153	1.34%													
5		Onsite	Pervious pavement w/ underdrain	LID	1B. Volume	2,960	0	2,960	0	25.91%				0.009	0.17								
6		Onsite	Untreated ****	N/A	N/A	305	305	0	0	-													
7		Onsite	Untreated ****	N/A	N/A	1,247	1,247	0	0	-													
8		Offsite	Maintenance	N/A	N/A	4,541	4,421	0	120	-													
<b>Totals:</b>						<b>11,426</b>	<b>3,294</b>	<b>2,960</b>	<b>5,172</b>	<b>100.00%</b>													

#### Footnotes:

\*\*\*\* DMA 6 and 7 is not being treated. TREATMENT SYSTEMS ARE NOT APPLICABLE TO THE PROJECT, SEE STORMWATER EVALUATION FORM.

TREATMENT CONTROL MEASURE SUMMARY TABLE.  
THIS TABLE IS FOR INFORMATION ONLY, TREATMENT SYSTEMS ARE NOT APPLICABLE TO THE PROJECT.

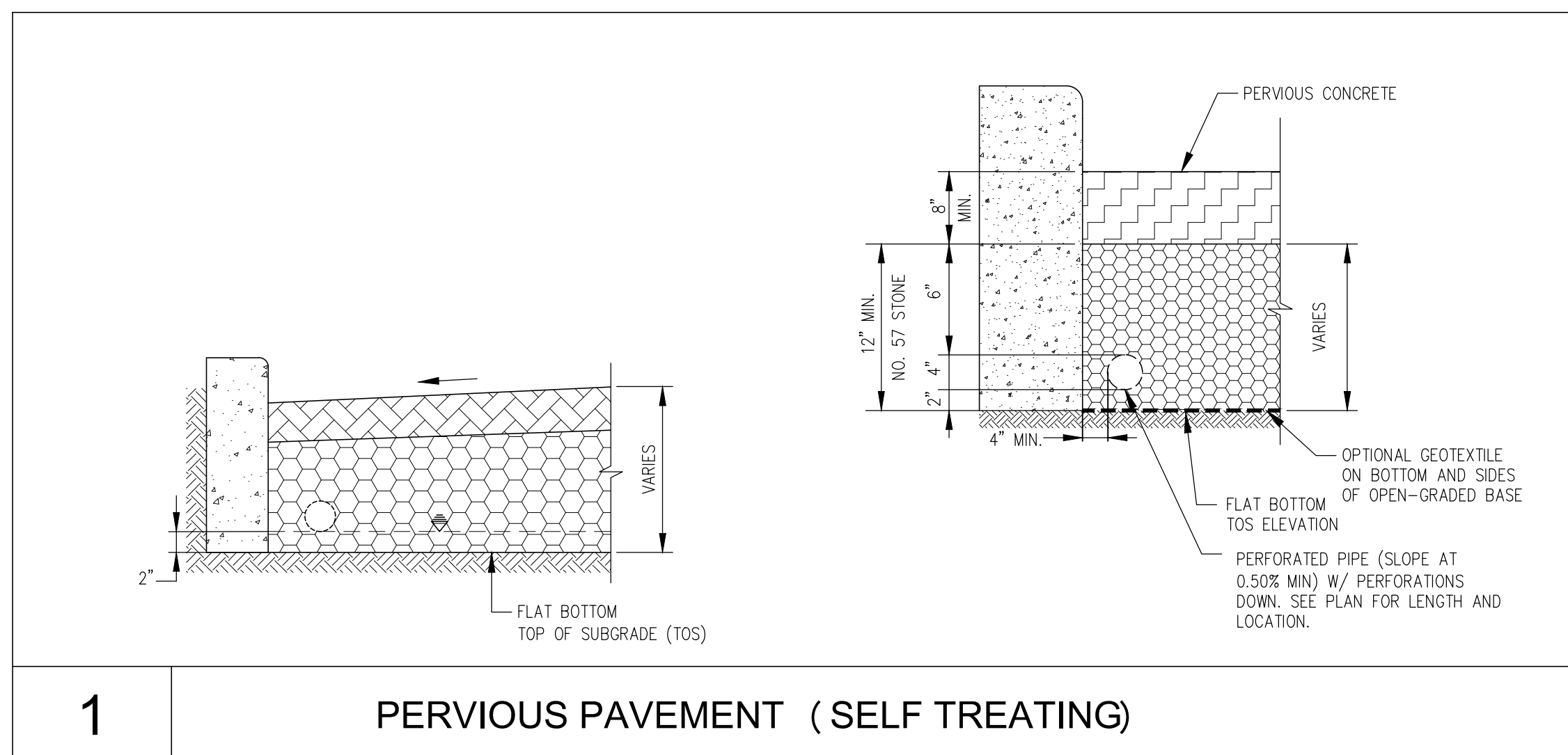


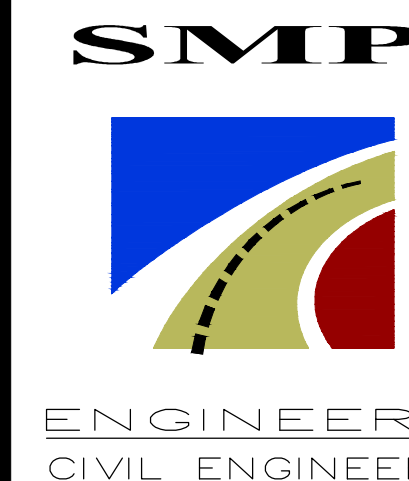
TABLE 1 ROUTINE MAINTENANCE ACTIVITIES FOR PERVIOUS PAVEMENT		
NO.	MAINTENANCE TASK	FREQUENCY OF TASK
1	CHECK FOR SEDIMENT AND DEBRIS ACCUMULATION. PREVENT SOIL FROM WASHING OR BLOWING ONTO THE PAVEMENT. DO NOT STORE SAND, SOIL, MULCH OR OTHER LANDSCAPING MATERIALS ON PERVIOUS PAVEMENT SURFACES.	TWO TO FOUR TIMES ANNUALLY
2	CONDUCT PREVENTATIVE SURFACE CLEANING, USING COMMERCIALY AVAILABLE REGENERATIVE AIR OR VACUUM SWEEPERS, TO REMOVE SEDIMENT AND DEBRIS.	TWO TO FOUR TIMES ANNUALLY
3	INSPECT FOR ANY SIGNS OF PAVEMENT FAILURE. REPAIR ANY SURFACE DEFORMATIONS OR BROKEN PAVERS. REPLACE MISSING JOINT FILLER IN PICP.	TWO TO FOUR TIMES ANNUALLY
4	CHECK FOR STANDING WATER ON THE PAVEMENT SURFACE WITHIN 30 MINUTES AFTER A STORM EVENT.	TWO TO FOUR TIMES ANNUALLY
5	INSPECT UNDERDRAIN OUTLETS AND CLEANOUTS, PREFERABLY BEFORE THE WET SEASON. REMOVE TRASH/DEBRIS.	TWO TO FOUR TIMES ANNUALLY
6	REMOVE SEDIMENT AND DEBRIS ACCUMULATION ON PERVIOUS PAVEMENT.	TWO TO FOUR TIMES ANNUALLY
7	REMOVE WEEDS. MOW VEGETATION IN GRID PAVEMENTS (SUCH AS TURF BLOCK) AS NEEDED.	AS NEEDED
8	PERFORM RESTORATIVE SURFACE CLEANING WITH A VACUUM SWEEPER, AND/OR RECONSTRUCTION OF PART OF THE PERVIOUS SURFACE TO RESTORE SURFACE PERMEABILITY AS NEEDED. REPLENISH AGGREGATE IN PICP JOINTS OR GRIDS AS NEEDED AFTER RESTORATIVE SURFACE CLEANING.	AS NEEDED
9	POWER WASHING WITH SIMULTANEOUS VACUUMING ALSO CAN BE USED TO RESTORE SURFACE INFILTRATION TO HIGHLY CLOGGED AREAS OF PERVIOUS CONCRETE, POROUS ASPHALT OR PICP, BUT IS NOT RECOMMENDED FOR GRID PAVEMENTS.	AS NEEDED
10	INSPECT PERVIOUS PAVING AREA USING THE ATTACHED INSPECTION CHECKLIST.	QUARTERLY OR AS NEEDED
11	PERVIOUS PAVEMENT TO BE INSPECTED AND SWEEPED.	EVERY 6 MONTHS OR AS NEEDED
12	THE PAVEMENT SUBDRAIN SYSTEM SHOULD BE CLEAN AND FLUSHED.	EVERY 6 MONTHS OR AS NEEDED
13	SITE INLETS TO BE INSPECTED AND CLEANED.	EVERY 6 MONTHS OR AS NEEDED

### STANDARD STORMWATER CONTROL NOTES:

- STANDING WATER SHALL NOT REMAIN IN THE TREATMENT MEASURES FOR MORE THAN FIVE DAYS. TO PREVENT MOSQUITO GENERATION SHOULD ANY MOSQUITO ISSUES ARISE, CONTACT THE SANTA CLARA VALLEY VECTOR CONTROL DISTRICT (DISTRICT). MOSQUITO LARVICIDES SHALL BE APPLIED ONLY WHEN ABSOLUTELY NECESSARY, AS INDICATED BY THE DISTRICT, AND THEN ONLY BY A LICENSED PROFESSIONAL OR CONTRACTOR. CONTACT INFORMATION FOR THE DISTRICT IS PROVIDED BELOW.
- DO NOT USE PESTICIDES OR OTHER CHEMICAL APPLICATIONS TO TREAT DISEASED PLANTS. CONTROL WEEDS OR REMOVED UNWANTED GROWTH. EMPLOY NON-CHEMICAL CONTROLS (BIOLOGICAL, PHYSICAL AND CULTURAL CONTROLS) TO TREAT A PEST PROBLEM. PRUNE PLANTS PROPERLY AND AT THE APPROPRIATE TIME OF YEAR. PROVIDE ADEQUATE IRRIGATION FOR LANDSCAPE PLANTS. DO NOT OVER WATER.

### PERVIOUS CONCRETE REQUIREMENTS

- CONTRACTOR OR PERMITEE SHALL:
- PROVIDE CERTIFICATION FROM THE CONCRETE MANUFACTURER THAT THE CONCRETE MEETS THE REQUIREMENTS OF THE C3 STORMWATER HANDBOOK FOR PERVIOUS PAVERS. THIS INCLUDES, BUT IS NOT LIMITED TO, HAVING A MINIMUM SURFACE INFILTRATION RATE OF 100"/HR WHEN TESTED IN ACCORDANCE WITH ASTM C1701.
  - ONLY CONTRACTORS HOLDING CERTIFICATION OF COMPLETION FROM THE NATIONAL READY MIX CONCRETE ASSOCIATION (NRMA) SHALL INSTALL THE CONCRETE AND AT LEAST ONE FOREMAN WITH THIS CERTIFICATION MUST BE ON THE JOB SITE AT ALL TIMES DURING CONCRETE INSTALLATION.
  - PROTECT THE EXCAVATED AREA FROM EXCESSIVE COMPACTION DUE TO CONSTRUCTION TRAFFIC AND PROTECT THE FINISHED PAVEMENT FROM CONSTRUCTION TRAFFIC.



1534 CAROL LANE  
LOS ALTOS, CA 94024  
TEL: (650) 941-8055  
FAX: (650) 941-8755

OWNER:

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SMP ENGINEERS  
CIVIL ENGINEERS

STORMWATER MANAGEMENT PLAN NOTES/ DETAILS  
2035 STORY ROAD,  
SAN JOSE, CA 95122

PRELIMINARY GRADING AND DRAINAGE PLANS

Revisions:



CSJ PLANING FILE NO.  
CP18-027

Date: 8/15/2019

Scale: AS NOTED

Designed by: V.G.

Checked by: S.R.

Job #: 218117

Sheet: 3 OF 4

PW PROJECT # 3-16090

C-3





ENGINEERS  
CIVIL ENGINEERS

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STORMWATER MANAGEMENT PLAN  
2035 STORY ROAD,  
SAN JOSE, CA 95122

PRELIMINARY GRADING AND DRAINAGE PLANS

Revisions:

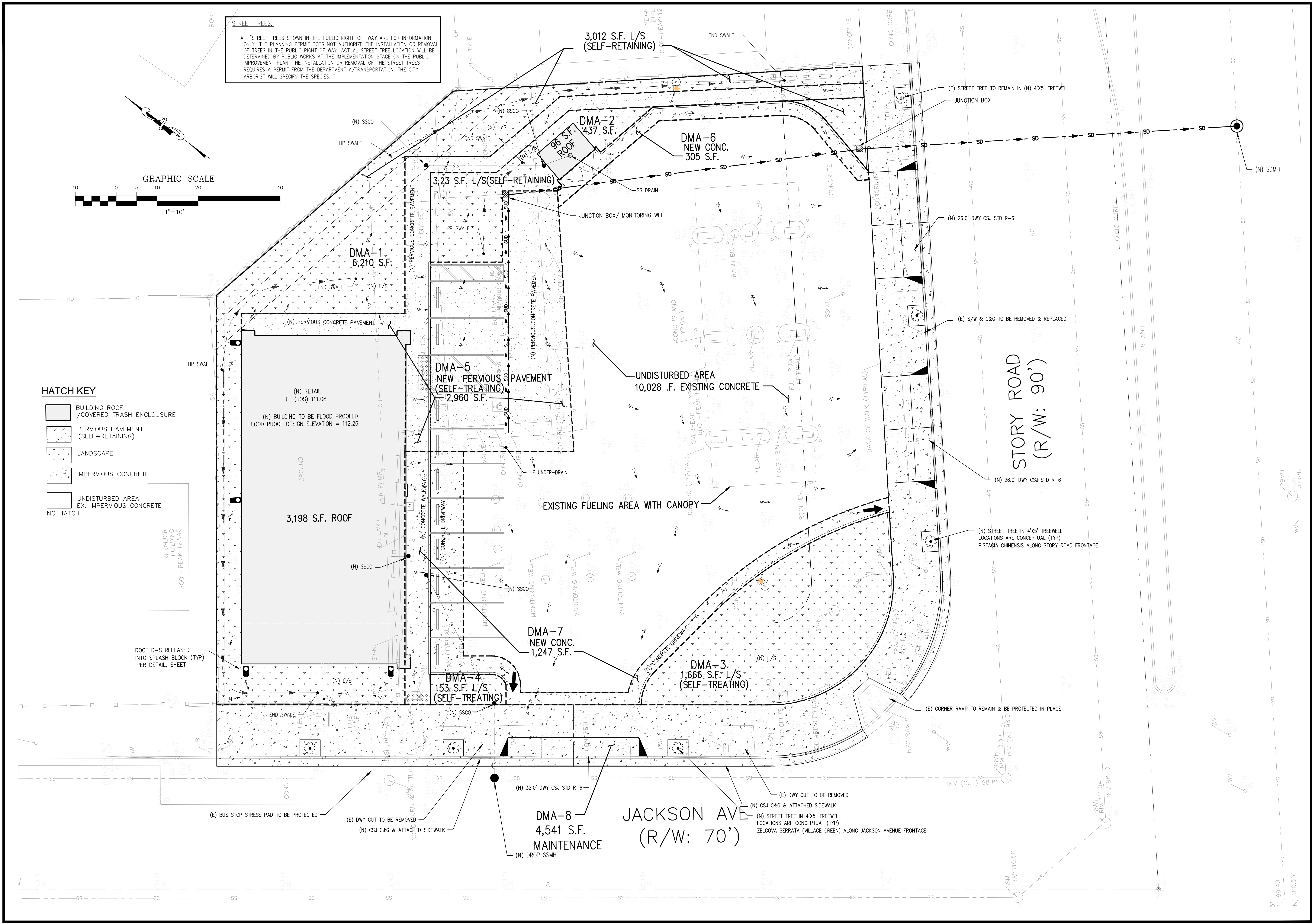


CSJ PLANING FILE NO.  
CP18-027

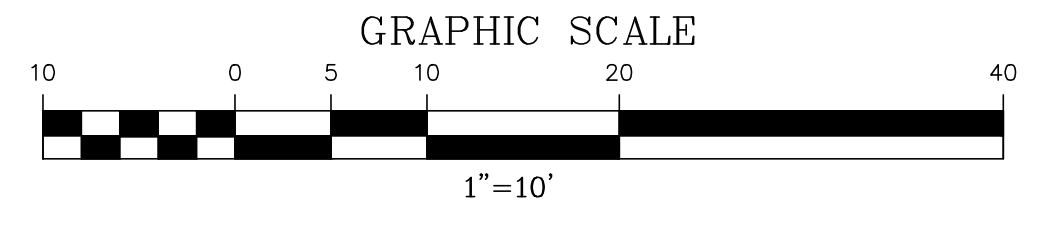
Date: 8/15/2019  
Scale: AS NOTED  
Designed by: V.G.  
Checked by: S.R.  
Job #: 218117

Sheet: 4 OF 4

PW PROJECT # 3-16090 C-4



STREET TREES:  
A. "STREET TREES SHOWN IN THE PUBLIC RIGHT-OF-WAY ARE FOR INFORMATION ONLY. THE PLANNING PERMIT DOES NOT AUTHORIZE THE INSTALLATION OR REMOVAL OF TREES IN THE PUBLIC RIGHT OF WAY. ACTUAL STREET TREE LOCATION WILL BE DETERMINED BY PUBLIC WORKS AT THE IMPLEMENTATION STAGE. ON THE PUBLIC IMPROVEMENT PLAN, THE INSTALLATION OR REMOVAL OF THE STREET TREES REQUIRES A PERMIT FROM THE DEPARTMENT A/TRANSPORTATION. THE CITY ARBORIST WILL SPECIFY THE SPECIES."



HATCH KEY

[Hatch]	BUILDING ROOF /COVERED TRASH ENCLOSURE
[Hatch]	PERVIOUS PAVEMENT (SELF-RETAINING)
[Hatch]	LANDSCAPE
[Hatch]	IMPERVIOUS CONCRETE
[Hatch]	UNDISTURBED AREA EX. IMPERVIOUS CONCRETE NO HATCH

(N) BUILDING TO BE FLOOD PROOFED  
FLOOD PROOF DESIGN ELEVATION = 112.26

JACKSON AVE  
(R/W: 70')

STORY ROAD  
(R/W: 90')

DMA-8  
4,541 S.F.  
MAINTENANCE  
(N) DROP SSMH

DMA-3  
1,666 S.F. L/S  
(SELF-TREATING)

DMA-4  
153 S.F. L/S  
(SELF-TREATING)

DMA-7  
NEW CONC.  
1,247 S.F.

DMA-5  
NEW PERVIOUS PAVEMENT  
(SELF-TREATING)  
2,960 S.F.

UNDISTURBED AREA  
10,028 .F. EXISTING CONCRETE

DMA-1  
6,210 S.F.

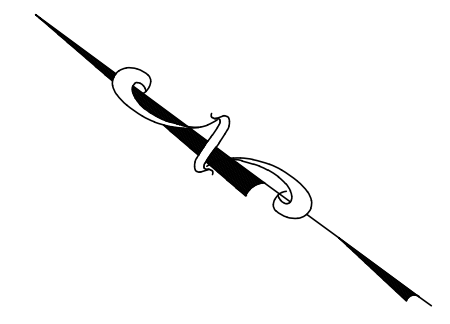
DMA-2  
437 S.F.

DMA-6  
NEW CONC.  
305 S.F.

3,012 S.F. L/S  
(SELF-RETAINING)

3,198 S.F. ROOF

(N) RETAIL  
FF (TOS) 111.08

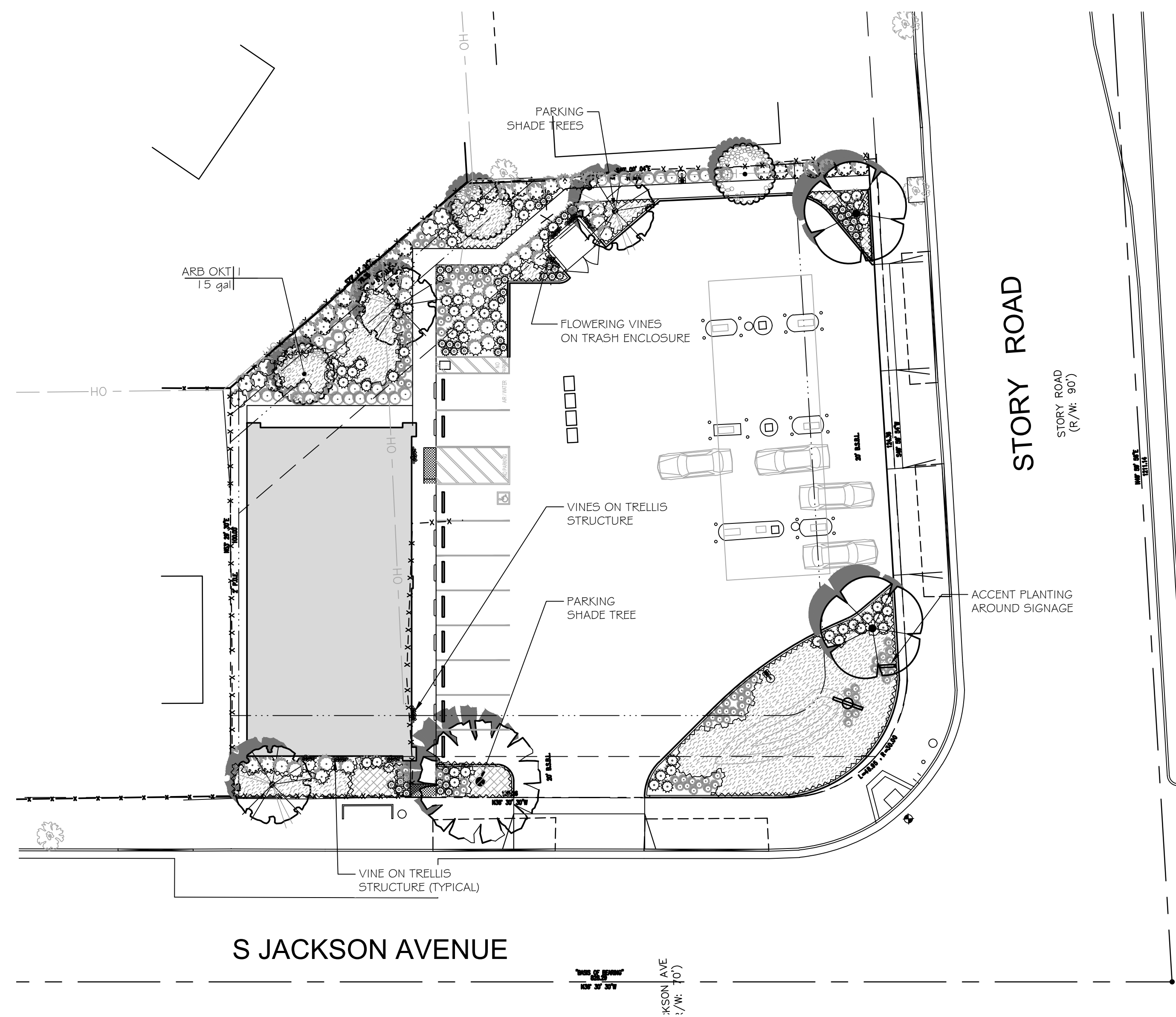


31 99.40  
1) 100.56  
(N) 100.56

SSMH  
RIM:110.30  
INV (IN) 98.9  
INV (OUT) 98.81

SSMH  
RIM:111.04  
INV 98.10

SSMH  
RIM:110.50



PLANT SCHEDULE							
TREES	BOTANICAL / COMMON NAME	CONT	QTY	Very Low	Low	Medium	
	Arbutus unedo 'Oktoberfest' / Strawberry Tree	15 gal	3		X		
	Cercis canadensis 'Burgundy Hearts' / Burgundy Hearts Redbud	15 gal	3		X		
	Pistacia chinensis 'Keith Davey' / Keith Davey Chinese Pistache	15 gal	2		X		
SHRUBS	BOTANICAL / COMMON NAME	SIZE	QTY	Very Low	Low	Medium	
	Euonymus fortunei 'Emerald 'n' Gold' TM / Wintercreeper	5 gal	32				
	Grevillea lanigera 'Coastal Gem' / Coastal Gem Grevillea	5 gal	29	X			
	Hemerocallis x 'Stella de Oro' / Stella de Oro Daylily	1 gal	86			X	
	Lavandula angustifolia 'Munstead' / Munstead English Lavender	1 gal	60		X		
	Muhlenbergia capillans 'Pink Cloud' / Pink Multy	1 gal	50		X		
	Nandina domestica 'Compacta' / Dwarf Heavenly Bamboo	5 gal	37		X		
	Rhampholepis indica 'Enchantress' TM / Enchantress Indian Hawthorne	5 gal	8		X		
	VINE/ESPALIER	BOTANICAL / COMMON NAME	SIZE	QTY	Very Low	Low	Medium
	Cytostoma callistegioides / Violet Trumpet Vine	1 gal	7			X	
GROUND COVERS	BOTANICAL / COMMON NAME	CONT	SPACING	QTY	Very Low	Low	Medium
	Juniperus horizontalis 'Blue Rug' / Blue Rug Juniper	flat	12" o.c.	1,969 sf		X	X
Rosa Meidiland series 'White' / White Meidiland Rose	1 gal	18" o.c.	200 sf			X	

**NOTES:**

- Landscape shall be designed per City of San Jose landscape design requirements and California MWEL0.
- No groundcover or shrubs are to be planted within 3' of any tree trunk.
- A landscape soils test shall be analyzed by a soils testing laboratory. Soils shall be amended per soil analysis report recommendations.
- This project shall be irrigated by an automatic irrigation system consisting of subsurface drip for shrubs and groundcover, and deep watering bubblers for all trees all connected to a smart controller.
- All planter areas shall receive a three-inch (3") mulch of red fir walk-on bark. All groundcover areas shall receive a two-inch (2") layer of bark mulch.



SCALE: 1" = 20'-0"

REVISIONS	BY
plan check 02/14/19	CB

CAROL PERRY BROWN

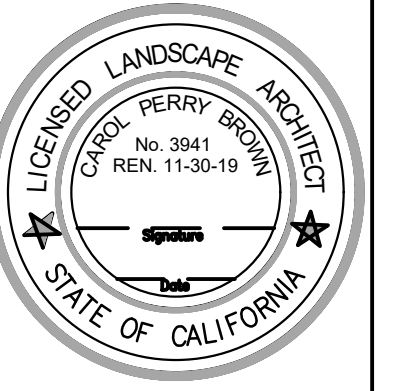
**PERRY DESIGN**

Landscape Architecture  
Irrigation Design

**CID**  
CALIFORNIA IRRIGATION DESIGN ASSOCIATION

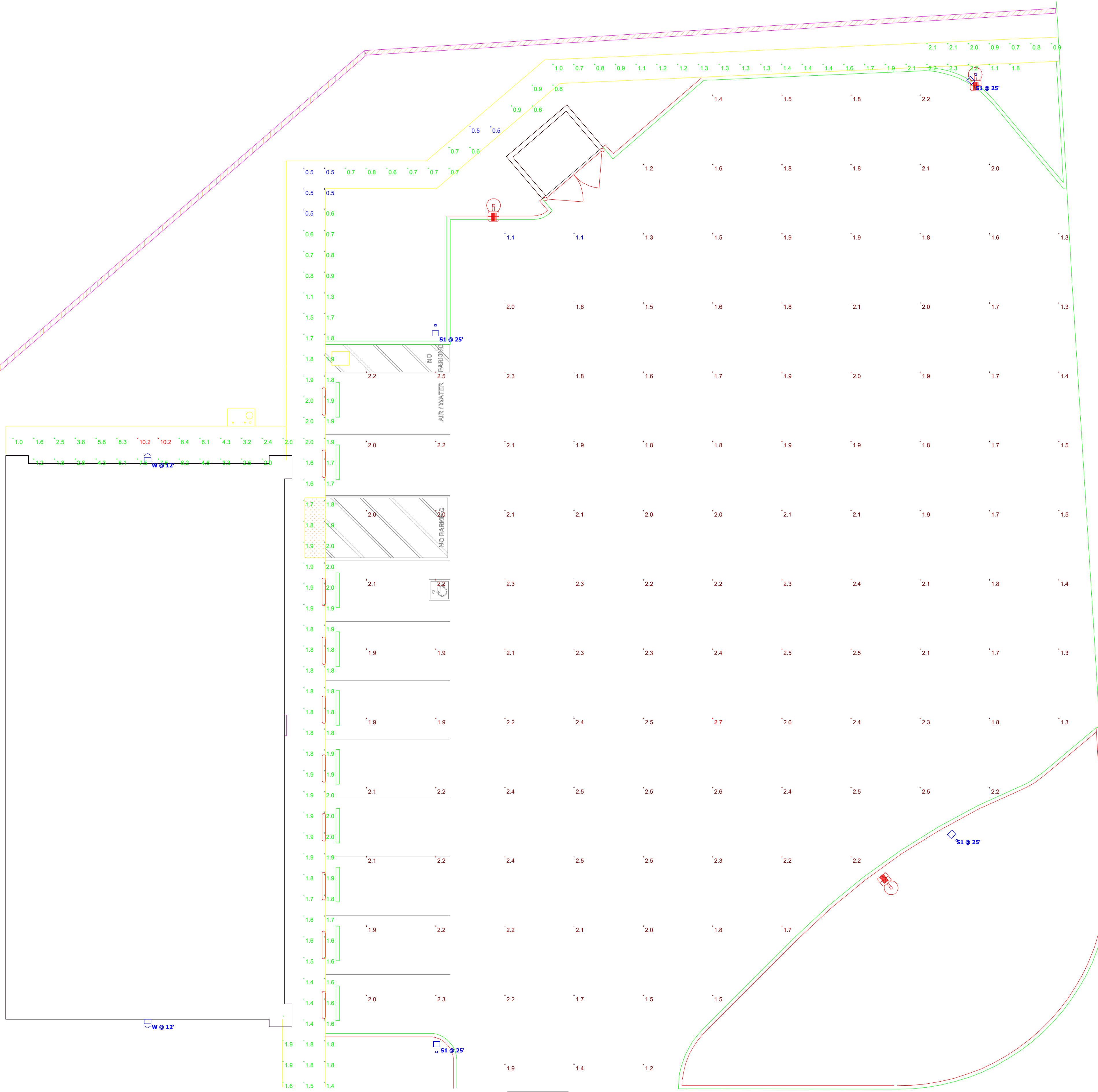
530 823 2621  
perrydesign@att.net  
RLA 3941 CID 002624

**ROTTEN ROBBIE # 11**  
2305 Story Road  
San Jose, California  
Robinson Oil Corporation



**PRELIMINARY PLANTING PLAN**

Date	June 11, 2018
Scale	1" = 20'-0"
Drawn	Carol B.
Job	
Sheet	<b>LP-1</b>
Of	Sheets

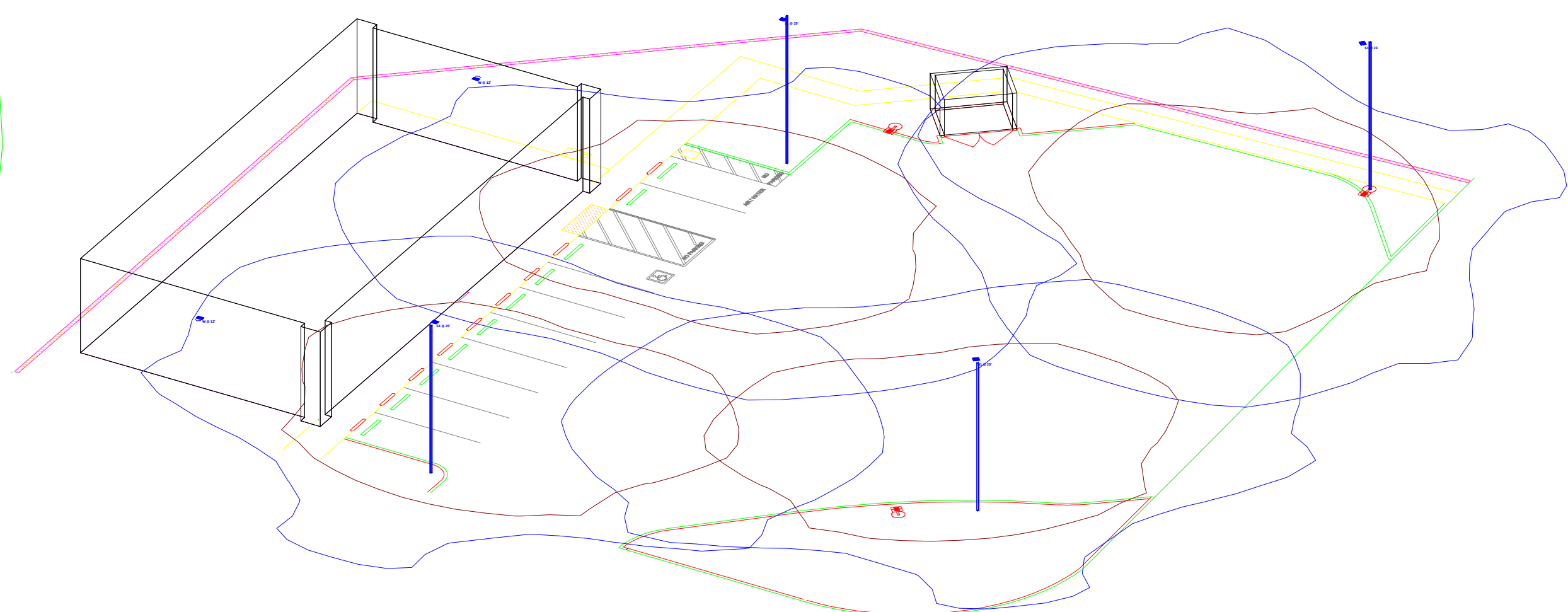


**Plan View**  
Scale - 1/8" = 1ft

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage
	S1	4	Lithonia Lighting	DSX1 LED P3 40K TFTM MVOLT	DSX1 LED P3 40K TFTM MVOLT	LED	1	12574	0.9	102
	W	2	Lithonia Lighting	WST LED P2 40K VW MVOLT	WST LED, Performance package 2, 4000 K, visual comfort wide, MVOLT	LED	1	3511	0.9	25

**Statistics**

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
DRIVE / PARKING		2.0 fc	2.7 fc	1.1 fc	2.5:1	1.8:1
SIDEWALKS		2.0 fc	10.2 fc	0.5 fc	20.4:1	4.0:1



**South East View**

**Disclaimer**  
Photometric analyses performed by CJS Lighting are intended for informational and/or estimation purposes only. Using industry-recognized software, calculations correspond to the information provided to CJS Lighting, and are subject to the limitations of the software. Assumptions may be made for information that is not provided or available. It is the responsibility of the client to verify that the input data is consistent with actual field conditions. Performance may differ as a result of end-user environment and application. Due to the above considerations, CJS Lighting does not guarantee that actual light levels measured in the field will match initial calculations, and recommend that drawings be submitted to a certified electrical engineer for verification.

**ROTTEN ROBBIE  
2305 STORY ROAD  
SAN JOSE CA.**

Designer  
DEW  
Date  
7/1/2019  
Scale  
AS NOTED  
Drawing No.  
Summary

## Operations Management Plan

**City of San Jose Planning File No. CP18-027**

**Rotten Robbie #11**

2305 Story Road

San Jose, CA 95122-1057

**Hours:** (no change from current operating hours)

Mon-Fri: 5am-11am

Sat: 6am-11pm

Sun: 7am-11pm

**Staff:** 5-6 total: Manager, 1-2 Assistants, 3-4 cashiers

Shifts vary – typically they are 4-8 hours depending on the overall schedule and full or part-time employees. Shifts typically overlap throughout the day.

**Business Operations/Functions:**

Fueling Stations: 6 MPDs (gas/diesel), 1- Red Diesel

Inside the store, our offering would include the following drinks: fresh coffee, fountain, Icee, f real milk shakes, frozen coffee, waters, teas, juices, milk, sports drinks, cold coffees, energy drinks, soda and beer and wine (with a Type 20 license). We would also be offering snacks for customers to grab and go and they would include: pre-packages sandwiches and burritos, deli items (cheeses etc.), pastries, chips, nuts, seeds, meat snacks, energy bars, crackers, fruit, EBT items and candy.

**Employee training:**

All employees go through on the job and a video training module regarding the sale of age-restricted product (alcohol/tobacco). They are tested at the end of their training. They must pass before they can move forward.

Our Point-of-Sale system reminds employees to card for age restricted products. We also employ a mystery shop company, The BARS Program, to make sure we comply with age-restricted product sales. Employees receive a red or green card based on if they carded appropriately. If a red card is received corrective action is taken.

**Security Measures:** We install a CCTV with cameras inside and outside of the store, alarm and fire systems.

**Trash/Litter/Graffiti/Site Maintenance, etc.:** The project site and all public streets and spaces within 300 feet of the site will be well maintained, clean and free of litter, graffiti, etc.

**Loitering and Panhandling:** Loitering and panhandling will not be tolerated, and the business operator will maintain a zero tolerance policy. No loitering signs will be posted in conspicuous places containing wording (Spanish and English) that aligns with state and local law (business owner to work with San Jose Police to obtain proper language). All loitering and panhandling issues will be dealt with in a swift and consistent manner by notifying local police. No consumption or open alcoholic beverages will be permitted on the premises. Signs specifically prohibiting this activity will also be placed in conspicuous places in both Spanish and English.

**Addressing Neighborhood Concerns:** The project applicant/business operator will engage the community organization/neighborhood leaders/etc. to address neighborhood concerns with any aspect of the business. The project applicant/business operator will be available to meet with concerned parties and create a mutually beneficial mitigation plan in accordance with any and all relevant laws and regulations.

**Entertainment:** There are no entertainment uses proposed for this site currently.

**Lighting and Windows:** The proposed project is located in a well-lit area that contains ample streetlight/parking lot lighting/exterior lighting (detailed on the site plan). All lighting issues, such as inadequate lighting or burned-out lights, will be addressed promptly by our maintenance provider. The business is designed with full height glass windows to provide a clear and unobstructed view from inside and out. All signage affixed to the windows will not obstruct these views.

**Noise:** The project will conform to all local noise performance standards as required by the Municipal Code. All efforts will be made to limit the amount of noise emanating from the business at all times. No entertainment is proposed in the space. Any music played will be kept to ambient background music.



# Memorandum

**TO:** Stefanie Farmer  
Planning Department

**FROM:** Sgt. Rick Galea #3495  
San Jose Police Vice Unit

**SUBJECT:** Rotten Robbie  
2305 Story Road

**DATE:** June 24, 2019

---

Approved

Date

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I have received your request for input regarding Rotten Robbie Gasoline Station, located at 2305 Story Road, San Jose. Rotten Robbie Gasoline Station is seeking late night use and an Off-Sale Alcohol Beverage Control (ABC) license (CP18-027).

Per Business and Professions (B&P) Code Section 23958, the State of California Department of Alcohol Beverage Control (ABC) shall deny an ABC Application for an ABC License if the issuance of that license would tend to create a law enforcement problem or if it would result in or add to an undue concentration of ABC Licenses, as described in B&P Sections 23958.4 (a)(1) and 23958.4(a)(3). A location can be unduly concentrated because of its criminal statistics and/or its proximity to other ABC Licenses. ABC can issue the license per B&P Sections 23958.4 (b)(1), and 23958.4 (b)(2) if the local governing body determines that the public convenience or necessity would be served. The City of San Jose Planning Department and the Planning Commission are the delegated authorities to grant these exceptions.

2305 Story Road is located in San Jose Police Beat Charles One. The reported crime statistics as defined by B&P Section 23958.4(c) are not over the 20% crime index thus the location is not considered unduly concentrated per B&P Section 23958.4 (a)(1) for on sale establishments.

### Police Beat Crime Statistics

Beat	Index Crimes	Arrests	Total	20% Above Average
C1 (2018)	232	290	522	No
City Average	335	151	486	

Department of Alcohol Beverage Control (ABC) records indicate that 2305 Story Road is in census tract 5040.02. Pursuant to B&P Section 23958.4 (a)(3), the ratio of off-sale retail licenses to population in census tract 5040.02 would exceed the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

**Authorized and Current ABC Licenses in Census Tract 5040.02**

Census Tract	Authorized ABC Licenses		Current ABC Licenses		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off - Sale	On - Sale	Off - Sale
5040.02	7	3	10	3	Yes	No

The San Jose Police Department is neutral to Rotten Robbie Gasoline Station obtaining a Conditional Use Permit and ABC license.

Please feel free to contact me at 408-277-4322 if you have any questions.

Sgt. Rick Galea #3495  
San Jose Police Department  
Special Investigations/Vice Unit