



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** December 1, 2017

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**COUNCIL DISTRICT: 3**

**SUBJECT: GP16-011. GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO COMBINED INDUSTRIAL/COMMERCIAL ON AN APPROXIMATELY 1.54-GROSS ACRE SITE LOCATED AT THE NORTHEAST CORNER OF COMMERCIAL STREET AND OAKLAND ROAD AT 1201 OAKLAND ROAD**

**C17-008. CONFORMING REZONING FROM THE HI HEAVY INDUSTRIAL ZONING DISTRICT TO THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT ON AN APPROXIMATELY 1.54-GROSS ACRE SITE LOCATED AT THE NORTHEAST CORNER OF COMMERCIAL STREET AND OAKLAND ROAD AT 1201 OAKLAND ROAD**

**CP17-015. CONDITIONAL USE PERMIT TO DEMOLISH AN EXISTING BUILDING AND FUELING DISPENSERS AND CONSTRUCT A 3,750 FOOT CONVENIENCE STORE WITH THE OFF-SALE OF BEER AND WINE, A GAS STATION WITH SIX AUTO FUELING DISPENSERS, CANOPIES, AND 12 CARDLOCK FUELING DISPENSERS, AND 24-HOUR USES ON AN APPROXIMATELY 1.54-GROSS ACRE SITE LOCATED AT THE NORTHEAST CORNER OF COMMERCIAL STREET AND OAKLAND ROAD AT 1201 OAKLAND ROAD**

## **RECOMMENDATION**

The Planning Commission voted unanimously (6-0-1, Ballard absent) to recommend that the City Council adopt a resolution taking the following actions with regard to each of the following applications:

1. Deny the General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial/Commercial (GP16-011);

2. Deny the Rezoning from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District (C17-008); and
3. Deny the Conditional Use Permit for a 3,750-square foot convenience store with the off-sale of alcohol, retail, and a gas station with cardlock fuel dispensers, and 24-hour uses (CP17-005).

## **OUTCOME**

Should the City Council deny the General Plan Amendment, Rezoning, and Conditional Use Permit, the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation for the 1.54-gross acre site would remain Heavy Industrial, the zoning district would remain HI Heavy Industrial, and the proposed project would not be able to proceed.

## **BACKGROUND**

On November 15, 2017, the Planning Commission held a public hearing to consider the proposed General Plan Amendment, Rezoning, and Conditional Use Permit. The Director of Planning, Building and Code Enforcement recommended denial of the General Plan Amendment, Rezoning and Conditional Use Permit. The Planning Commission recommends the City Council deny the applicant's proposed General Plan Amendment, Rezoning, and Conditional Use Permit applications.

### **Public Comment**

The applicant introduced himself to the Planning Commission, discussed the Rotten Robbie company, its history, and the success of other Rotten Robbie sites in San José. He stated that heavy industrial uses do not presently predominate the subject site or the surrounding area, and that the proposed gas station and convenience store would be consistent with the uses in the area. The applicant stated that the surrounding industrial businesses utilized diesel trucks for transportation of goods and materials, and therefore needed the diesel fuel provided by the gas station, and thus the new station would be a complimentary use.

There was no separate public testimony for the requests.

Commissioner Allen asked the applicant what the plan is for the property should the General Plan Amendment be denied by City Council. The applicant stated they would continue to operate the existing gas station. The applicant stated they are in the process of reopening the existing gas station on site since the tenant's lease ended in the summer.

Staff explained that while the surrounding area includes several commercial uses, their existence is due to the previous 2020 General Plan's Mixed Industrial Overlay and the City's lack of industrial preservation policies in the past. Additionally, the other San José sites with operating

Rotten Robbie facilities are located in land use designations that support gas stations, contrary to the subject site's designation of Heavy Industrial. Staff noted that there are other factors to consider besides the project's sales and property tax benefits, such as the loss of quality jobs from the demolition of the existing industrial buildings.

Commissioner Pham asked staff what other viable uses would be permitted by the Heavy Industrial land use designation. Staff responded that the designation allowed various heavy industrial uses similar to the existing truck service, auto repair, auto glass and upholstery businesses and the site would allow any enumerated heavy industrial uses. Staff reiterated that the existing heavy industrial uses would be displaced.

Commissioner Bit-Badal stated that it is unusual to receive a letter from the Office of Economic Development (OED) related to General Plan Amendment industrial conversions, and asked staff to explain why OED submitted a memo for this project. Staff stated the Planning Division consults OED for many General Plan Amendment requests in order to better understand the economic implications of potential land use decisions. For this project, OED felt compelled to submit a memo due to the negative ramifications and significant precedent the proposed General Plan Amendment would have on other industrial properties in San José.

Commissioner Bit-Badal stated that gas stations and industrial uses are both economic development drivers, and asked staff how they assess which jobs are more beneficial than others. Staff stated that the evaluation of General Plan Amendments does not involve assessing the viability of a certain type of business, but instead the proposed land use's conformance to the General Plan. While the General Plan supports the expansion and preservation of all employment lands, the Plan specifically prohibits the conversion of light and heavy industrial uses to non-industrial uses and emphasizes the preservation and protection of industrial uses. Additionally, the City has very minimal industrial land remaining after years of conversion to non-industrial uses. As such, and the proposed land use change to Combined Industrial/Commercial would further diminish the amount of industrial land in the city, contrary to the General Plan.

Commissioner Bit-Badal asked staff where the closest gas station was located in proximity to the subject site. Staff stated the closest gas station is Chevron located across the street.

Commissioner Allen made a motion to recommend denial of the proposed General Plan Amendment, Conforming Rezoning, and Conditional Use Permit. Commissioner Yesney seconded the motion.

Commissioner Allen stated that approval of the proposal would set a precedent for the conversion of heavy industrial land, and that the proposed Combined Industrial/Commercial land use designation is inconsistent with the General Plan at this location.

Commissioner Yesney added that one of the reasons why there is such a conglomeration of uses in the area is due to the 1927 Zoning Ordinance. She stated the HI Heavy Industrial Zoning District was the least restrictive district under this 1927 ordinance, allowing all uses in more restrictive zonings, such as residential and commercial, in addition to industrial uses. This

differs from the current HI Heavy Industrial Zoning District, which only allows industrial uses, and not the uses of more restrictive zoning districts.

Commissioner Abelite stated he is supporting the motion because San José has historically lost a significant amount of industrial lands, which are an important asset to the City. He stated that there is no doubt the proposed gas station would perform well at the site, but the preservation of heavy and light industrial lands is more important than anything else.

Commissioner Bit-Badal said that she will follow the City's direction to preserve industrial lands, and complemented the Office of Economic Development and the Planning Division in working together successfully.

Commissioner Pham stated that there are many viable industrial options that would work on this site, and so the site should be reserved for industrial uses.

The Planning Commission voted 6-0-1 (Ballard absent) to recommend to the City Council denial of the proposed General Plan Amendment, Conforming Rezoning, and Conditional Use Permit.

### **ANALYSIS**

For complete analysis, please see the Planning Commission staff report (attached).

### **EVALUATION AND FOLLOW-UP**

Should the City Council deny the General Plan Amendment, Conforming Rezoning, and Conditional Use Permit, the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation for the 1.54 gross acre site would remain Heavy Industrial, the zoning district would remain HI Heavy Industrial, and the proposed project would not be able to move forward.

Should the City Council determine that it may desire to further consider the applications for possible approval, Council should direct staff to return at a date certain where Council could consider adopting a resolution approving the Initial Study/Mitigated Negative Declaration and mitigation monitoring and reporting program for the project, and direct staff to prepare a resolution approving the General Plan Amendment, an ordinance approving the rezoning of the site, and a resolution approving the Conditional Use Permit.

### **PUBLIC OUTREACH/INTEREST**

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was published in the San Jose Post Record and on the City's website. The staff report is also posted on the City's website and staff has been available to respond to questions from the public.

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**COORDINATION**

Preparation of this memorandum has been coordinated with the City Attorney's Office.

**CEQA**

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building, and Code Enforcement for the subject General Plan Amendment, Conforming Rezoning, and Conditional Use Permit. The IS and MND concluded that the proposed project will not have a significant effect on the environment.

/s/  
ROSALYNN HUGHEY, SECRETARY  
Planning Commission

For questions please contact Michael Brilliot, Division Manager, at 408-535-7831.

Attachment: Planning Commission Staff Report



## PLANNING COMMISSION STAFF REPORT

|   |  |
|---|--|
| <b>File No.</b>                                   | GP16-011/C17-008/CP17-015  |
| <b>Applicant</b>                                  | John Hicks   |
| <b>Location</b>                                   | 1202 Oakland Road  |
| <b>Existing General Plan Land Use Designation</b> | Heavy Industrial   |
| <b>Proposed General Plan Land Use Designation</b> | Combined Industrial/Commercial   |
| <b>Existing Zoning Districts</b>                  | HI Heavy Industrial  |
| <b>Proposed Zoning Districts</b>                  | CIC Combined Industrial/Commercial   |
| <b>Council District</b>                           | 3  |
| <b>Historic Resource</b>                          | No   |
| <b>Annexation Date:</b>                           | June 11, 1957 (Orchard No. 17-A)   |
| <b>CEQA:</b>                                      | Mitigated Negative Declaration for the Rotten Robbie #67 Gas Station Project |

### APPLICATION SUMMARY:

**File No. GP16-011:** General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial/Commercial on an approximately 1.54 gross acre site.

**File No. C17-008:** Conforming Rezoning from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District on an approximately 1.54-gross acre site.

**File No. CP17-015:** Conditional Use Permit to demolish an existing building and fueling dispensers, and construct a 3,750-square foot convenience store with the off-sale of beer and wine, a gas station with 6 auto retail fueling dispensers (12 pumps), canopies, and 12 cardlock fueling dispensers (24 pumps), and 24-hour uses on an approximately 1.54-gross acre site.

### RECOMMENDATION:

#### Staff recommends that the City Council:

1. **Deny** the General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial/Commercial.
2. **Deny** the Conforming Rezoning from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.
3. **Deny** the Conditional Use Permit for a 3,750-square foot convenience store with the off-sale of alcohol, retail, and a gas station with cardlock fuel dispensers, and 24-hour uses.

The proposal is not in conformance with the existing General Plan land use designation and zoning district and is being recommended for denial to preserve existing and planned heavy industrial employment land. The proposed gas station and associated uses are considered to be a

retail/commercial use, not an industrial use permitted by both the existing Heavy Industrial land use designation and the HI Zoning District. Because of the limited supply of land available for heavy industrial uses, the General Plan restricts land use changes in areas reserves exclusively for industrial uses.

A detailed analysis of the gas station and convenience store project is not included in this staff report, as staff is recommending the proposed General Plan Amendment be denied along with the rezoning and CUP applications. Staff prepared a resolution for denial. Should Council desire to approve the General Plan Amendment, Council should direct staff to return at a specific future date where Council could consider adopting a resolution approving the Initial Study (IS) and Mitigated Negative Declaration (MND) for the project (including the General Plan Amendment, Conforming Rezoning, and CUP), and direct staff to prepare a resolution approving the amendment to the General Plan land use designation in accordance with Council direction, an ordinance approving the rezoning of the subject site, and a resolution approving the Conditional Use Permit. With regard to the CUP application, staff would particularly need to return with a report including an analysis of the specific findings required for off-sale of alcoholic beverages and include a determination of public convenience and need with regard to proximity to other off-sale outlets and sensitive land uses, as well as for overconcentration of off-sale outlets within the census tract. Because the project is inconsistent with City Council Policy 6-27, Evaluation of 24-Hour Uses, as analyzed in the Analysis Section of this report, staff would expect to maintain a denial recommendation for the Conditional Use Permit.

**PROJECT DATA**

|                         |                              |   |                                    |
|-------------------------|------------------------------|---|------------------------------------|
| <b>General Plan</b>     |                              | <input type="checkbox"/> Consistent <input checked="" type="checkbox"/> <b>Inconsistent</b> |                                    |
| <b>SURROUNDING USES</b> |                              |   |                                    |
|                         | <b>General Plan Land Use</b> | <b>Zoning</b>   | <b>Existing Use</b>                |
| <b>North</b>            | Heavy Industrial             | R-MH Mobilehome Park  | Trailer Tel RV Park                |
| <b>South</b>            | Heavy Industrial             | HI Heavy Industrial   | Lumber store and wholesale company |
| <b>East</b>             | Heavy Industrial             | HI Heavy Industrial   | Industrial condominiums            |
| <b>West</b>             | Heavy Industrial             | HI Heavy Industrial   | Motel and fast food restaurant     |

**RELATED APPROVALS**

|             |   |
|-------------|---|
| <b>Date</b> | <b>Action</b>   |
| <b>1995</b> | City-initiated General Plan Amendment to the San José 2020 General Plan Land Use/Transportation Diagram to add a Mixed Industrial Overlay that included the subject site and surrounding area   |
| <b>2001</b> | City-initiated General Plan Amendment to remove the Mixed Industrial Overlay on 427.5 acres (File No. GP01-04-05)   |
| <b>2003</b> | Conditional Use Permit to allow the demolition of an existing gas station, an associated service building and vehicle repair building, and the construction of two fueling areas, a 1,212-square foot sales building, and other site improvements (File No. CP99-057) |

## PROJECT DESCRIPTION

Between September 2016 and May 2017 the applicant submitted the following applications related to the approximately 1.54-gross acre subject site located on the northeast corner of Commercial Street and Oakland Road:

- General Plan Amendment request to change the General Plan Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial/Commercial (September 21, 2016);
- Conforming Rezoning from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District (March 20, 2017); and
- Conditional Use Permit to remove the existing building and fueling dispensers, and construct a 3,750 square foot convenience store with the off-sale of alcohol, a gas station with 12 auto retail fueling dispensers, canopies, and 12 cardlock fueling dispensers, and 24-hour uses on an approximately 1.54-gross acre site. (May 8, 2017).

Changing the General Plan land use designation to Combined Industrial/Commercial and the Zoning District to Combined Industrial/Commercial will allow commercial and retail uses on the site, in addition to limited industrial uses.

### Background

In 1995, the City Council approved a General Plan Amendment to apply a Mixed Industrial Overlay to the *San José 2020 General Plan* Land Use/Transportation Diagram, which included the subject site. The Mixed Industrial Overlay, totaling 1,574 acres, was intended to allow a mixture of primarily industrial uses with compatible commercial or public/quasi-public uses. This overlay supported the conversion of existing industrial land to commercial and office uses, and was created to provide opportunities for land uses that may have had difficulty locating in commercial or residential areas, particularly due to neighborhood concerns about such uses. Consequently, from 1996 to 2000, approximately 340 acres of land designated Heavy or Light Industrial were converted to non-industrial land uses within the Mixed Industrial Overlay. Several of the properties surrounding the subject site were converted during this time, including the Burger King restaurant across Oakland Road and the Chevron gas station on Commercial Street.

To address various impacts and implications of losing heavy and light industrial land base, and to prevent further industrial land from being converted to non-industrial uses, staff recommended a series of General Plan Amendments in 2001 to remove the Mixed Industrial Overlay from the *San José 2020 General Plan* Land Use/Transportation Diagram. Staff noted that the overlay “sent mixed messages” about the importance of the underlying industrial land use designations, in turn making it difficult to attract industrial development to these areas, and putting pressure on these areas to convert to non-industrial land use designations. City Council approved the removal of the Mixed Industrial Overlay, agreeing with staff’s statement that “any further erosion would threaten the City’s ability to provide a satisfactory job base for low, medium, and high skilled workers, a diverse economy, and long-term growth potential for a needed tax base.”

### Site Location

The site is located on the northeast corner of Commercial Street and Oakland Road (1202 Oakland Road), and is within the General Plan East Gish Employment Growth Area, and is located within the US-101/Oakland/Mabury Transportation Development Policy area. The site currently has an existing non-conforming gas/diesel fuel station with 4 fuel dispensers and an associated 1,300



square foot building, as well as two light industrial buildings including a 9,700 foot truck service and repair shop, and a 1,800 square foot auto glass and upholstery business.



Figure 1: Site Location

## ANALYSIS

The proposed project was analyzed for conformance with 1) the Envision San José 2040 General Plan, 2) the Zoning Ordinance, 3) City Council Policy 6-27: Evaluation of 24-hour Uses, and 4) the California Environmental Quality Act (CEQA).

### Envision San José 2040 General Plan Conformance

#### Existing General Plan Land Use Designation: Heavy Industrial

The Heavy Industrial land use designation is intended for industrial users with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. Extractive and primary processing industries are typical of this category. Office and research and development uses are discouraged under this designation in order to reserve development sites for traditional industrial activities, such as heavy and light manufacturing and warehousing. The Heavy Industrial designation is also the appropriate category for solid waste transfer and processing stations, if those sites meet other *Envision General Plan* policies. Very limited scale retail sales and service establishments serving nearby

businesses and their employees may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding Heavy Industrial land from being used to its fullest extent and are not of a scale or design that depend on customers from beyond normal walking distances. Any such uses should be clearly incidental to the industrial users on the property and integrated within an industrial building. The Heavy Industrial designation is applied only to areas where heavy industrial uses presently predominate. Because of the limited supply of land available for heavy industrial uses, the Land Use Policies in the Envision General Plan restrict land use changes in areas reserved exclusively for industrial uses as implemented by several land use policies in Chapter 5.

#### Proposed General Plan Land Use Designation: Combined Industrial/Commercial

The Combined Industrial/Commercial land use designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses. Development intensity can vary significantly in this designation based on the nature of specific uses likely to occur in a particular area. In order to maintain an industrial character, small, suburban strip centers are discouraged in this designation, although larger big-box type developments may be allowed because they mix elements of retail commercial and warehouse forms and uses. While this designation potentially accommodates a wide variety of uses and building forms, more specific guidance should be provided through the application of the Zoning Ordinance in order to establish use and form standards that will promote the development of a cohesive employment area across multiple adjoining properties that share this designation.



Figure 2: Existing General Plan Land Use Designation



Figure 3: Proposed General Plan Land Use Designation

#### General Plan East Gish Employment Growth Area

The proposed site is located within the East Gish Employment Growth Area, which encompasses approximately 495 acres, generally east of Highway 880, west of Coyote Creek, and north of Berryessa Road. The East Gish Employment Area was created as part of the General Plan update process in 2011, and was designated to include a large majority of the City's heavy



industrial lands. This area has historically been comprised of industrial uses, and is maintained as such in order to preserve existing heavy and light industrial properties. The East Gish Employment Area has an employment capacity of 2,300 jobs and does not plan for any new housing units within the Growth Area.

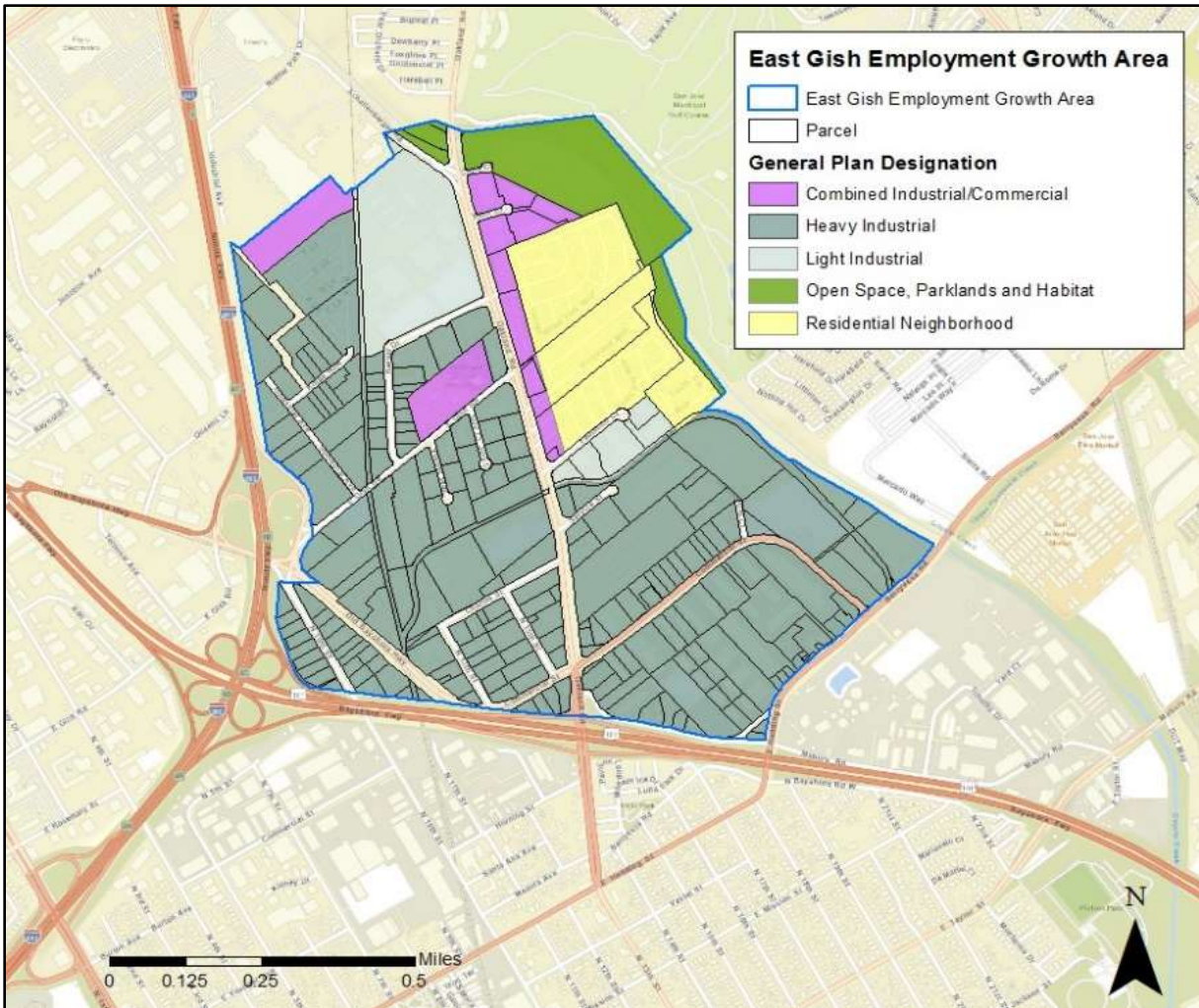


Figure 4: East Gish Employment Growth Area

### General Plan Goals and Policies

The proposed General Plan Amendment, Conforming Rezoning, and Conditional Use Permit are **inconsistent** with the following General Plan goals and policies:

1. **Industrial Preservation Goal LU-6:** Preserve and protect industrial uses to sustain and develop the city's economy and fiscal sustainability.

**Industrial Preservation Policy LU-6.1:** Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses.

**Industrial Preservation Policy LU-6.4:** Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute patterns.

**Industrial Preservation Policy LU-6.5:** Maintain and create Light Industrial and Heavy Industrial designated sites that are at least one acre in size in order to facilitate viable industrial uses.

**Industrial Preservation Policy LU-6.7:** Encourage supportive and compatible commercial and office uses in industrial areas designated for those uses. In areas reserved for light and heavy industrial uses, only limited auxiliary and incidental commercial uses, such as small eating establishments, may be permitted when such uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.

**Industrial Preservation Policy LU-6.8:** Reserve industrial areas for industrial and compatible support uses, while recognizing that industrial uses come in a variety of types and forms. Allow non-industrial uses which are only incidental to and totally compatible with primary industrial uses in exclusively industrial areas. Consider allowing supportive, non-industrial activities, such as retail sales of materials manufactured or stored on site.

*Analysis: The Envision San José 2040 General Plan includes many goals and policies related to the preservation and creation of industrial land within San José, including the prohibition of converting heavy and light industrial lands to non-industrial uses. While the proposed Combined Industrial/Commercial land use designation permits industrial uses, it also allows development that is solely commercial and retail in nature. Furthermore, the applicant has confirmed through the submittal of a Rezoning application and Conditional Use Permit that the intended use of the land is for commercial uses. A gasoline service station and convenience store are commercial uses and accordingly not allowed in the HI Heavy Industrial Zoning District. Thus, the proposed General Plan Amendment, Rezoning, and Conditional Use Permit are considered as a conversion of lands designated for heavy industrial uses to non-industrial uses, which is prohibited by the General Plan.*

*The site is also greater than one acre in size and is considered viable for industrial uses; converting the project site to the Combined Industrial/Commercial land use designation and Zoning District would remove 1.54 acres of heavy industrial lands from the City's land use inventory, and would significantly decrease the possibility for industrial development on this site in the future. The General Plan's Industrial Preservation goals and policies emphasize the preservation and support of industrial lands for industrial uses. While some commercial support uses may be permitted within industrial lands, these services should be incidental to the primary industrial uses. Per Section 20.150.120 of the Zoning Code, incidental retail uses should be directly related to and supportive of an existing industrial use and occupy no more than 15% of the building floor of an industrial building. The proposed retail gasoline service station and convenient store is not an incidental use as they are standalone commercial uses that support a regional need for gasoline and diesel; thus, the proposal directly conflicts with the policies listed above.*

2. **Innovative Economy Goal IE-1:** Proactively manage land uses to provide and enhance economic development and job growth in San Jose.

**Innovative Economy Policy IE-1.1:** To retain land capacity for employment uses in San José, protect and improve the quantity and quality of all lands designated exclusively for industrial uses, especially those that are vulnerable to conversion to non-employment uses.

**Broad Economic Prosperity Policy IE-6.2:** Attract and retain a diverse mix of businesses and industries that can provide jobs for the residents of all skill and education levels to support a thriving community.

**Promote Fiscally Beneficial Land Use Policy FS-4.2:** Maintain, enhance, and develop the employment lands within identified key employment areas (North Coyote Valley, the Berryessa International Business Park, the East Gish and Mabury industrial areas, the Evergreen industrial area, the Edenvale Redevelopment Project Area, and the Monterey Corridor Redevelopment Project Area). Protect existing employment uses within these areas from potentially incompatible non-employment uses.

*Analysis:* The General Plan policies above promote the management, enhancement, and protection of jobs and industrial lands within San José. The proposed land use change, rezoning, and conditional use permit would allow non-industrial uses on the subject site, further limiting the potential of industrial development on this property and in the area. The General Plan seeks to maintain employment uses within the East Gish Growth Area; the proposals, however, would displace the existing viable industrial tenants and their employees, and replace them with a low job-generating use. For example, gas stations typically only employ one to two people per shift.

*In addition, approval of the proposed project could encourage other industrial properties nearby to request to change their General Plan land use designation to Combined Industrial/Commercial in order to increase the value of their land. This could lead to further erosion of industrially designated lands in this prominently industrial area, as was prevalent when the Mixed Industrial Overlay was incorporated into the San José 2020 General Plan.*

For the reasons outlined above, staff recommends denial of the proposed General Plan Amendment request, the proposed Conforming Rezoning, and Conditional Use Permit. The proposals would displace the current industrial users on site (Bay Area Truck Services and Blair Auto Glass and Upholstery) and eliminate the potential for industrial uses in the future by converting lands with a Heavy Industrial General Plan land use designation. As stated above, the proposal would also incentivize other property owners with Heavy Industrial and Light Industrial land use designations to convert their land to Combined Industrial/Commercial. The conversion of an industrial property to a commercial land use designation would increase the site's property value, making it more difficult for industrial businesses to compete with other users for available land. This would further erode the limited employment lands, specifically heavy industrial lands, within the city.

### **Zoning Conformance**

The site currently has an HI Heavy Industrial Zoning District. Gas stations and convenience stores are not permitted within this zoning district. The proposed Conforming Rezoning would change the site's Zoning District from HI Heavy Industrial to CIC Combined Industrial/Commercial. Per Municipal Code Section 20.50.010, the CIC Zoning District is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the Combined Industrial/Commercial land use designation. The CIC Zoning District allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses. Gas stations, late night uses and the off-sale of alcoholic beverages are conditionally-permitted uses in the CIC Zoning District, and retail is a permitted use in this district.



Figure 5. Existing Zoning District

If the proposed General Plan Amendment were approved, CIC would be the conforming zoning district for the site. However, the existing HI Zoning for the site could not be changed to the CIC Zoning District without amending the General Plan designation to Combined Industrial/Commercial. Because staff is recommending the General Plan Amendment be denied, it is also recommended the Conforming Rezoning request be denied.

### Findings - Conditional Use Permit

The Conditional Use Permit findings pursuant to Section 20.100.720 of the San José Municipal Code:

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 proposed gas station and convenience store with off-sale of alcohol and late night use is a non-industrial use that is proposed for development on a parcel that is designated for heavy industrial uses. The Conditional Use Permit would therefore be inconsistent with Policy LU-6.1, which prohibits the conversion of lands designated for light and heavy industrial uses to non-industrial uses. Furthermore, the Conditional Use Permit would be inconsistent with the existing Heavy Industrial land use designation of the site, as this is not an allowable land use within this designation. While the applicant is proposing the land use designation of the property be changed to Combined Industrial/Commercial, this designation would allow a number of non-industrial uses to be developed on the site, which would also be inconsistent with Policy LU-6.1. The Conditional Use Permit is therefore inconsistent with both the existing land use designation and the policies of the General Plan, as analyzed herein and within the General Plan Conformance section, above.*

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 discussed in the Zoning Conformance section above, the proposed project is not permitted in the Heavy Industrial Zoning District and therefore does not conform to the San José Municipal Code. While the applicant proposes a change in the zoning district of the subject site from HI Heavy Industrial to CIC Combined Industrial Commercial, which would allow the proposed use, this change would be inconsistent with the Heavy Industrial General Plan land use designation for the subject site. As analyzed in Finding 1 above, amending the land use designation to CIC allow the proposed CIC zoning would be inconsistent with Policy LU-6.1.*

3. The conditional use permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: The proposed project is **inconsistent** with City Council Policy 6-27, Evaluation of 24-Hour Uses, as analyzed in the City Council Policy 6-27 section below.*

4. The proposed use at the location requested will not:

- Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
- Impair the utility or value of property of other persons located in the vicinity of the site; or
- Be detrimental to public health, safety or general welfare; and

*Analysis: The proposed late night use of the gas station could potentially be disruptive to the immediately-adjacent mobile home park to the north of the site due to operational noise during sensitive late night hours. The Initial Study prepared for the project concluded that project noise would not exceed the instantaneous and 24-hour average noise levels of the Zoning Ordinance and General Plan, respectively with regard to adjacent residential uses. Any exterior lighting would be required to comply with the city's outdoor lighting requirements prohibiting light and glare from the use intruding upon the adjacent property. For these reasons, the project would not adversely affect the peace and welfare of persons residing or working in the surrounding area.*

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 property for the proposed convenience store and fuel station would have an adequate size and shape to accommodate the yards, walls, fences, and parking and loading facilities, landscaping and other development features, as documented on the proposed project plans.*

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 adequately served by the adjacent public streets and can be directly accessed from Oakland Road.*

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: The site includes an existing gas/diesel fuel station, a truck service and repair shop, and an auto glass and upholstery business, which would be replaced by a gas station and convenience store. The project would induce more vehicle traffic because of the renovation and proposed convenience store; however, the increase in traffic would not have an unacceptable negative impact on adjacent properties or nearby intersections, as analyzed in the Environmental Initial Study prepared for the project. The construction of the building and gas station would cause a temporary increase in noise to the adjacent mobile home park, but will be mitigated through the limited construction hours and other measures included in the Mitigation Monitoring and Reporting Program for the project. Given these counterbalancing factors, the project will not have an unacceptable negative environmental effect on adjacent property or properties.*

#### **City Council Policy 6-27: Criteria for the Evaluation 24-Hour Uses**

The Policy states that while there is a general public need for some late night services, there are potentially significant problems with such uses including proximity to residential uses, crime, gang activity, drugs, litter, loitering and noise. The Initial Study prepared for the project determined that noise levels resulting from the project would not exceed noise impact thresholds established in the General Plan for the adjacent residential uses to the north of the site, due to the proposed construction of a seven-foot high sound wall along the adjoining property line. The Policy also states, however, that 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 Police Department has analyzed the project, and Chief of Police has provided a written memorandum recommending denial of the Conditional Use Permit due to the existing overconcentration of off-sale alcoholic beverage licenses in the subject Census Tract; therefore, the project would not be consistent with Policy 6-27.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building, and Code Enforcement for the subject General Plan Amendment, Conforming Rezoning, and Conditional Use Permit. The documents were circulated for public review between October 17, 2017 to November 6, 2017.

The final IS/MND states that the proposed project will not have a significant effect on the environment. The primary environmental issues addressed in the final Initial Study include potential impacts on the physical development of the site on: biological resources, hazards and hazardous materials, and noise. The MND includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. In addition to other environmental conditions, the mitigation measures would be included in the Condition Use Permit as permit conditions if it were to be approved and in a Mitigation Monitoring and



Reporting Program. The entire IS/MND and other related environmental documents are available on the Planning web site at: <http://www.sanjoseca.gov/index.aspx?NID=2165>

**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 500 feet of the project site and posted on the City website. The staff report is also posted on the City’s website. Staff has been available to respond to questions from the public.

**Community Meeting**

Approximately 25 community members attended a joint community meeting for File Nos. GP16-011, GP17-001, and GP17-002. Of the 25 attendees, only two community members expressed general interest in the proposed project. The community members were tenants of one of the existing industrial buildings (Bay Area Truck Services) on site and were concerned about when they would need to relocate if the proposed project were approved. They stated that if the site were redeveloped, the land owner would displace the business and their employees.

**Project Managers:** Kimberly Vacca and Robert Rivera  
**Approved by:** *SAMIA DO*, Division Manager for Rosalynn Hughey,  
 Interim Planning Director  
**Date:** *11/7/2017*

| Owner  | Applicant   |
|--|---|
| Dave Mordick<br>955 Martina Venue<br>Santa Clara, CA 95050 | John Hicks<br>PO Box 1676<br>Santa Rosa, CA 95402 |

| <b>Attachments:</b>   |
|---|
| A) Initial Study and Negative Declaration<br>B) Draft Resolution<br>C) Public Correspondence<br>D) Police Department Memorandum<br>E) Draft Mitigated Negative Declaration Resolution & Mitigation Monitoring and Reporting Program<br>F) Plans |

# **Attachment A:**

**The Initial Study/Negative Declaration for  
GP16-011, C17-008, CP17-015**

Can be viewed online at:

<http://www.sanjoseca.gov/index.aspx?NID=5715>

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE TO DENY THE APPLICATION FOR GENERAL PLAN AMENDMENT TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION TO COMBINED INDUSTRIAL/COMMERCIAL, DENY THE APPLICATION TO CHANGE THE ZONING TO THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT, AND DENY THE APPLICATION FOR A CONDITIONAL USE PERMIT TO AUTHORIZE THE DEMOLITION OF AN EXISTING BUILDING AND FUELING DISPENSERS, AND THE CONSTRUCTION OF A 3,750 SQUARE FOOT CONVENIENCE STORE, AUTO RETAIL FUELING DISPENSERS, CANOPIES, AND CARD LOCK FUELING DISPENSERS WITH THE OFF-SALE OF BEER AND WINE AND 24-HOUR USE ON THE 1.54 GROSS ACRE SITE LOCATED AT THE NORTHEAST CORNER OF COMMERCIAL STREET AND OAKLAND ROAD (1202 OAKLAND ROAD).**

**FILE NOS. GP16-011, C17-008, CP17-015**

**WHEREAS**, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on September 21, 2016, March 20, 2017 and May 8, 2017 the following concurrent applications were filed by the applicant, John Hicks, with the City of San José for the 1.54 gross acre site on that certain real property located on the northeast corner of Commercial Street and Oakland Road (1202 Oakland Road, San José, which real property is sometimes referred to herein as the “Subject Property”):

1. General Plan Amendment to change the General Plan Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial/Commercial (File No. GP16-011),
2. Conventional Rezoning from HI Heavy Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District (File No. C17-008), and
3. Conditional Use Permit to allow the demolition of an existing building and fueling dispensers, and the construction of a 3,750 square foot convenience store, auto

retail fueling dispensers, canopies, and card lock fueling dispensers with the off-sale of beer and wine, and 24-hour use (File No. CP17-015) (all applications are hereinafter collectively referred to as the “Project”); and

**WHEREAS**, the Subject Property is all that real property more particularly described and depicted in Exhibit "A", entitled “Legal Description,” which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

**WHEREAS**, all of the Project applications are considered concurrently in accordance with Section 20.100.130 of the San Jose Municipal Code; and

**WHEREAS**, an Initial Study and Mitigated Negative Declaration for the Rotten Robbie #67 Project, including evaluation of the impacts of all applications submitted by the Applicant, has been prepared in accordance with the California Environmental Quality Act; and

**WHEREAS**, the Council is required by law to consider the applications for approval for this Project in the following order, and the approval of any of the latter items requires the approval of all of the actions before it:

1. Appropriate CEQA clearance,
2. General Plan amendment,
3. Zoning amendment, and
4. Conditional Use Permit; and

**WHEREAS**, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, the Planning Commission conducted a hearing on said Project on November 15, 2017, notice of which was duly given; and

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

**WHEREAS**, at said hearing the Planning Commission made a recommendation to the City Council respecting said matter based on the evidence and testimony; and

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

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

**WHEREAS**, at said hearing this City Council received and considered the reports and recommendations of the City's Planning Commission; and

**WHEREAS**, at said hearing, this City Council received in evidence a plan for the subject property entitled "Rotten Robbie #67, 1202 Oakland Road, San José, California 95112," last revised September 27, 2017, said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

**WHEREAS**, said public hearing before the City Council was conducted in all respects as required by the San José Municipal Code and the rules of this City Council; and

**WHEREAS**, the Council desires to deny the application for the General Plan amendment because the requested change in the land use designation for the Subject Property from

its current Heavy Industrial designation would be inconsistent with the Council's land use goals and policies expressed in the General Plan; and

**WHEREAS**, as a result of the Council's denial of the application for General Plan Amendment, the applications for zoning amendment and conditional use permit are also denied because they are inconsistent with the current General Plan and cannot be approved absent the requested change in General Plan designation, which is denied.

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The application for General Plan amendment to change the land use designation of the Subject Property from Heavy Industrial to Combined Industrial/Commercial, File No. GP16-011, is hereby denied.
2. The application to change the zoning district of the Subject Property from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District, File No. C17-008, is hereby denied because it is inconsistent with the current General Plan land use designation of Heavy Industrial.
3. The application for a conditional use permit to authorize the proposed commercial uses on the Subject Property, File No. CP17-015, is hereby denied because the Council does not make the finding of consistency with the General Plan and Zoning required by Chapter 20.100 of Title 20 of the San José Municipal Code for all of the reasons that follow:
  - a. The Subject Property is designated Heavy Industrial on the Envision San José 2040 General Plan Land Use/Transportation Diagram. The Project is inconsistent with this designation as it allows for a significant amount of sole commercial development of a varied mixture of uses. The General Plan includes many goals and policies related to the preservation and creation of industrial land within San José, including the prohibition on converting heavy and light industrial

lands to non-industrial uses. While the proposed Combined Industrial/Commercial land use designation allows industrial uses, it also allows for development that is solely commercial and retail in nature. The Project applications include the Conditional Use Permit application for the use of the Subject Property for solely commercial uses. Thus, the proposed General Plan Amendment, Rezoning, and Conditional Use Permit applications are for the conversion of industrial land to non-industrial land which is inconsistent with the General Plan.

b. The Project is inconsistent with the following goals and policies of the General Plan:

- Industrial Preservation Goal LU–6: Preserve and protect industrial uses to sustain and develop the city’s economy and fiscal sustainability.
- Industrial Preservation Policy LU–6.1: Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses.
- Industrial Preservation Policy LU–6.4: Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute patterns.
- Industrial Preservation Policy LU-6.5: Maintain and create Light Industrial and Heavy Industrial designated sites that are at least one acre in size in order to facilitate viable industrial uses.
- Industrial Preservation Policy LU-6.7: Encourage supportive and compatible commercial and office uses in industrial areas designated for those uses. In areas reserved for light and heavy industrial uses, only limited auxiliary and incidental commercial uses, such as small eating establishments, may be permitted when such uses are of a scale and design providing support only

to the needs of businesses and their employees in the immediate industrial area.

- Industrial Preservation Policy LU–6.8: Reserve industrial areas for industrial and compatible support uses, while recognizing that industrial uses come in a variety of types and forms. Allow non-industrial uses which are only incidental to and totally compatible with primary industrial uses in exclusively industrial areas. Consider allowing supportive, non-industrial activities, such as retail sales of materials manufactured or stored on site.
- c. The Subject Property is greater than one acre in size and is considered viable for industrial development. Conversion of the Subject Property to commercial uses as proposed in the Project applications would significantly decrease the possibility of industrial development on this site in the future. General Plan Policy LU-6.4 also states that the City should encourage the development of new industrial areas and the redevelopment of marginal industrial areas with new industrial uses. To be consistent with the General Plan, the City should promote the development of industrial uses on the Subject Property and not the expansion of commercial uses as requested in the Project applications including the conditional use permit application.

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DENIED this \_\_\_\_ day of \_\_\_\_\_ 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk

## Vacca, Kimberly

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**From:** Tesi Leasing Inc noelpinto <batsj@sbcglobal.net>  
**Sent:** Wednesday, August 09, 2017 10:34 AM  
**To:** Vacca, Kimberly  
**Subject:** Bay Area Truck Services

Dear Kimberly,

Per our conversation, it will be a tremendous hardship for our company, and it's employees/customers and vendors to loose our current location. We have been her since the 80's and have worked hard to establish our customer base. The reasons it would be a hardship for us to relocate are as follows:

1. Our location is perfect because the big trucks/trailers are able to pull off the nearby freeways (101, 880, 680) and pull into our lot with ease. This is a must because they cannot maneuver in tight areas and need a convenient way to get to us. If we were to move there's a good chance we would loose most of our customers. It is very difficult to find a convenient and affordable location in San Jose. Without our large customers there's a good chance we would have to go out of business. This would mean the lose of jobs for 7 of our employees plus the many vendors/contractors/customers who count on us.

2. Our labor rate has always been the lowest in the business. This makes it possible for our low income customers to operate profitably in the area. If we were to go out of business there's a good chance many of our customers would not be able to find affordable maintenance for their vehicles and would therefore create a hardship for them.

3. We do not have a lot of employee turnover and provide well paying jobs for people who would otherwise have to relocate. Most of our employees have families and small children who are established in their homes and school districts. Finding work, that pays well, would more than likely mean they would have to relocate and would cause a hardship for them.

In short, our company provides well paying jobs for it's employees, supports many local vendors and provides affordable service for low income commercial truck/trailer companies. Having to move would create a tremendous chain of hardship for all involved. For these reasons we feel there is no good reason to force us to relocate.

Please let us know your thoughts.

Sincerely,

Paul Rivard  
Manager

BATS / TESI Leasing, Inc.  
757 Commercial Street  
San Jose CA, 95112  
Phone # 408-453-5560  
Fax # 408-453-5563



September 20, 2016

Mr. Jared Hart  
Supervising Planner, City of San Jose  
200 E. Santa Clara St., 3<sup>rd</sup> Floor  
San Jose, CA 95113

RE: Rotten Robbie, 1202 Oakland Rd., San Jose File No. PRE16-081

Dear Jared,

This cover letter is intended to describe the reasoning and justifications for applying to amend the General Plan for this site from HI to CIC. Presently there exists an auto fueling facility, RV & truck repair shop and commercial glass business. Robinson Oil is proposing to rezone the site and construct an auto/truck fueling facility, C-store and car wash.

Various companies have been selling retail gasoline at this site for many years and Robinson Oil intends to do so for many more years. The current problem is that the site is old and run down, and we are simply looking for ways to upgrade the site to modernize the facilities, enhance the property and provide needed services to the area.

We certainly understand the hard work and effort that goes into General Plan development, and the importance of the plan in evaluating proposed future development in the City. However, we feel that in identifying areas of future land use, a fairly broad brushstroke swath is applied, which sometimes overlooks smaller, "islands" of existing parcels & uses, which in this case doesn't quite fit into the future plan designation. This site is a perfect example in that it has been a gas station since the mid-'60's, and will continue to offer fuel sales in the future. Also, it is far too small in size (1.5 acres) to warrant viable heavy industrial investment development.

The following are key points in support of our proposed amendment:

1. Commercial/industrial areas need truck fueling. This neighborhood specifically, and San Jose in general, has few places for diesel trucks to fuel. The proposed upgrade provides needed services.
2. The site was originally built in 1965 as a Shell Service Station.
3. The site continues to sell fuel to commercial vehicles, and will continue to operate "as is" unless allowed to upgrade.
4. This site is adjacent to a large mobile home complex.
5. Directly across Oakland Rd. are fast food properties and other retail uses.
6. The site is far too small to justify heavy industrial development investment.
7. This new Rotten Robbie facility would generate significant sales tax revenue for the City.

## PROJECT MANAGEMENT

P.O. Box 1676  
Santa Rosa, CA 95402

J: 707.333.5080  
G: 707.228.6522

johngloria@sbcglobal.net  
Fax: 707.545.3548

Page 2 – Cover Letter, proposed Rotten Robbie facility, 1202 Oakland Rd., San Jose.

In closing, we are simply looking for ways to upgrade the site and need help from the City to do so. We feel strongly that our proposed project would result in a huge improvement to the site and neighborhood in terms of aesthetics, jobs, tax revenues and retail offerings that are needed in this area.

Regards,

GJ Project Management  
3766 Darlington Ct.  
Santa Rosa, CA 95404

## Rotten Robbie

Robinson Oil Corporation (ROC) owns and operates the independent, private brand Rotten Robbie chain of gasoline stations and convenience stores. The company has 34 Rotten Robbie stores from Salinas to Clear Lake. ROC is a fourth generation family business headquartered in Santa Clara. ROC was founded circa 1938. In 1948, one of the Rotten Robbie founders, Herb Richards, was the first to sell self-service gasoline in Northern California at a station in San Jose. The Rotten Robbie name was first used at a gasoline station in 1973. Since the company did not have a large advertising budget, the "Rotten Robbie" moniker was a fun (and inexpensive) way to have a name customers would remember and (hopefully) associate with the company's competitive fuel prices and well run stores.

Since the 1980's, the convenience retail – fuel and store – channel of the retail industry has developed significantly into larger stores and a much broader offering of products. Besides the staples of candy, snacks, soda, tobacco and beer; new stores have more prepared foods, healthy products, fresh products, as well as a more diverse array of refreshment products.

All the retail channels have evolved. The lines have blurred between channel offerings.

1. Big boxes sell supermarket items, prepared foods, have pharmacies, and sell gasoline.
2. Pharmacies sell supermarket/convenience store items including alcohol and tobacco.
3. Supermarkets have pharmacies, try to be convenience with 8 items or less aisles, sell alcohol and gasoline, and have bank branches.
4. Trader Joe's – Part convenience store, part supermarket, part big box.
5. Everyone sells coffee – Starbucks, McDonalds, etc.

In general, the Bay Area convenience retail channel has not developed. There are many 1960's vintage facilities still in operation. Where there are convenience stores, the offerings are generally limited. There are a number of reasons for this, for example, the high cost of land and development, but the major impediment was or is local ordinances. For example, until recently, San Jose would not allow fuel and groceries to be sold at the same business. This obviously quashes the development of new convenience retail businesses.

ROC is updating our older Rotten Robbies and developing new, larger, more attractive sites with a wider array of product offerings. We are improving and growing in the Bay Area and Northern California. We have a multi-year initiative to Enhance the Rotten Robbie Brand. It has not been fast, easy or inexpensive, but we are committed.

## Rotten Robbie

### Keys to Success (or not)

There are a number of key criteria that are necessary for a successful Rotten Robbie. Without these, it does not make financial sense for a multi-million dollar investment. They are as follows:

1. Good location, strong traffic count. In all retail businesses, location is important, but the reality is that people do not (as a general rule) go out of their way to buy fuel. They get it on the way someplace, for example, on the way home, to work, to school, to the market, etc.
2. Good ingress and egress for customers and for supplier fuel and store trucks.
3. Large 3,000 plus square foot convenience store that is designed well. A store large enough to stock a wide variety to fulfill shopper needs and wants. It is also important that it be laid out well. There is no space to waste.
4. Lots of front parking. Without adequate front parking, the store will never be a destination on its own. It will be dependent only on fuel customers.
5. Large fueling presence. Three to four islands with two dispensers per island. This provides the capabilities to compete with the strongest fuel retailers.
6. Beer/wine off premise license. Beer is important because it is a Top 5 sales category in a convenience store. But it is even more important because it is a destination product. Consumers normal do not buy beer on impulse. Beer brings shoppers to the store, and they buy other products. If you do not sell beer, you lose that sale, plus the other products the consumer would purchase. Frequently, that consumer never becomes your customer. Beer frequently can be a thorny issue with the city or the community. It has been our experience that it is never a problem or an issue afterwards. In other words, when we sell it in our stores, we do not have problems. Customers and the community see that it fits with the rest of the store categories. And we sell it responsibly.
7. 24 Hour operation. Most of our stores do not operate 24 hours per day. But in certain location it is important.
8. Minimal or no building property setback. This is generally an issue with legacy or smaller properties. To utilize smaller properties effectively to allow for parking and vehicle flow, efficient use of the property is important.

With the high cost of land and development, especially in California, it is critical to have all of the above to move forward on a significant investment.



# Memorandum

**TO:** Robert Rivera  
 Planning Department

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

**SUBJECT:** Rotten Robbie Gas Station  
 1202 Oakland Road

**DATE:** October 4, 2017

Approved

Date

I have received your request for input regarding Rotten Robbie Gas Station located at 1202 Oakland Road, San Jose, Ca. 95112. Rotten Robbies is seeking an off-sale beer and wine Alcohol Beverage Control (ABC) license.

Per Business and Professions (B&P) Code Section 23958, the State of California Department of Alcohol Beverage Control 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 it's proximity to other ABC Licenses.

Rotten Robbies is located in San Jose Police Beat Robert Four. 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).

### Police Beat Crime Statistics

| Beat         | Index Crimes | Arrests | Total | 20% Above Average |
|--------------|--------------|---------|-------|-------------------|
| R4 (2016)    | 340          | 110     | 450   | No                |
| City Average | 319          | 122     | 441   |                   |

ABC records indicate Rotten Robbies is in census tract 5043.18. Pursuant to B&P Section 23958.4 (a)(3) ... the ratio of on-sale retail licenses and off-sale retail licenses to population in census tract 5043.18 **would** exceed the ratio of on-sale retail licenses and off-sale retail licenses to population in the county in which the applicant premises are located.

### Authorized and Current ABC Licenses in Census Tract 5043.18

| Census Tract | Authorized ABC Licenses |            | Current ABC Licenses |            | Unduly Concentrated |            |
|--------------|-------------------------|------------|----------------------|------------|---------------------|------------|
|              | On - Sale               | Off - Sale | On - Sale            | Off - Sale | On - Sale           | Off - Sale |
| 5043.18      | 7                       | 2          | 10                   | 2          | Yes                 | Even       |

A records check of calls for service and self-initiated activity revealed a high number of vagrancy calls in that area.

The San Jose Police Department is neutral to the issuance of the off-sale license as long as the location is prohibited from selling single cans or bottles of beer 40 ounces and under. If the location is not prohibited from selling single cans or bottles of beer 40 ounces and under, then the San Jose Police Department is opposed to this application. Please feel free to contact me at 277-4322 if you have any questions.

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



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE ROTTEN ROBBIE #67 GAS STATION PROJECT MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM**

File Nos. GP16-011, C17-008, and CP17-015

**WHEREAS**, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for the Rotten Robbie #67 Gas Station Project under Planning File Nos. GP16-011, C17-008, and CP17-015 (the “Initial Study/Mitigated Negative Declaration”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

**WHEREAS**, the Rotten Robbie #67 Gas Station Project (the “Project”) analyzed under the Initial Study/Mitigated Negative Declaration consists of 1) a General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial/Commercial, 2) a conforming Rezoning from Heavy Industrial (HI) to Combined Industrial/Commercial (CIC), and 3) a Conditional Use Permit to allow the demolition of existing structures on site and construction of an approximately 3,750 square foot one-story convenience store, six fuel stations for automobile dispensers (12 pumps), 12 fuel stations for cardlock fueling dispensers (24 pumps), a 3,432 square foot canopy over the automobile fueling area, and a 4,813 square foot canopy over the cardlock fueling area on an approximate 1.54 gross acre site located at 1202 Oakland Road, which is situated on the northeast corner

of Commercial Street and Oakland Road (Assessor's Parcel Number 241-11-014, -020, -021, -022), San José, California; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

**WHEREAS**, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environmental effects to a less-than-significant level; and

**WHEREAS**, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of San José as lead agency for the Project (the "Mitigation Monitoring and Reporting Program"); and

**WHEREAS**, the City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the Project; and

**WHEREAS**, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project are on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**THAT THE CITY COUNCIL** does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Initial Study/ Mitigated Negative Declaration represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

**THAT THE CITY COUNCIL** does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project (Planning File Nos. GP16-011, C17-008, CP17-015). The Mitigation Monitoring and Reporting Program for the Project is attached hereto as Exhibit "A" and fully incorporated herein. The Initial Study/Mitigated Negative

Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113 and (2) available for inspection by any interested person.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

# MITIGATION MONITORING AND REPORTING PROGRAM

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**Rotten Robbie #67 Gas Station**  
**File Numbers: GP16-011, C17-008, CP17-015**  
**October 2017**

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## PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study/Mitigated Negative Declaration prepared for the Rotten Robbie #67 Gas Station Project concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Initial Study/Mitigated Negative Declaration concluded that the impacts from implementation of the project would be less than significant.

I, \_\_\_\_\_, the applicant, on the behalf of \_\_\_\_\_, hereby agree to fully implement the Mitigation Measures described below which have been developed in conjunction with the preparation of an Initial Study/Mitigated Negative Declaration for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level, where feasible.

Project Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_



*Planning, Building and Code Enforcement*  
 ROSALYNN HUGHEY, INTERIM DIRECTOR

Rotten Robbie #67 Gas Station Project  
 File Numbers: GP16-011, C17-008, CP17-015

| MITIGATIONS   | MONITORING AND REPORTING PROGRAM  |   |  |  |   |
|---|---|---|--|--|---|
|   | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility]   |   | Documentation of Compliance<br>[Lead Agency Responsibility]  |  |   |
|   | Method of Compliance<br>Or Mitigation Action  | Timing of<br>Compliance   | Oversight<br>Responsibility  | Actions/Reports  | Monitoring<br>Timing or<br>Schedule   |
| <b>BIOLOGICAL RESOURCES</b>   |   |   |  |  |   |
| <b>Impact BIO-1: Construction of the project could result in impacts to nesting migratory birds.</b>  |   |   |  |  |   |
| <p><b>MM BIO-1:</b> The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.</p> <p>If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive) to avoid the nesting season, pre-construction surveys for nesting raptors and other migratory nesting birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of the site. Projects that commence demolition and/or construction activities between February</p> | <p>Avoidance of construction activities during nesting seasons</p> <p>If avoidance of construction activities during nesting seasons is not feasible, a pre-construction nesting bird survey shall be conducted by a qualified ornithologist and construction-free buffer zones shall be designated</p> | <p>Prior to issuance of any grading, demolition, and/or building permits.</p> | <p>Supervising Environmental Planner of the City of San José<br/>         Department of Planning, Building, and Code Enforcement,<br/>         CDFW.</p> | <p>Confirm that demolition and construction activities are scheduled outside of the nesting season.</p> <p>Review the preconstruction survey report indicating the results of the survey and any</p> | <p>Prior to issuance of any grading, demolition, and/or building permits.</p> |

| MITIGATIONS  | MONITORING AND REPORTING PROGRAM   |                         |   |                                 |                                     |
|--|--|-------------------------|---|---------------------------------|-------------------------------------|
|  | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility]  |                         | Documentation of Compliance<br>[Lead Agency Responsibility] |                                 |                                     |
|  | Method of Compliance<br>Or Mitigation Action   | Timing of<br>Compliance | Oversight<br>Responsibility                                 | Actions/Reports                 | Monitoring<br>Timing or<br>Schedule |
| <p>1st and April 30th, shall conduct a pre-construction survey for nesting birds no more than 14 days prior to initiation of construction, demolition activities, or tree removal. Between May 1st and August 31st, the pre-construction survey shall be conducted no more than 30 days prior to initiation of construction, demolition, or tree removal activities.</p> <p>If an active nest is found in or close enough to the project area to be disturbed by construction activities, a qualified ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, to ensure that raptor or migratory bird nests would not be disturbed during ground disturbing activities. The construction-free buffer zones shall be maintained until after the nesting season has ended and/or the ornithologist has determined that the nest is no longer active.</p> | <p>around any discovered nest.</p> <p>Following completion of the preconstruction survey, the project applicant shall submit a report prepared by a qualified ornithologist to document the results of the survey and any designated construction-free buffer zones.</p> |                         |   | <p>designated buffer-zones.</p> |                                     |



| MITIGATIONS   | MONITORING AND REPORTING PROGRAM  |  |   |  |  |
|---|---|--|---|--|--|
|   | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility] |  | Documentation of Compliance<br>[Lead Agency Responsibility]   |  |  |
|   | Method of Compliance<br>Or Mitigation Action                                | Timing of<br>Compliance                              | Oversight<br>Responsibility   | Actions/Reports  | Monitoring<br>Timing or<br>Schedule                  |
| <p>The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to any demolition, grading and/or building permit.</p>   |   |  |   |  |  |
| <b>HAZARDS AND HAZARDOUS MATERIALS</b>  |   |  |   |  |  |
| <p><b>Impact HAZ-1:</b> Hazardous materials contamination on the site, if discovered in soil, could pose a risk to construction workers and others on or around the project site during excavation and grading, subsurface utility installation, maintenance, or landscaping.</p>   |   |  |   |  |  |
| <p><b>MM HAZ-1.1:</b> Prior to the issuance of any grading permits, the project applicant shall collect shallow soil samples. The samples shall be analyzed for organochlorine pesticides (OCPs) and pesticide based metals (arsenic and lead). The soil sampling report indicating the results of the sampling shall be submitted to the City of San José Department of Planning, Building and Code Enforcement, and the Environmental Services Department (ESD) for approval. If results of the soil samples are over the screening levels, the applicant shall include conditions and procedure for clean-up as part of HAZ-1.2.</p> | <p>Applicant shall collect shallow soil samples.</p>                        | <p>Prior to the issuance of any grading permits.</p> | <p>Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement and Environmental Services Specialist of the Environmental Services Department</p> | <p>Review the results/report of the shallow samples.</p> | <p>Prior to the issuance of any grading permits.</p> |

| MITIGATIONS  | MONITORING AND REPORTING PROGRAM  |  |  |                                      |  |
|--|---|--|--|--------------------------------------|--|
|  | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility] |  | Documentation of Compliance<br>[Lead Agency Responsibility]  |                                      |  |
|  | Method of Compliance<br>Or Mitigation Action                                | Timing of<br>Compliance  | Oversight<br>Responsibility  | Actions/Reports                      | Monitoring<br>Timing or<br>Schedule              |
| <p><b>MM HAZ-1.2:</b> Separate from the results found in MM HAZ-1.1, prior to the issuance of a demolition or grading permit, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. Appropriate soil testing, characterization, storage, transportation, and disposal procedures shall be specified in the SMP. The sampling results shall be compared to appropriate risk-based screening levels in the SMP. The SMP shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate mitigation measures.</p> <p>The SMP shall be submitted to the Santa Clara County Department of Environmental Health (or equivalent agency) for review and approval. A copy of the approved SMP shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and</p> | <p>Preparation of the SMP and implementation of the SMP measures.</p>       | <p>Prior to issuance of any grading permit; during construction.</p> | <p>Santa Clara County Department of Environmental Health or equivalent agency.</p> <p>Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement and Environmental Services Specialist of the Environmental Services Department</p> | <p>Review and approve of the SMP</p> | <p>Prior to issuance of any grading permits.</p> |

| MITIGATIONS  | MONITORING AND REPORTING PROGRAM  |                         |   |                 |                                     |
|--|---|-------------------------|---|-----------------|-------------------------------------|
|  | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility] |                         | Documentation of Compliance<br>[Lead Agency Responsibility] |                 |                                     |
|  | Method of Compliance<br>Or Mitigation Action                                | Timing of<br>Compliance | Oversight<br>Responsibility                                 | Actions/Reports | Monitoring<br>Timing or<br>Schedule |
| <p>Code Enforcement and Municipal Compliance Officer of the City of San José Environmental Services Department for approval prior to the issuance of any grading permits. The SMP shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>• A detailed discussion of the site background;</li> <li>• Proper mitigation as needed for demolition of existing structures;</li> <li>• Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;</li> <li>• Management of underground structures encountered, including utilities and/or underground storage tanks;</li> <li>• Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, etc.) is discovered during excavation or demolition activities.</li> </ul> |   |                         |   |                 |                                     |

| MITIGATIONS   | MONITORING AND REPORTING PROGRAM  |   |  |  |   |
|---|---|---|--|--|---|
|   | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility] |   | Documentation of Compliance<br>[Lead Agency Responsibility]                |  |   |
|   | Method of Compliance<br>Or Mitigation Action                                | Timing of<br>Compliance   | Oversight<br>Responsibility  | Actions/Reports                                  | Monitoring<br>Timing or<br>Schedule                                   |
| <ul style="list-style-type: none"> <li>• Removal of underground storage tanks (USTs) requirements and guidelines.</li> <li>• Installation of new underground storage tanks (USTs) requirements and guidelines.</li> <li>• A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction.</li> </ul> |   |   |  |  |   |
| <b>NOISE AND VIBRATION</b>  |   |   |  |  |   |
| <b>Impact NOI-1:</b> Construction noise and vibration generated by the proposed project could impact nearby sensitive receptors.  |   |   |  |  |   |
| <b>MM NOI-1.1:</b> <u>Construction Noise and Vibration Plan:</u> The project applicant shall develop and implement a construction noise and vibration logistics plan (Plan) that will be in effect during all phases of construction on the project site. The Plan shall be included as part of the contractors   | Submit a Construction Noise and Vibration Plan                              | Prior to the issuance of any demolition, grading, or building permit. | Supervising Environmental Planner of the Department of Planning, Building, | Review the Construction Noise and Vibration Plan | Prior to the issuance of any demolition, grading, or building permit. |

| MITIGATIONS  | MONITORING AND REPORTING PROGRAM  |                         |   |                 |                                     |
|--|---|-------------------------|---|-----------------|-------------------------------------|
|  | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility] |                         | Documentation of Compliance<br>[Lead Agency Responsibility] |                 |                                     |
|  | Method of Compliance<br>Or Mitigation Action                                | Timing of<br>Compliance | Oversight<br>Responsibility                                 | Actions/Reports | Monitoring<br>Timing or<br>Schedule |
| <p>for construction workers and applicable supervisors. All measures shall be printed on all approved construction documents, contracts, and/or project plans. The applicant shall submit a copy of all approved plans, construction documents, contracts, and/or project plans to the Supervising Environmental Planner prior to the issuance of any demolition, grading, or building permits. The Plan shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>• A list of all potential equipment (including specs) that will be used during all earthmoving activities.</li> <li>• A schedule of all earthmoving activities.</li> <li>• Responsibilities of personnel on the site.</li> <li>• Outreach strategies to inform nearby residences of construction hours and phase.</li> <li>• Best management practices to reduce construction noise such as, but is not limited to, the following: <ul style="list-style-type: none"> <li>○ Construct solid plywood fences around construction sites</li> </ul> </li> </ul> |   |                         | and Code Enforcement  |                 |                                     |

| MITIGATIONS   | MONITORING AND REPORTING PROGRAM  |                         |   |                 |                                     |
|---|---|-------------------------|---|-----------------|-------------------------------------|
|   | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility] |                         | Documentation of Compliance<br>[Lead Agency Responsibility] |                 |                                     |
|   | Method of Compliance<br>Or Mitigation Action                                | Timing of<br>Compliance | Oversight<br>Responsibility                                 | Actions/Reports | Monitoring<br>Timing or<br>Schedule |
| <p>adjacent to operational businesses, residences, or noise-sensitive land uses.</p> <ul style="list-style-type: none"> <li>○ Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</li> <li>○ Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</li> <li>○ Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjoining noise-sensitive land uses.</li> <li>○ Prohibit all unnecessary idling of internal combustion engines.</li> <li>○ Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing,</li> </ul> |   |                         |   |                 |                                     |

| MITIGATIONS   | MONITORING AND REPORTING PROGRAM   |  |  |  |  |
|---|--|--|--|--|--|
|   | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility]                      |  | Documentation of Compliance<br>[Lead Agency Responsibility]  |  |  |
|   | Method of Compliance<br>Or Mitigation Action   | Timing of<br>Compliance  | Oversight<br>Responsibility  | Actions/Reports  | Monitoring<br>Timing or<br>Schedule  |
| <p>and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.</p> <ul style="list-style-type: none"> <li>The name and contact information (i.e. telephone number and email address) of the disturbance coordinator, who would be responsible for responding to complaints about construction noise, shall be posted at the construction site and included in the notice sent to neighboring noise-sensitive land uses regarding the construction schedule.</li> </ul> |  |  |  |  |  |
| <p><b>MM NOI-1.2: Construction Equipment:</b> The project applicant shall ensure that the following measures are printed on all approved construction documents, contracts, and/or project plans:</p> <ul style="list-style-type: none"> <li>The contractor shall alert heavy equipment operators to the proximity of the adjacent structures so they can exercise care.</li> <li>The contractor shall retain a qualified firm to complete a pre- and post-</li> </ul>  | <p>Print all measures on construction documents, contracts, and/or project plans for review.</p> | <p>Prior to the issuance of any demolition, grading, or building permit.</p> | <p>Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement</p> | <p>Review construction documents, contracts, and/or project plans prior to the issuance of any demolition, grading, or building permits.</p> | <p>Prior to the issuance of any demolition, grading, or building permit.</p> |

| MITIGATIONS  | MONITORING AND REPORTING PROGRAM  |                         |   |                 |                                     |
|--|---|-------------------------|---|-----------------|-------------------------------------|
|  | Documentation of Compliance<br>[Project Applicant/Proponent Responsibility] |                         | Documentation of Compliance<br>[Lead Agency Responsibility] |                 |                                     |
|  | Method of Compliance<br>Or Mitigation Action                                | Timing of<br>Compliance | Oversight<br>Responsibility                                 | Actions/Reports | Monitoring<br>Timing or<br>Schedule |
| <p>construction cosmetic crack survey of the buildings adjacent to the southern boundary and shall repair any cosmetic cracking.</p> <ul style="list-style-type: none"> <li>Limit the use of heavy vibration-generating construction equipment within 30 feet of the northern and southern site boundaries.</li> </ul> |   |                         |   |                 |                                     |

**Source:** Rotten Robbie #67 Project Initial Study/Mitigated Negative Declaration, October 2017.



# Rotten Robbie

## #67

1202 OAKLAND ROAD  
SAN JOSE, CALIFORNIA 95112



architecture  
engineering  
LHB & Associates, Ltd.  
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www.LHBassoc.com

CONSULTANTS

REVISIONS

SUBMITTAL DATES

OWNER: 09/27/2017  
REG. AGENCIES: --  
O.T.B.: --

PROJECT NO. 09-30-67

DRAWN BY: JRB

CHECKED BY: JRB

ROTTEN ROBBIE #67  
SAN JOSE, CALIFORNIA  
1202 OAKLAND ROAD  
SAN JOSE, CALIFORNIA 95112

SHEET TITLE

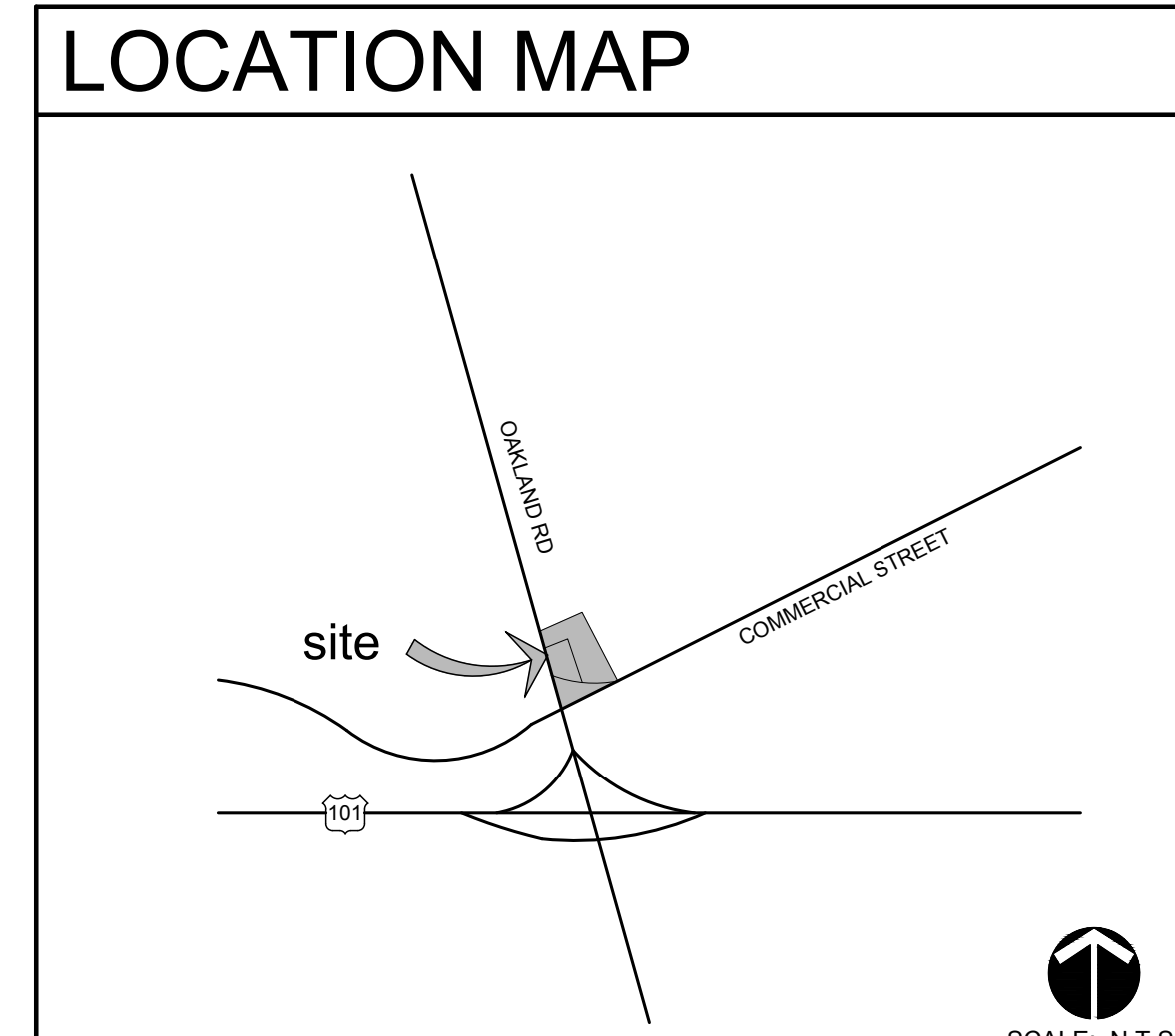
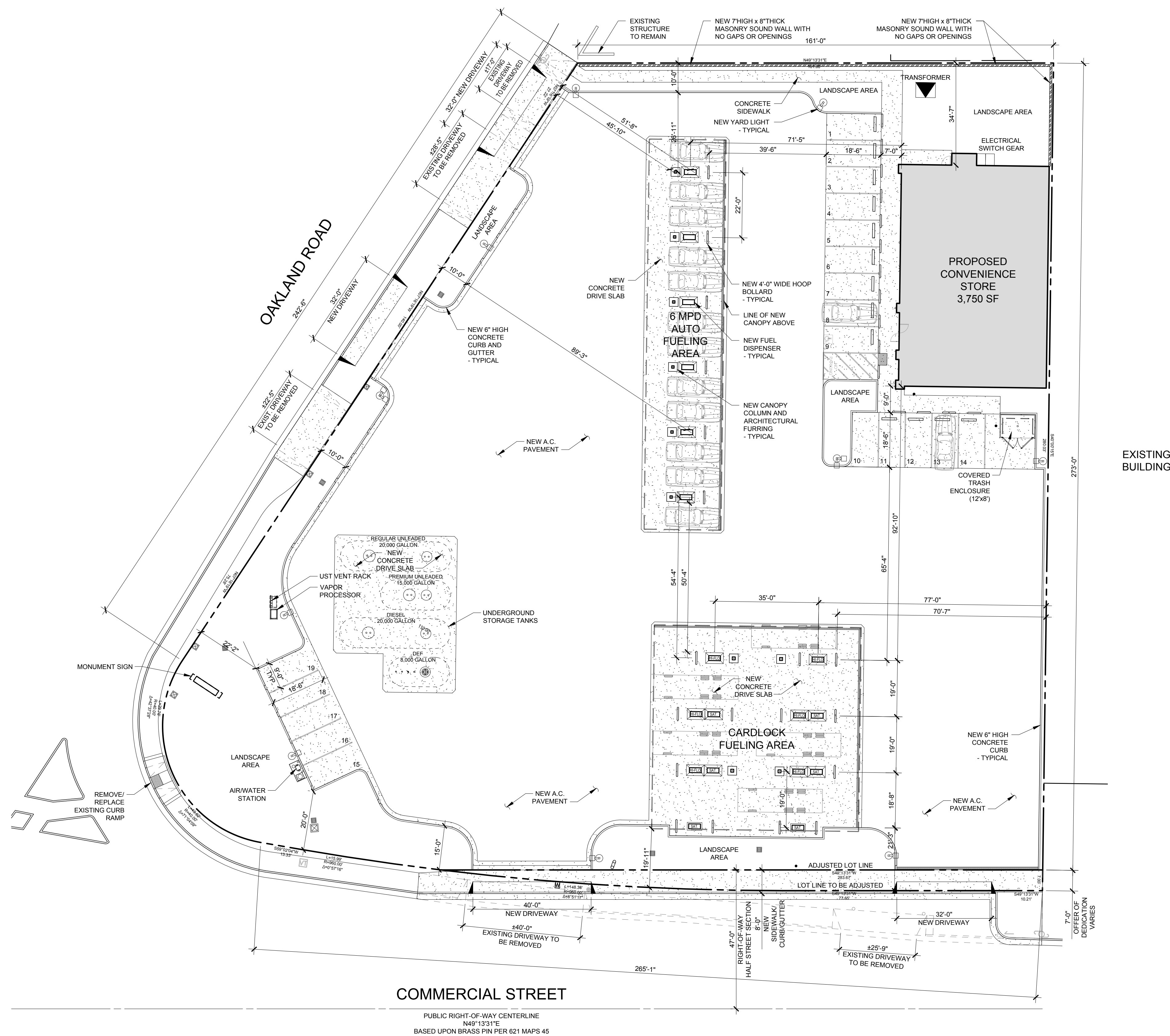
TITLE SHEET

SHEET NO.

T-1

| PROJECT DATA  | REGULATORY AGENCIES/UTILITY COMPANIES  | PROJECT DIRECTORY   | INDEX OF DRAWINGS   |
|---|--|---|---|
| <p><b>PROJECT DESCRIPTION:</b><br/>THE PROJECT CONSISTS OF REMOVAL OF EXISTING BUILDINGS AND FUELING DISPENSERS. PROPOSED REDEVELOPMENT INCLUDES CONSTRUCTION OF A CONVENIENCE STORE, AUTO RETAIL FUELING DISPENSERS, CARDOCK FUELING DISPENSERS AND CANOPY STRUCTURE OVER THE FUEL DISPENSERS. OTHER IMPROVEMENTS INCLUDE PARKING LOT AND LANDSCAPE UPGRADES, AND INSTALLATION OF A COVERED TRASH ENCLOSURE. ADDITIONALLY, THE OFF-SALE OF ALCOHOL IS PROPOSED, AND 24 HOUR OPERATION. ADDITIONALLY, IT IS PROPOSED TO CHANGE THE ZONING FROM HI TO CIC.</p> <p><b>GOVERNING JURISDICTION:</b> CITY OF SAN JOSE</p> <p><b>USE PERMIT:</b> --</p> <p><b>APN:</b> 241-11-014 / 020 / 021 / 022</p> <p><b>LOT SIZE:</b> 67,144 S.F.</p> <p><b>ZONE:</b> HI - HEAVY INDUSTRIAL</p> <p><b>ZONE CHANGE:</b> --</p> <p><b>OCCUPANCY:</b> C-STORE: M<br/>CANOPY: M</p> <p><b>CONSTRUCTION TYPE:</b><br/>C-STORE: V-B<br/>CANOPY: II-B</p> <p><b>FIRE SPRINKLERS:</b><br/>C-STORE: NO<br/>CANOPY: NO</p> <p><b>ALLOWABLE FLOOR AREA:</b> 8,000 sq. ft.<br/>GROSS TOTAL: 3,750 sq. ft.<br/>3,750 sq. ft. &lt; 8,000 sq. ft.</p> <p><b>BUILDING HEIGHT:</b><br/>HEIGHT PROPOSED: C-STORE: 21'-6" CANOPY: 19'-6"</p> <p><b>BUILDING AREA:</b><br/>C-STORE: 3,750 SQ. FT.<br/>CANOPY (AUTO): 3,432 SQ. FT.<br/>CANOPY (CARDLOCK): 4,830 SQ. FT.</p> <p><b>PARKING REQUIREMENTS:</b><br/>(3,686 S.F. / 200 = 19 STALLS; (1) AIR/WATER; (1) INFORMATION; (2) EMPLOYEE) = 23<br/>PARKING: REQUIRED = 23 SPACES<br/>PARKING: PROVIDED = 19 SPACES (PLUS FUELING SPACES)</p> | <p><b>BUILDING DEPARTMENT:</b> CITY OF SAN JOSE BUILDING DEPARTMENT<br/>200 EAST SANTA CLARA STREET<br/>SAN JOSE, CA 95113<br/>TEL: (408) 535-3555</p> <p><b>PLANNING DEPARTMENT:</b> CITY OF SAN JOSE PLANNING DIVISION<br/>200 E. SANTA CLARA STREET<br/>TOWER, 3RD FLOOR<br/>SAN JOSE, CA 95113<br/>TEL: (408) 535-3555</p> <p><b>PUBLIC WORKS DEPARTMENT:</b> CITY OF SAN JOSE PUBLIC WORKS DEPARTMENT<br/>200 EAST SANTA CLARA STREET<br/>TOWER 5TH FLOOR<br/>SAN JOSE, CA 95113<br/>TEL: (408) 535-6300</p> <p><b>FIRE DISTRICT:</b> SAN JOSE FIRE PREVENTION DEPARTMENT<br/>200 E. SANTA CLARA STREET<br/>SAN JOSE, CA 95113<br/>TEL: (408) 535-7692</p> <p><b>HEALTH PERMIT:</b> SANTA CLARA COUNTY DEPT. OF ENVIRONMENTAL HEALTH<br/>1555 BERGER DRIVE, BLDG. #2, 3RD FLOOR, SAN JOSE, CA 95112<br/>TEL: (408) 918-3400</p> <p><b>ELECTRICAL SERVICE:</b> P. G. &amp; E.<br/>308 STOCKTON AVENUE<br/>SAN JOSE, CA 95128<br/>TEL: (408) 299-1053</p> <p><b>WATER SERVICE:</b> SAN JOSE WATER CO. ENGINEERING DEPT.<br/>1265 S. BASCOM AVENUE<br/>SAN JOSE, CA 95128<br/>TEL: (408) 279-7800 EXT. 5839</p> <p><b>SEWER SERVICE:</b> CITY OF SAN JOSE PUBLIC WORKS DEPARTMENT<br/>200 E. SANTA CLARA STREET<br/>3RD FLOOR<br/>SAN JOSE, CA 95113<br/>TEL: (408) 535-6819</p> | <p><b>APPLICANT:</b> ROBINSON OIL<br/>955 MARTIN AVENUE<br/>SANTA CLARA, CALIFORNIA 95050<br/>CONTACT: DAVE MORDICK<br/>TEL: (408) 327-4300</p> <p><b>AGENT:</b> HICKS PROJECT MANAGEMENT<br/>CONTACT: JOHN HICKS<br/>PO BOX 1676<br/>SANTA ROSA, CALIFORNIA 95402<br/>TEL: (707) 533-5080</p> <p><b>ENGINEER:</b> LHB &amp; ASSOCIATES<br/>867 PACIFIC STREET, SUITE 120<br/>SAN LUIS OBISPO, CALIFORNIA 93401<br/>CONTACT: ROBERT "JR" BEARD<br/>TEL: (805) 540-5240<br/>FAX: (805) 540-5241</p>  | <p>T-1 TITLE SHEET</p> <p>C-1 SITE PLAN<br/>C-2 CONCEPTUAL STORMWATER/GRADING PLAN<br/>C-3 CONCEPTUAL STORMWATER CONTROL PLAN<br/>C-4 DEMOLITION SITE PLAN<br/>C-5 LIGHTING PLAN</p> <p>1 of 2 ALTA / ACSM LAND TITLE SURVEY<br/>2 of 2 ALTA / ACSM LAND TITLE SURVEY</p> <p>A-1 C-STORE PRELIMINARY FLOOR PLAN<br/>A-2 C-STORE EXTERIOR ELEVATIONS<br/>A-4 CANOPY EXTERIOR ELEVATIONS</p> <p>L-1 CONCEPTUAL LANDSCAPE PLAN</p> <p>PH-1 CONCEPTUAL SIGNAGE PLAN<br/>PH-1 SITE AND NEIGHBORHOOD PHOTOS</p> |
|   | <p><b>VICINITY MAP</b></p>   | <p><b>SYMBOL LEGEND</b></p> <p>DETAIL NUMBER: 1 (circle with 1) - DETAIL REFERENCE</p> <p>SHEET NUMBER: 1 (circle with 1) - DOOR MARK - SEE DOOR SCHEDULE</p> <p>(A) - WINDOW MARK - SEE WINDOW SCHEDULE</p> <p>(10) - MERCHANDISING EQUIPMENT - SEE EQUIPMENT SCHEDULE</p> <p>ELEVATION NUMBER: 1 (circle with 1) - INTERIOR ELEVATION</p> <p>SHEET NUMBER: 1 (circle with 1) - REFERENCE NOTE</p> <p>SECTION NUMBER: 1 (circle with 1) - SECTION CUT</p> <p>SHEET NUMBER: 1 (circle with 1) - SECTION CUT</p> <p>ROOM IDENTIFICATION: ROOM NAME (circle with #) - ROOM IDENTIFICATION</p> <p>ROOM NUMBER: # (circle with #) - ROOM IDENTIFICATION</p> <p>+0'-0" - DATUM / CONTROL POINT / REFERENCE ELEVATION</p> | <p>THESE PLANS, SPECIFICATIONS, IDEAS AND DESIGNS INCORPORATED HEREIN ARE INSTRUMENTS OF SERVICE PREPARED FOR THE SPECIFIC CONSTRUCTION SHOWN HEREON. ANY UNAUTHORIZED USE OR REPRODUCTION FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORITY BY LHB &amp; ASSOCIATES IS PROHIBITED.</p> <p>COPYRIGHT © 2017, LHB &amp; Associates, Ltd.</p>   |

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### SITE STATISTICS

A.P.N.: APN: 241-11-014 / 020 / 021 / 022  
 LOT SIZE: 67,144 S.F. OR 1.54 ACRES  
 BUILDING GROSS AREA: 3,886 S.F.  
 (3,886 S.F. / 200 = 19 STALLS; (1) AIR/WATER; (1) INFORMATION; (2) EMPLOYEE) = 23  
 PARKING: REQUIRED = 23 SPACES  
 PARKING: PROVIDED = 19 SPACES (PLUS FUELING SPACES)  
 SITE COVERAGE:  
 CONVENIENCE STORE: 5.6%  
 CANOPY: 11.7%  
 HARDSCAPE: 67.3%  
 LANDSCAPE: 15.4%

NOTE:  
 TOPOGRAPHIC INFORMATION SHOWN PROVIDED BY SLOOTEN CONSULTING, INC.  
 DATED FEBRUARY 2014.

**LB**  
 architecture  
 engineering

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CONSULTANTS

REVISIONS

SUBMITTAL DATES

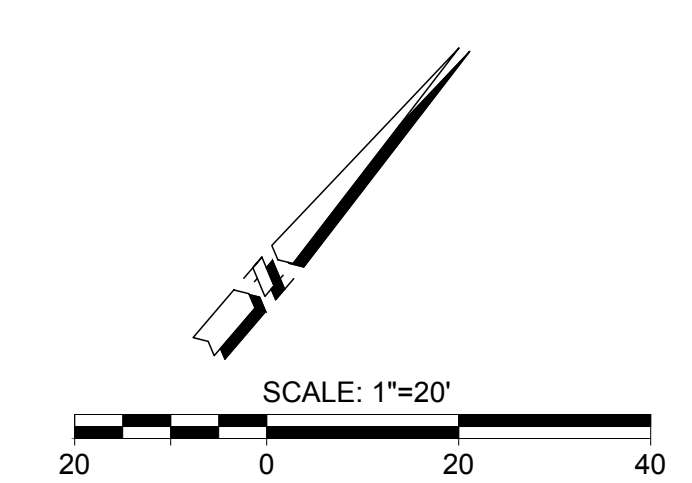
|               |            |
|---------------|------------|
| OWNER:        | 09/27/2017 |
| REG. AGENCIES | -          |
| O.T.B.:       | -          |

PROJECT NO. 09-30-67  
 DRAWN BY: JRB  
 CHECKED BY: JRB

**ROTTEN ROBBIE #67**  
 SAN JOSE, CALIFORNIA  
 1202 OAKLAND ROAD  
 SAN JOSE, CALIFORNIA 95112

SHEET TITLE  
**SITE PLAN**

SHEET NO.  
**C-1**



G:\09-30\Robbie\01677\_San\_Jose\2-Exhibits\Submittals\7-C-Long\_9/27/17\_12:14 PM\_JR

### SEWER PIPE SIZING

| EXISTING DEVELOPMENT: |      |             |
|-----------------------|------|-------------|
| DESCRIPTION           | QTY. | DFU         |
| LAVATORY              | 4    | 1.0         |
| MOP SINK              | 3    | 3.0         |
| WATER CLOSET          | 4    | 4.0         |
| <b>TOTAL:</b>         |      | <b>29.0</b> |

| NEW DEVELOPMENT: |      |             |
|------------------|------|-------------|
| DESCRIPTION      | QTY. | DFU         |
| LAVATORY         | 3    | 1.0         |
| 3-COMP. SINK     | 1    | 3.0         |
| MOP SINK         | 1    | 3.0         |
| WATER CLOSET     | 3    | 4.0         |
| URINAL           | 1    | 2.0         |
| FLOOR SINK       | 5    | 1.0         |
| <b>TOTAL:</b>    |      | <b>28.0</b> |

28.0 DFU < 29.0. THEREFORE, NO IMPACT TO EXISTING SEWER.

**LHB**  
architecture  
engineering

**LHB & Associates, Ltd.**

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San Luis Obispo, CA 93401  
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fax 805.540.5241  
www.LHBassoc.com

CONSULTANTS

REVISIONS

SUBMITTAL DATES

|               |            |
|---------------|------------|
| OWNER:        | 09/27/2017 |
| REG. AGENCIES | -          |
| O.T.B.:       | -          |

PROJECT NO.

|             |          |
|-------------|----------|
| PROJECT NO. | 09-30-67 |
| DRAWN BY:   | JRB      |
| CHECKED BY: | JRB      |

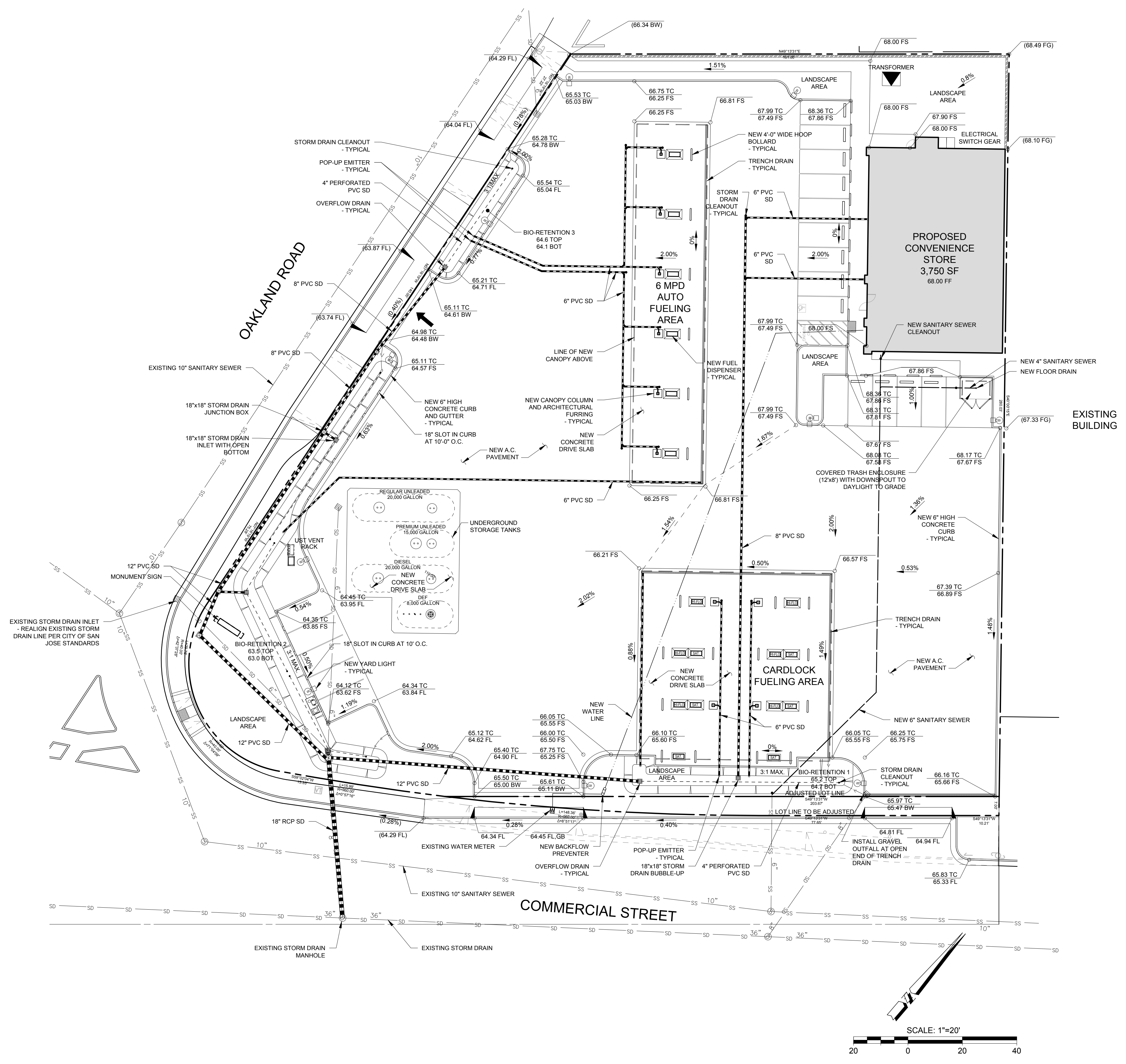
**ROTTEN ROBBIE #67**  
**SAN JOSE, CALIFORNIA**  
1202 OAKLAND ROAD  
SAN JOSE, CALIFORNIA 95112

SHEET TITLE

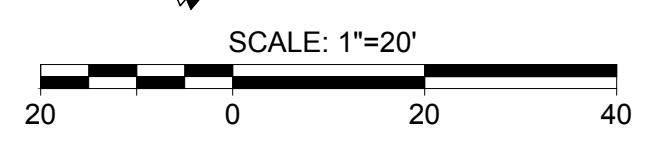
**CONCEPTUAL  
STORMWATER/  
GRADING  
PLAN**

SHEET NO.

**C-2**



- NOTES:**
- TOPOGRAPHIC INFORMATION SHOWN PROVIDED BY SLOOTEN CONSULTING, INC. DATED FEBRUARY 2014.
  - BEST MANAGEMENT PRACTICES (BMP'S) SOURCE CONTROL MEASURES:  
SC-11 SPILL PREVENTION, CONTROL AND CLEANUP;  
SC-20 VEHICLE AND EQUIPMENT FUELING;  
SC-42 BUILDING REPAIR AND CONSTRUCTION;  
SC-43 PARKING/STORAGE AREA MAINTENANCE.
  - INSPECTION AND MAINTENANCE INFORMATION ON THE POST-CONSTRUCTION TREATMENT CONTROL MEASURES SHALL BE PROVIDED TO PUBLIC WORKS PRIOR TO BUILDING PERMIT ISSUANCE.
  - BASED UPON A GROUNDWATER MONITORING REPORT PREPARED BY BLUE ROCK ENVIRONMENTAL, INC. DATED FEBRUARY 23, 2012, THE FOLLOWING WAS DOCUMENTED:  
1. GROUNDWATER DEPTH IS APPROXIMATELY 20 FEET BELOW GROUND SURFACE;  
2. SOILS FROM A 30 FOOT BORING ARE MOSTLY CLAY (CL/CH) WITH SOME CLAYEY SAND (SC) INTERBEDS.

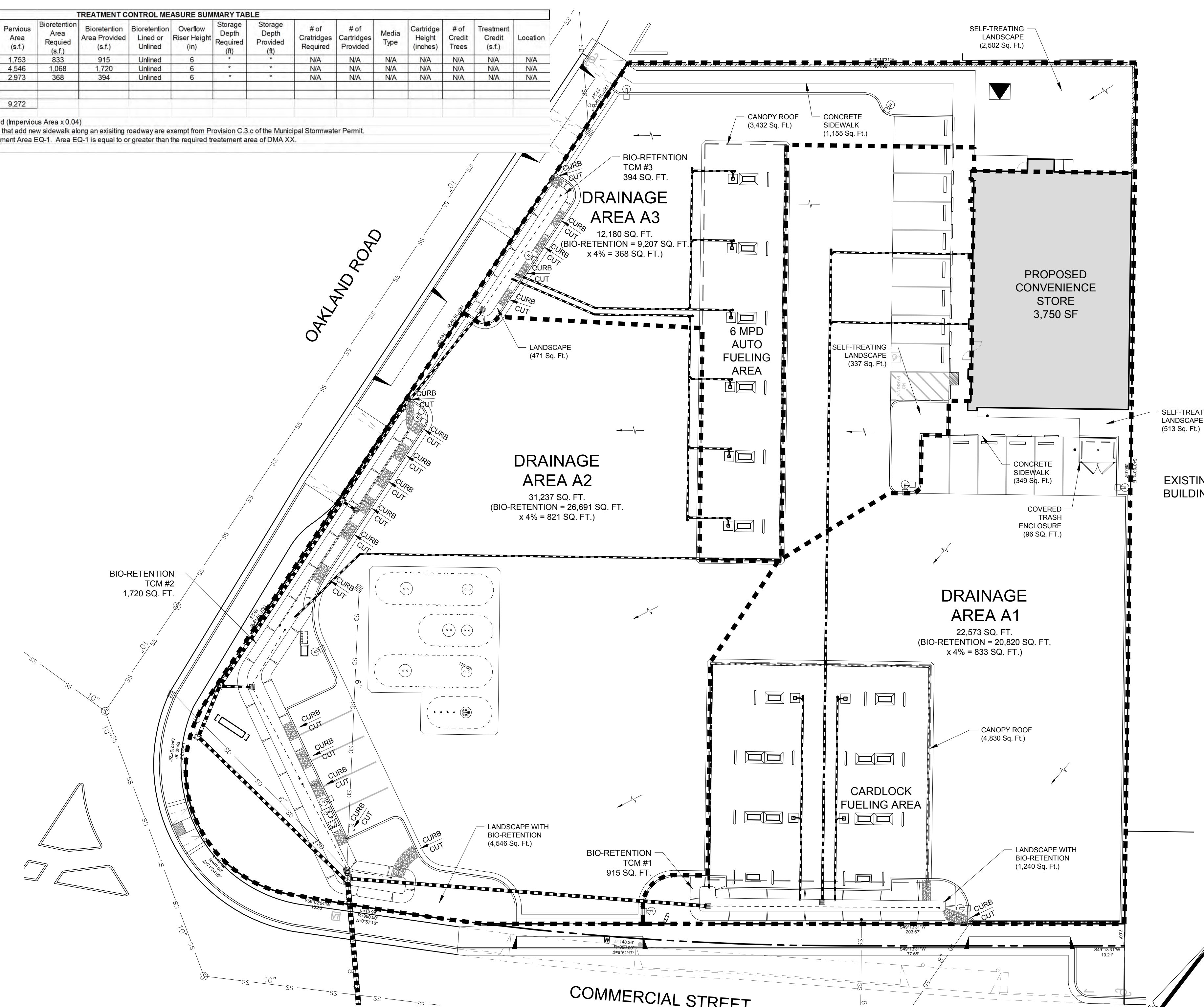


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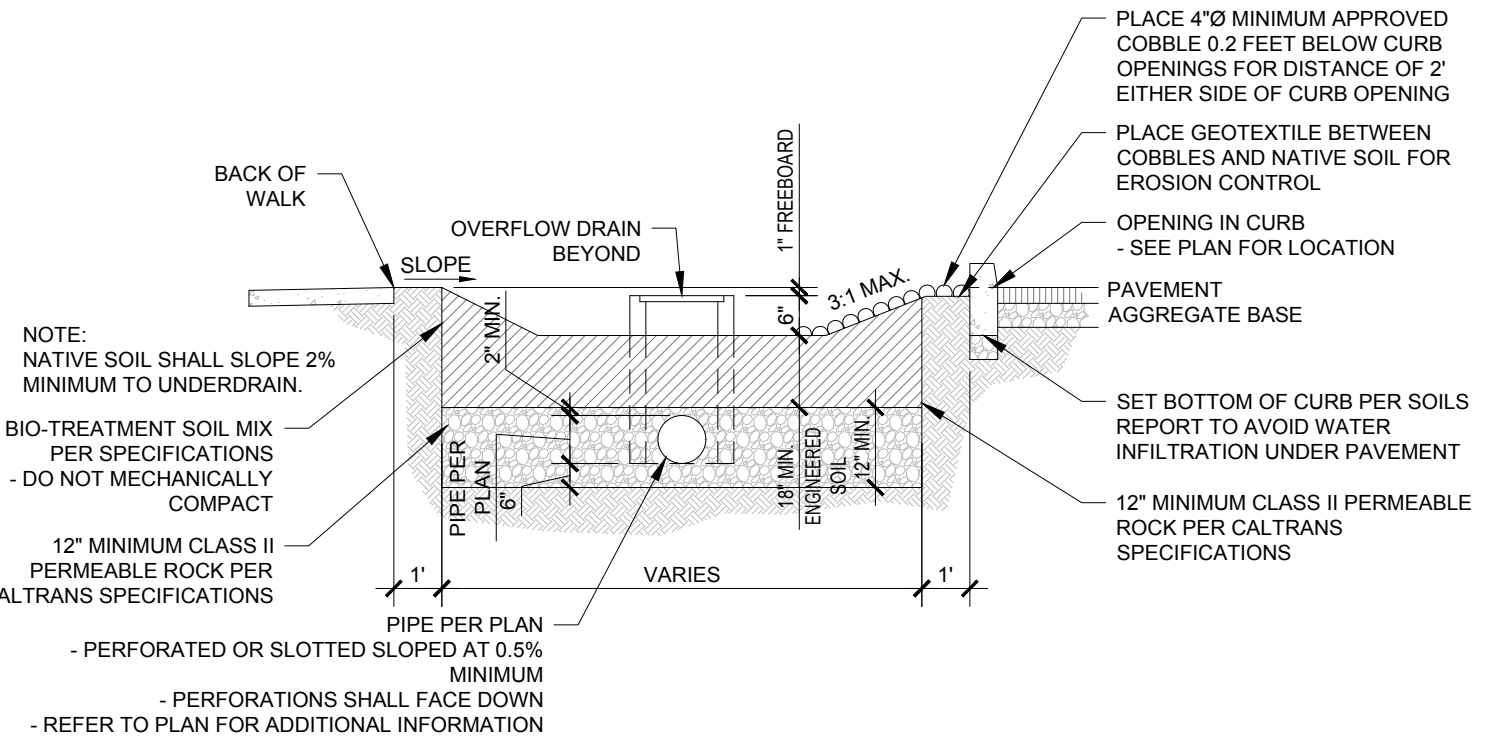


| Area           | TCM # | Treatment Type | Drainage Area (s.f.) | Impervious Area (s.f.) | Pervious Area (s.f.) | Bioretention Area Required (s.f.) | Bioretention Area Provided (s.f.) | Bioretention Lined or Unlined | Overflow Rise Height (ft) | Storage Depth Required (ft) | Storage Depth Provided (ft) | # of Cartridges Required | # of Cartridges Provided | Media Type | Cartridge Height (inches) | # of Credit Trees | Treatment Credit (s.f.) | Location |  |
|----------------|-------|----------------|----------------------|------------------------|----------------------|-----------------------------------|-----------------------------------|-------------------------------|---------------------------|-----------------------------|-----------------------------|--------------------------|--------------------------|------------|---------------------------|-------------------|-------------------------|----------|--|
| 1              | 1     | Bio-Retention  | 22,573               | 20,820                 | 1,753                | 915                               | 915                               | Unlined                       | 6                         | *                           | *                           | N/A                      | N/A                      | N/A        | N/A                       | N/A               | N/A                     | N/A      |  |
| 2              | 2     | Bio-Retention  | 31,237               | 26,691                 | 4,546                | 1,720                             | 1,720                             | Unlined                       | 6                         | *                           | *                           | N/A                      | N/A                      | N/A        | N/A                       | N/A               | N/A                     | N/A      |  |
| 3              | 3     | Bio-Retention  | 12,180               | 9,207                  | 2,973                | 368                               | 368                               | Unlined                       | 6                         | *                           | *                           | N/A                      | N/A                      | N/A        | N/A                       | N/A               | N/A                     | N/A      |  |
| XX             |       | Unreated***    |                      |                        |                      |                                   |                                   |                               |                           |                             |                             |                          |                          |            |                           |                   |                         |          |  |
| EQ-1**         |       |                |                      |                        |                      |                                   |                                   |                               |                           |                             |                             |                          |                          |            |                           |                   |                         |          |  |
| <b>Totals:</b> |       |                | <b>65,990</b>        | <b>56,718</b>          | <b>9,272</b>         |                                   |                                   |                               |                           |                             |                             |                          |                          |            |                           |                   |                         |          |  |

\*Sizing for Bioretention Area Required calculated using the 4% Method (Impervious Area x 0.04)  
 \*\*Per Chapter 2.3 of the C3 Stormwater Handbook Roadway projects that add new sidewalk along an existing roadway are exempt from Provision C.3.c of the Municipal Stormwater Permit.  
 \*\*\*DMA XX is not being treated but will be treated by Equivalent Treatment Area EQ-1. Area EQ-1 is equal to or greater than the required treatment area of DMA XX.  
 EQ-1 is not required to be treated as it is [insert reason here]



| TOTAL SITE (ACRES):  | PROJECT PHASE NUMBER: (N/A, 1, 2, 3, etc.)              |   |
|--|---|---|
|  | EXISTING CONDITION OF SITE AREA DISTURBED (SQUARE FEET) | PROPOSED CONDITION OF SITE AREA DISTURBED (SQUARE FEET) |
| 1.54   | 12,708  | 12,708  |
| 45,836   | 44,277  | 0   |
| 237  | 237   | 1,267   |
| 0  | 0   | 0   |
| 0  | 0   | 0   |
| 58,781   | 57,222  | 1,267   |
| <b>PERVIOUS SURFACES</b>   |   |   |
| LANDSCAPED AREAS   | 8,363   | 7,096   |
| PERVIOUS PAVING  | 0   | 0   |
| OTHER PERVIOUS SURFACES  | 0   | 0   |
| TOTAL PERVIOUS SURFACES:   | 8,363   | 7,096   |
| <b>IMPERVIOUS SURFACES</b>                                       |   |   |
| ROOF AREA(S)   | 12,708  | 12,708  |
| PARKING  | 45,836  | 44,277  |
| SIDEWALKS, PATIOS, PATHS, etc.                                   | 237   | 237   |
| STREETS (PUBLIC)   | 0   | 0   |
| STREETS (PRIVATE)  | 0   | 0   |
| TOTAL IMPERVIOUS SURFACES:                                       | 58,781  | 57,222  |
| <b>TOTAL PROPOSED REPLACED + NEW IMPERVIOUS SURFACES:</b> 65,535 |   |   |
| <b>TOTAL PROPOSED REPLACED + NEW PERVIOUS SURFACES:</b> 65,827   |   |   |



### BIO-RETENTION 1, 2, 3 - SECTION

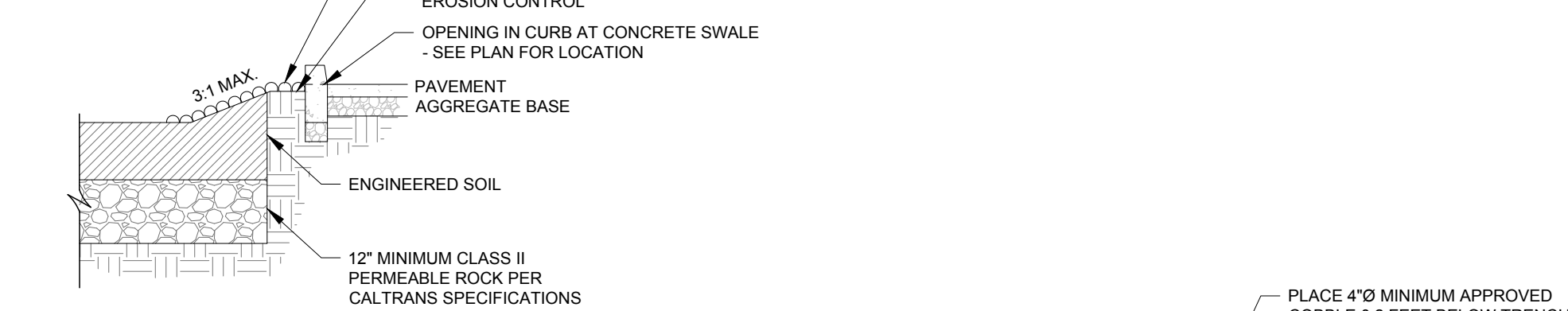
SCALE: N.T.S.

- NOTES:
- "ENGINEERED SOIL" MUST MAINTAIN A MINIMUM PERCOLATION RATE OF 1" PER HOUR THROUGHOUT THE LIFE OF THE FACILITY AND MUST BE SUITABLE FOR MAINTAINING PLANT LIFE WITH A MINIMUM OF FERTILIZER USE.
  - SOIL MIX MUST BE SUBMITTED TO MUNICIPALITY FOR APPROVAL.
  - NO FILTER FABRIC SHALL BE USED. REFER TO SOILS REPORT PREPARED BY KORBMACHER ENGINEERING, INC., DATED MAY 11, 2012 FOR ADDITIONAL INFORMATION.
  - 3" MAXIMUM MULCH IF SPECIFIED IN LANDSCAPE PLANS.
  - SURFACE AREA OF THE BIO-RETENTION SOIL SHALL EQUAL 4% OF THE AREA OF THE SITE THAT DRAINS TO TREATMENT MEASURE. UNLESS SIZING CALCULATIONS ARE SUBMITTED DEMONSTRATING THAT PROVISION C.3 REQUIREMENTS ARE MET USING A SMALLER SURFACE AREA.
  - PROJECT WILL NOT LOCATE OVERFLOW STRUCTURES DIRECTLY IN LINE WITH OR NEXT TO STORMWATER INLETS INTO BIO-RETENTION AREAS.

### POST CONSTRUCTION STORM WATER MANAGEMENT NOTES:

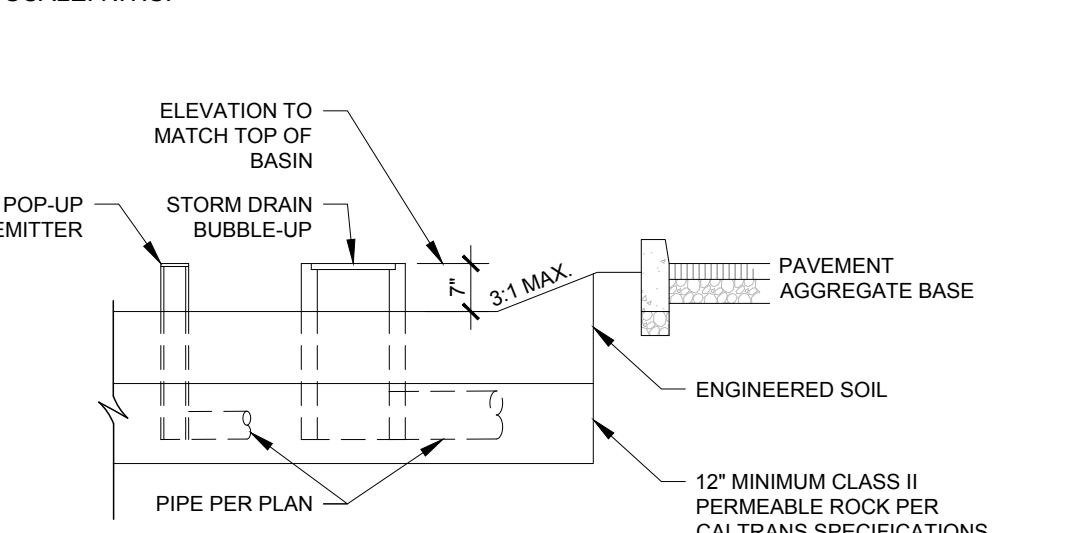
- POST-CONSTRUCTION CONTINUOUS SITE MAINTENANCE IS REQUIRED TO REDUCE THE AMOUNT OF POLLUTANTS THAT REACH THE BIO-RETENTION AREAS.
- DRY SWEEP THE FUELING AREA ROUTINELY. ALSO, SWEEP OR VACUUM THE PARKING LOT AT LEAST ONCE EVERY MONTH.
- PREPARE A SPILL CLEAN UP PLAN IN CONFORMANCE WITH THE CITY'S REQUIREMENTS. REMOVE OIL AND OTHER SPILLS USING ABSORBENT MATERIAL AS SOON AS SUCH SPILLAGE OCCURS AND DISPOSE OF APPROPRIATELY.
- LIMIT USE OF FERTILIZERS IN LANDSCAPED AREA TO THE ABSOLUTE MINIMUM.
- KEEP TRASH ENCLOSURES COVERED AT ALL TIMES.
- MAINTAIN LANDSCAPED AREA REGULARLY. CHECK FOR WATER PONDING AND ADJUST GRADING AS NEEDED TO MAKE THE RUNOFF FLOW TO BIO-RETENTION AREAS.
- STENCIL ALL ON-SITE STORM DRAIN INLETS IN CONFORMANCE WITH THE CITY'S REQUIREMENTS.
- RESPONSIBLE PARTY FOR O&M IS DAVID MORDICK C/O ROBINSON OIL CORPORATION.

| NO. | MAINTENANCE TASK  | FREQUENCY OF TASK                          |
|-----|---|--|
| 1   | REMOVE OBSTRUCTIONS, WEEDS, DEBRIS AND TRASH FROM BIORETENTION AREA AND ITS INLETS AND OUTLETS; AND DISPOSE OF PROPERLY.  | QUARTERLY, OR AS NEEDED AFTER STORM EVENTS |
| 2   | INSPECT BIORETENTION AREA FOR STANDING WATER. IF STANDING WATER DOES NOT DRAIN WITHIN 2-3 DAYS, TILL AND REPLACE THE SURFACE BIOTREATMENT SOIL WITH THE APPROVED SOIL MIX AND REPLANT.                      | QUARTERLY, OR AS NEEDED AFTER STORM EVENTS |
| 3   | CHECK UNDERDRAINS FOR CLOGGING. USE THE CLEANOUT RISER TO CLEAN ANY CLOGGED UNDERDRAINS.  | QUARTERLY, OR AS NEEDED AFTER STORM EVENTS |
| 4   | MAINTAIN THE IRRIGATION SYSTEM AND ENSURE THAT PLANTS ARE RECEIVING THE CORRECT AMOUNT OF WATER (IF APPLICABLE).  | QUARTERLY                                  |
| 5   | ENSURE THAT THE VEGETATION IS HEALTHY AND DENSE ENOUGH TO PROVIDE FILTERING AND PROTECT SOILS FROM EROSION. PRUNE AND WEED THE BIORETENTION AREA. REMOVE AND/OR REPLACE ANY DEAD PLANTS.                    | ANNUALLY, BEFORE THE WET SEASON BEGINS     |
| 6   | USE COMPOST AND OTHER NATURAL SOIL AMENDMENTS AND FERTILIZERS INSTEAD OF SYNTHETIC FERTILIZERS, ESPECIALLY IF THE SYSTEM USES AN UNDERDRAIN.  | ANNUALLY, BEFORE THE WET SEASON BEGINS     |
| 7   | CHECK THAT MULCH IS AT APPROPRIATE DEPTH (2 - 3 INCHES PER SOIL SPECIFICATIONS) AND REPLENISH AS NECESSARY BEFORE WET SEASON BEGINS. IT IS RECOMMENDED THAT 2" - 3" OF ARBOR MULCH BE REAPPLIED EVERY YEAR. | ANNUALLY, BEFORE THE WET SEASON BEGINS     |
| 8   | INSPECT THE ENERGY DISSIPATION AT THE INLET TO ENSURE IT IS FUNCTIONING ADEQUATELY, AND THAT THERE IS NO SCOUR OF THE SURFACE MULCH. REMOVE ACCUMULATED SEDIMENT.   | ANNUALLY, BEFORE THE WET SEASON BEGINS     |
| 9   | INSPECT OVERFLOW PIPE TO ENSURE THAT IT CAN SAFELY CONVEY EXCESS FLOWS TO A STORM DRAIN. REPAIR OR REPLACE DAMAGED PIPING.  | ANNUALLY, BEFORE THE WET SEASON BEGINS     |
| 10  | REPLACE BIOTREATMENT SOIL AND MULCH, IF NEEDED. CHECK FOR STANDING WATER, STRUCTURAL FAILURE AND CLOGGED OVERFLOWS. REMOVE TRASH AND DEBRIS. REPLACE DEAD PLANTS.   | ANNUALLY, BEFORE THE WET SEASON BEGINS     |
| 11  | INSPECT BIORETENTION AREA USING THE ATTACHED INSPECTION CHECKLIST.  | ANNUALLY, BEFORE THE WET SEASON            |



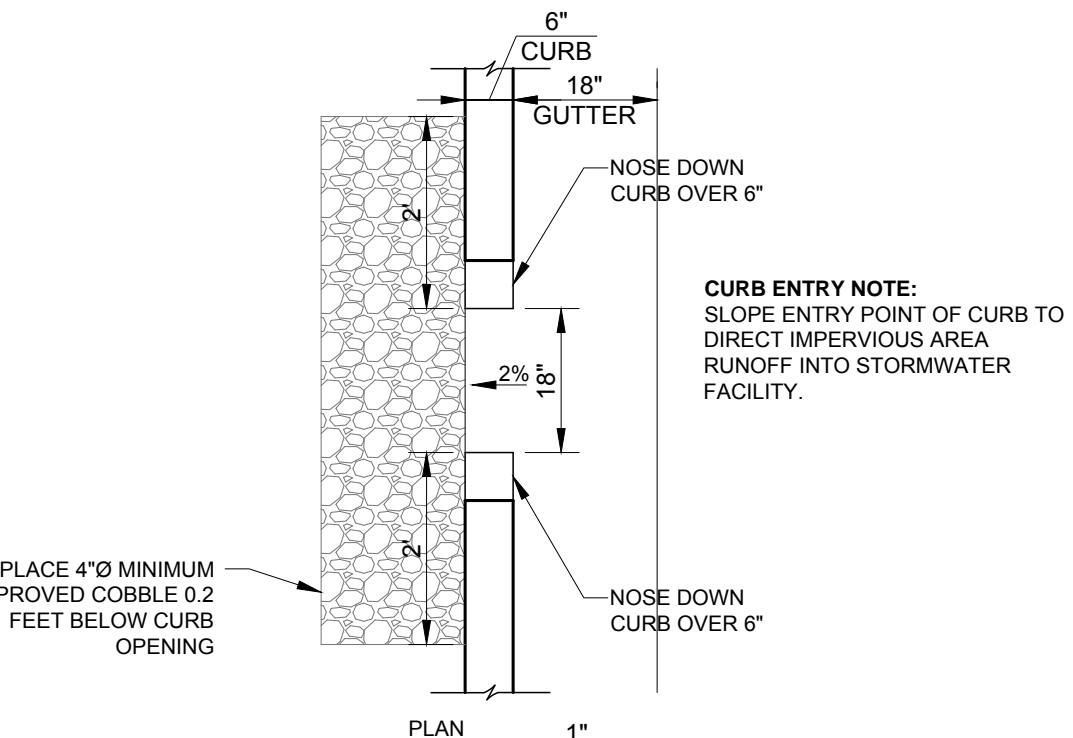
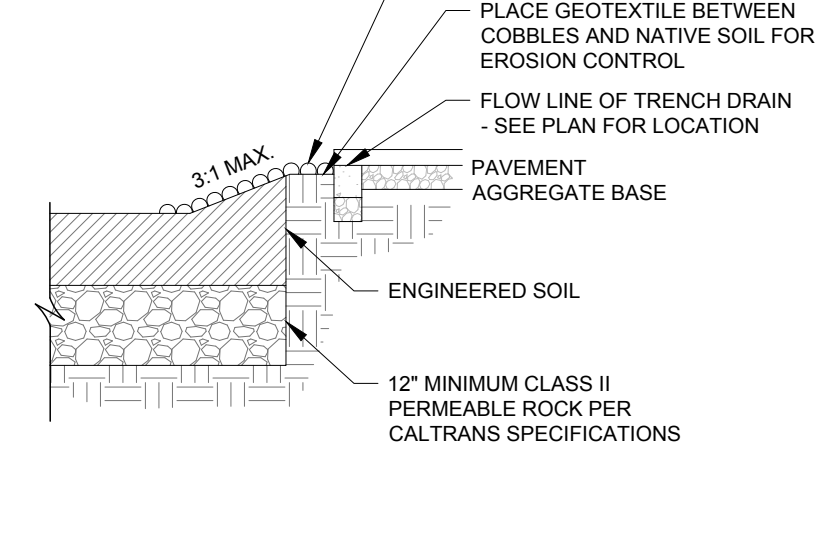
### BUBBLE-UP / POP-UP EMITTER INLET

SCALE: N.T.S.



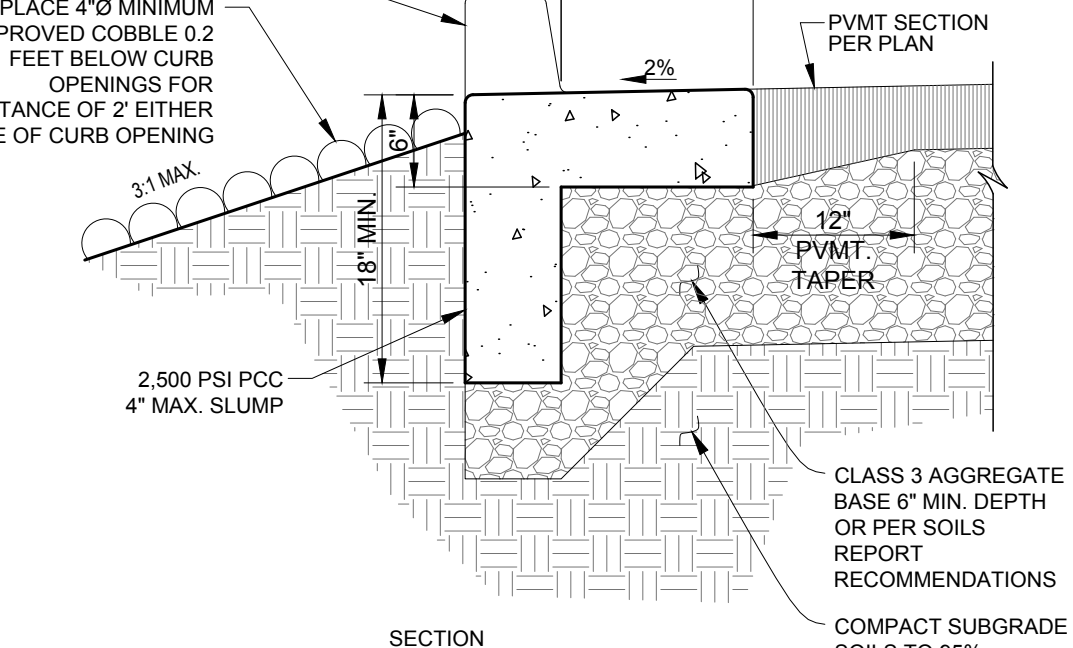
### TRENCH DRAIN INLET

SCALE: N.T.S.



### CURB CUT INLET

SCALE: N.T.S.



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 fax 805.540.5241  
 www.LHBassoc.com

CONSULTANTS

REVISIONS

SUBMITTAL DATES

|               |            |
|---------------|------------|
| OWNER:        | 09/27/2017 |
| REG. AGENCIES | -          |
| O.T.B.:       | -          |

PROJECT NO.

|          |
|----------|
| 09-30-67 |
|----------|

DRAWN BY:

|     |
|-----|
| JRB |
|-----|

CHECKED BY:

|     |
|-----|
| JRB |
|-----|

**ROTTEN ROBBIE #67**  
 SAN JOSE, CALIFORNIA  
 1202 OAKLAND ROAD  
 SAN JOSE, CALIFORNIA 95112

SHEET TITLE

**CONCEPTUAL  
STORMWATER  
CONTROL  
PLAN**

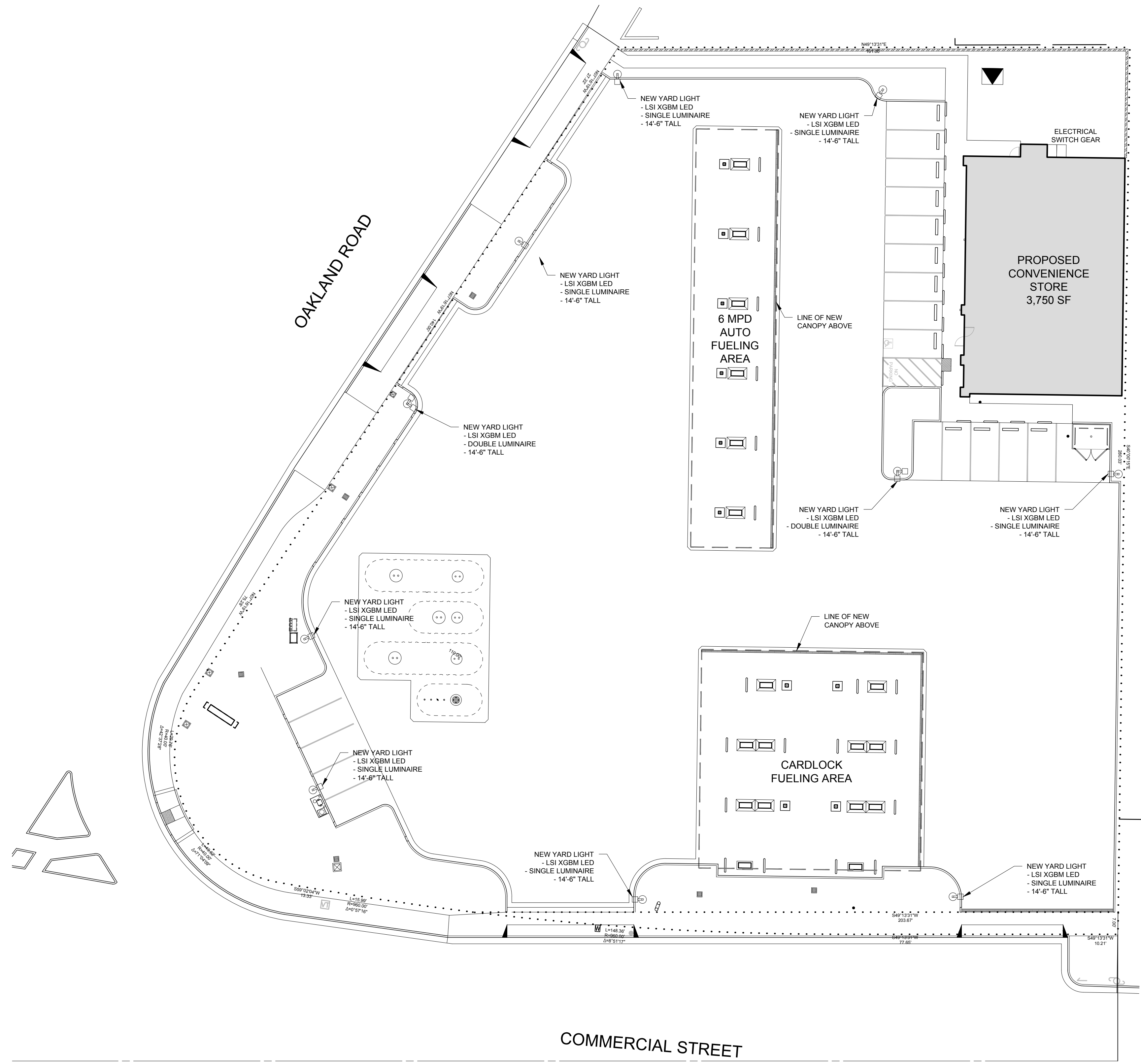
SHEET NO.

**C-3**

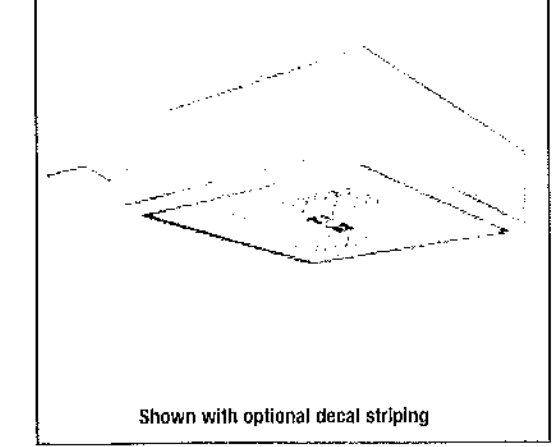
© 08-30 Robinson 0167 San Jose2-Exhibits\Submittals\67 C-3.dwg 9/27/17 12:22 PM JRB







**LED AREA LIGHTS - (XGBM)**



**DOE LIGHTING FACTS**  
 Department of Energy has verified representative product test data and results in accordance with the Lighting Facts Program. Visit [www.lightingfacts.com](http://www.lightingfacts.com) for specific catalog listings.

| Luminaire (Metric) | Type A  |       | Type B  |       | Watts (Metric) |
|--------------------|---------|-------|---------|-------|----------------|
|                    | Typical | Max   | Typical | Max   |                |
| LW                 | 14983   | 13843 | 15020   | 15650 | 140            |
| SS                 | 20150   | 18940 | 20710   | 23020 | 187            |
| HO                 | 28250   | 26480 | 28070   | 31810 | 300            |
| LW                 | 11430   | 11290 | 12220   | 13470 | 136            |
| SS                 | 15390   | 15170 | 17230   | 18750 | 188            |
| HO                 | 22240   | 20650 | 23510   | 25410 | 288            |

LED Chips are frequently updated therefore values may increase.

US patent 6,749,456 and MX patent 29631 and US & Int'l. patents pending  
**SMARTTEC™ THERMAL CONTROL** - LSI drivers feature integral sensor which reduces drive current when ambient temperatures exceed rated temperature.  
**OCCUPANCY SENSING (OCS)** - Optional integral passive infrared motion sensor activates switching of luminaire light levels. High level light is activated and increased to full level in 1-2 seconds upon detection of motion. Low light level (30% maximum drive current) is activated when target zone is absent of motion activity for ~2 minutes and ramps down (10-15 seconds) to low level to allow eyes time to adjust. Sensor is located on the front of optical assembly and rotates with the optic. Sensor optic has a detection cone of approximately 45°. Examples of detection - occurs 30' out from a 30' mounting height pole, occurs 20' out from a 20' mounting height pole.  
**ENERGY SAVING CONTROL OPTIONS - DIM** - 0-10 volt dimming enabled with controls by others. BLS - Bi-level switching responds to external line voltage signal from separate 120-277V controller or sensor (by others), with low light level decreased to 30% maximum drive current.  
**LEDs** - Select high-brightness LEDs in Cool White (5000K) or Neutral White (4000K) color temperature, 70 CRI.  
**DISTRIBUTION/PERFORMANCE** - Types 3, 5, FT and FTA available - field rotatable reflectors.  
**HOUSING** - Square, die-formed aluminum. Fully enclosed weather-tight housing contains factory prewired drivers and field connections.  
**TOP-ACCESS COVER** - Gasketed, latched top-access cover provides ease of installation and allows for easy driver access. Four captive stainless-steel fasteners secure the top-access cover to the housing.  
**OPTICAL UNIT** - Clear tempered optical grade flat glass lens sealed to aluminum housing creates an IP67 rated, sealed optical unit (includes pressure stabilizing breaker). Optical unit can be easily field rotated in 90c increments. Directional arrow on optics allows alignment without the unit being energized.  
**MOUNTING** - 2-1/2" x 5-3/8" x 12" extruded aluminum arm mounting bracket shipped standard. Use with 5" traditional drilling pattern. Round Pole Plate (RPP) required for mounting to 3"-5" round poles. (See Accessory Ordering Information chart.)  
**ELECTRICAL** - Two-stage surge protection (including separate surge protection built into electronic driver) meets IEEE C62.41.2-2002, Location Category C. Analysis with universal voltage power supply 120-277VAC (UL, 50/60Hz input), and 5V-7-480VAC.  
**DRIVERS** - Available in Low Watt (LW), Super Saver (SS) and High Output (HO) drive currents (Drive currents are factory programmed). Components are fully enclosed in potting material for moisture resistance. Driver complies with FCC 47 CFR part 15 FRCM standard.  
**OPERATING TEMPERATURE** - -40°C to +50°C (-40°F to +122°F).  
**FINISH** - Fixtures are finished with LSI's DuraGrip® polyester powder coat finishing process. The DuraGrip finish withstands extreme weather changes without cracking or peeling.  
**DECAL STRIPING** - LSI offers optional color-coordinated decals in 9 standard colors to accent the fixture. Decals are guaranteed for five years against peeling, cracking, or fading.  
**WARRANTY** - LSI LED fixtures carry a limited 5-year warranty.  
**PHOTOMETRICS** - Please visit our web site at [www.lsiindustries.com](http://www.lsiindustries.com) for detailed photometric data.  
**SHIPPING WEIGHT (IN CARTON)** - Fixture - 44.5 lbs (20 kg) Arm - 5 lbs (2kg) arm  
**LISTING** - UL listed to U.S. and Canadian safety standards. Suitable for wet locations. For a list of the specific products in this series that are DLC listed, please consult the LED Lighting section of our website or the Design Lights website at [www.designlights.org](http://www.designlights.org).



|              |              |                            |
|--------------|--------------|----------------------------|
| Project Name | Fixture Type | 10/19/16                   |
| Catalog #    |              | © 2016 LSI INDUSTRIES INC. |

**LED AREA LIGHTS - (XGBM)**

**LUMINAIRE ORDERING INFORMATION**

| TYPICAL ORDER EXAMPLE: XGBM 5 LED HO CW UE WHT PCM |  |
|--|--|
| Prefix   | Description  |
| XGBM   | FT - Forward Throw LED - For open throw applications |
| LED  | SS - Super Saver LED - High Output                   |
| Color Temperature                                  | CW - Cool White (5000K)                              |
| Input Voltage                                      | UE - Universal Voltage (120-277)                     |
| Finish   | WHT - White  |
| Optional Controls                                  | None   |
| Optional Sensor/Options                            | None   |

**LUMINAIRE EPA CHART - XGBM**

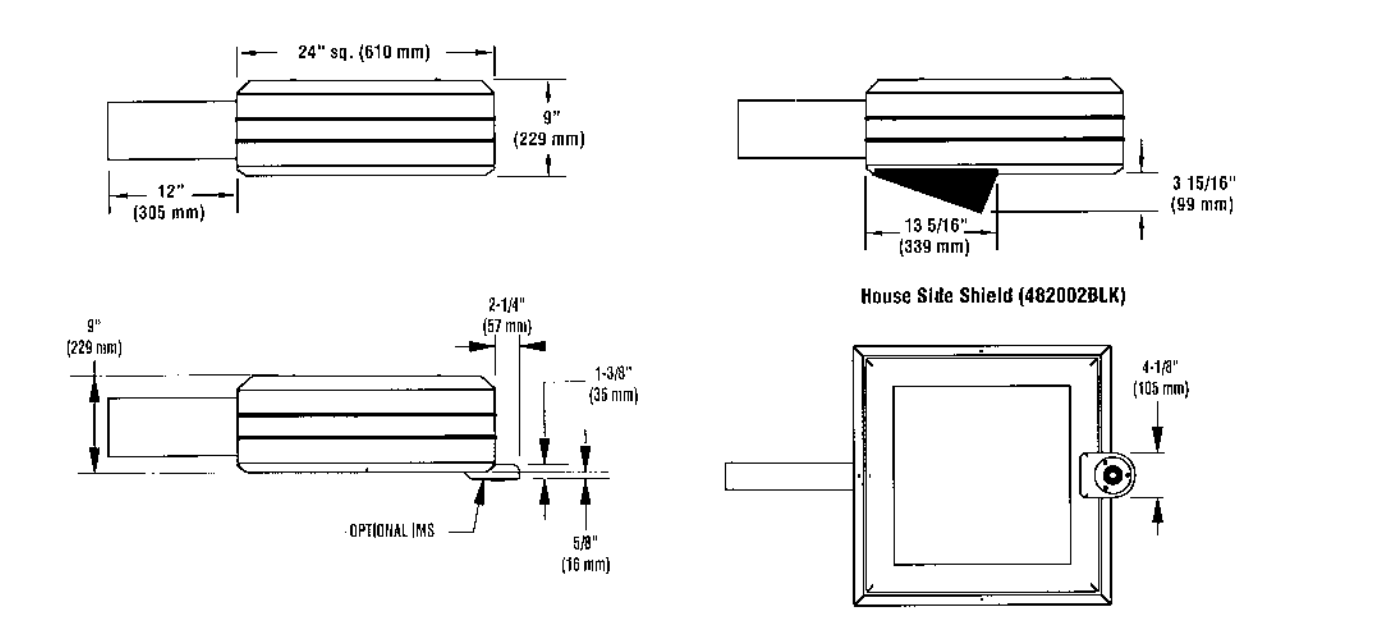
| Style    | 2.3 | 2.4 |
|----------|-----|-----|
| D180     | 4.7 | 4.8 |
| D90      | 4.7 | 4.8 |
| T90      | 7.2 | 7.2 |
| Required | 7.3 | 7.3 |
| 100%     | 8.8 | 8.8 |

**ACCESSORY ORDERING INFORMATION\***

| Order Number | Description  | Order Number | Description                                     |
|--------------|--|--------------|---|
| 480022BK     | XGBM HSS - Insect Sock (Black only)                            | 209208       | 240 Double Piping (209V, 240V)                  |
| 1997         | 10' - Round Pole Plate   | 179180       | 179180 Insect Sock (Black)                      |
| 123111AFL    | BK-BD-WM - CLIP - Wall Mount Plate                             | 10247        | 10247 Single Piping (247V)                      |
| 1091         | BK-BD-18-BD-CLIP - Pull-up Arm                                 | 18001        | 18001 RPP                                       |
| 144111A      | BK-BD-18-BD-CLIP - Universal Bracket for round or square poles | 144111A      | PM30700 - 30k - 30V Pole Mount Occupancy Sensor |
| 41227        | 41227 Single Piping (412V)                                     | 41227        | PM30277 - 27V Pole Mount Occupancy Sensor       |
| 18271        | 18271 Single Piping (182V)                                     | 18271        | PM30183 - 180V Pole Mount Occupancy Sensor      |

**FOOTNOTES:**  
 1- Use with 8" traditional drilling pattern.  
 2- Fixtures with shield side for front EPR. Consult factory.  
 3- Requires a 5/8" diameter and outside finish. Not compatible with BLS or IM6 option.  
 4- Not compatible with IM6 or BLS option.  
 5- Not compatible with wireless controls system, DIM or IM6 option.  
 6- Not compatible with wireless controls system, DIM or BLS option.  
 7- House Side Shields side for front EPR. Consult factory.  
 8- Fixtures must be located in the head hole of pole.  
 9- To be used with any of the PCM/GCM wireless controls systems in the future. Consult factory.

**DIMENSIONS**



|              |              |                            |
|--------------|--------------|----------------------------|
| Project Name | Fixture Type | 10/19/16                   |
| Catalog #    |              | © 2016 LSI INDUSTRIES INC. |

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CONSULTANTS

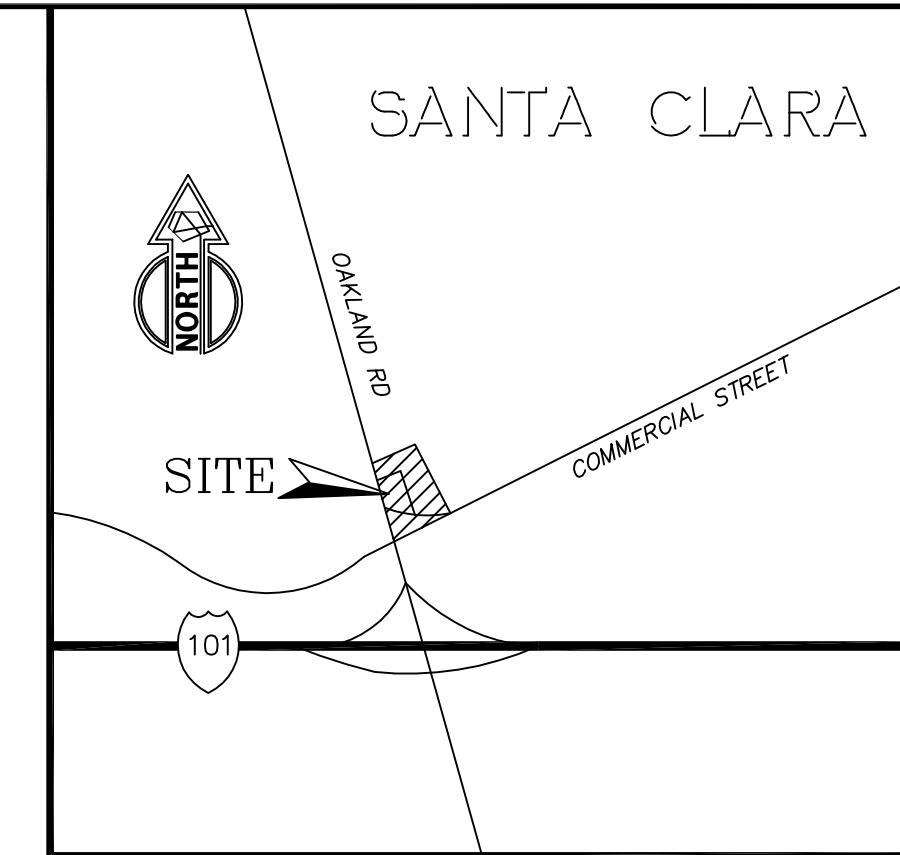
REVISIONS

| OWNER:        | 09/27/2017 |
|---------------|------------|
| REG. AGENCIES |            |
| O.T.B.:       |            |
| PROJECT NO.   | 09-30-67   |
| DRAWN BY:     | JRB        |
| CHECKED BY:   | JRB        |

**ROTTEN ROBBIE #67**  
 SAN JOSE, CALIFORNIA  
 1202 OAKLAND ROAD  
 SAN JOSE, CALIFORNIA 95112

SHEET TITLE

**LIGHTING PLAN**



VICINITY MAP  
NOT TO SCALE

|                  |                              |
|------------------|------------------------------|
| DATE: 02/10/2014 | SCALE: 1"=20'                |
| DESIGNED:        | DRAWN:                       |
| CHECKED:         | PROJ. ENGR.:                 |
| FILE: 9861-01    | 9661-01 No. BY DATE REVISION |

**LEGAL DESCRIPTION**

REAL PROPERTY IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

**PARCEL ONE:**

BEGINNING AT AN IRON PIPE SET ON THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD, STATE HIGHWAY (100.00 FEET IN WIDTH), AT THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE NORTH 49° 28' 20" EAST ALONG A NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT 23.98 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 70.00 FEET AT RIGHT ANGLES FROM THE CENTER LINE OF SAID SAN JOSE OAKLAND ROAD, SAID LAST MENTIONED POINT BEING THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING NORTH 49° 28' 20" EAST ALONG SAID NORTHWESTERLY LINE OF THE 37.752 ACRE TRACT 161.00 FEET; THENCE SOUTH 39° 45' 26" EAST 280.03 FEET TO A POINT ON THE NORTHWESTERLY LINE OF A PROPOSED STREET (80.00 FEET IN WIDTH); THENCE SOUTH 49° 28' 20" WEST ALONG SAID LAST NAMED LINE 10.21 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE OF SAID PROPOSED STREET (80.00 FEET IN WIDTH), SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 210.00 FEET, THROUGH A CENTRAL ANGLE OF 33° 30' 10", FOR AN ARC DISTANCE OF 122.79 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE OF SAID PROPOSED STREET SOUTH 82° 58' 30" WEST 141.24 FEET; THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 00', FOR AN ARC DISTANCE OF 31.42 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 70.00 FEET AT RIGHT ANGLES FROM SAID CENTER LINE OF SAN JOSE-OAKLAND ROAD; THENCE NORTH 7° 01' 30" WEST ALONG SAID LAST NAMED PARALLEL LINE 167.22 FEET TO THE TRUE POINT OF BEGINNING.

BEING A PORTION OF 500 ACRE LOT 18, SAN JOSE PUEBLO LANDS OF THE CITY OF SAN JOSE, EXCEPTING THEREFROM ALL THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE SET IN THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD, STATE HIGHWAY (100.00 FEET IN WIDTH), AT THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING NORTH 49° 28' 20" EAST ALONG A NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT FOR A DISTANCE OF 23.98 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 70.00 FEET AT RIGHT ANGLES FROM THE CENTER LINE OF SAID SAN JOSE-OAKLAND ROAD; THENCE SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 27.22 FEET AND THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 140.00 FEET; THENCE EASTERLY ALONG AN ARC OF A CURVE TO THE LEFT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 00', FOR AN ARC DISTANCE OF 31.42 FEET TO A POINT ON THE NORTHWESTERLY LINE OF A PROPOSED STREET (80.00 FEET IN WIDTH); THENCE NORTH 82° 58' 30" EAST ALONG SAID LAST MENTIONED LINE FOR A DISTANCE OF 110.00 FEET; THENCE NORTH 14° 09' 24" WEST 161.248 FEET TO A POINT WHICH BEARS NORTH 82° 58' 30" EAST 110.00 FEET FROM THE SAID TRUE POINT OF BEGINNING; THENCE SOUTH 82° 58' 30" WEST 110.00 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL TWO:**

AN EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES OVER A STRIP OF LAND, 80.00 FEET IN WIDTH, THE CENTER LINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD (100.00 FEET IN WIDTH) DISTANT THEREON SOUTH 7° 01' 30" EAST 213.98 FEET FROM THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE NORTH 82° 58' 30" EAST 181.24 FEET; THENCE EASTERLY ON A CURVE TO THE LEFT, WITH A RADIUS OF 250.00 FEET; THROUGH AN ANGLE OF 33° 30' 10", FOR AN ARC DISTANCE OF 146.18 FEET; THENCE NORTH 49° 28' 20" EAST AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT 920.44 FEET TO THE TERMINUS OF SAID EASEMENT.

EXCEPTING THEREFROM ALL THAT PORTION LYING WITH IN THE PARCEL OF LAND CONVEYED TO SEBASTIAN NOLA AND FRANCES ANNA NOLA, AS TRUSTEES UNDER TRUST DATED NOVEMBER 30, 1982 FROM CITY OF SAN JOSE, A MUNICIPAL CORPORATION, BY DEED RECORDED JUNE 28, 1989, INSTRUMENT NO. 10161220, BOOK L001, PAGE 338, SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE SET IN THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD, STATE HIGHWAY (100.00 FEET IN WIDTH), AT THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING NORTH 49° 28' 20" EAST ALONG A NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT FOR A DISTANCE OF 23.98 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 70.00 FEET AT RIGHT ANGLES FROM THE CENTER LINE OF SAID SAN JOSE-OAKLAND ROAD; THENCE SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 27.22 FEET AND THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 140.00 FEET; THENCE EASTERLY ALONG AN ARC OF A CURVE TO THE LEFT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 00', FOR AN ARC DISTANCE OF 31.42 FEET TO A POINT IN THE NORTHWESTERLY LINE OF A PROPOSED STREET (80.00 FEET IN WIDTH); THENCE NORTH 82° 58' 30" EAST ALONG SAID LAST MENTIONED LINE FOR A DISTANCE OF 110.00 FEET; THENCE NORTH 14° 09' 24" WEST 161.248 FEET TO A POINT WHICH BEARS NORTH 82° 58' 30" EAST 110.00 FEET FROM THE SAID TRUE POINT OF BEGINNING; THENCE SOUTH 82° 58' 30" WEST 110.00 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL THREE:**

BEGINNING AT AN IRON PIPE SET IN THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD, STATE HIGHWAY (100.00 FEET IN WIDTH), AT THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING NORTH 49° 28' 20" EAST ALONG A NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT FOR A DISTANCE OF 23.98 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 70.00 FEET AT RIGHT ANGLES FROM THE CENTER LINE OF SAID SAN JOSE-OAKLAND ROAD; THENCE SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 27.22 FEET AND THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 140.00 FEET; THENCE EASTERLY ALONG AN ARC OF A CURVE TO THE LEFT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 00', FOR AN ARC DISTANCE OF 31.42 FEET TO A POINT IN THE NORTHWESTERLY LINE OF A PROPOSED STREET (80.00 FEET IN WIDTH); THENCE NORTH 82° 58' 30" EAST ALONG SAID LAST MENTIONED LINE FOR A DISTANCE OF 110.00 FEET; THENCE NORTH 14° 09' 24" WEST 161.248 FEET TO A POINT WHICH BEARS NORTH 82° 58' 30" EAST 110.00 FEET FROM THE SAID TRUE POINT OF BEGINNING; THENCE SOUTH 82° 58' 30" WEST 110.00 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL FOUR:**

AN EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES OVER A STRIP OF LAND, 80.00 FEET IN WIDTH, THE CENTER LINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD (100.00 FEET IN WIDTH) DISTANT THEREON SOUTH 7° 01' 30" EAST 213.98 FEET FROM THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE NORTH 82° 58' 30" EAST 181.24 FEET; THENCE EASTERLY ON A CURVE TO THE LEFT, WITH A RADIUS OF 250.00 FEET; THROUGH AN ANGLE OF 33° 30' 10", FOR AN ARC DISTANCE OF 146.18 FEET; THENCE NORTH 49° 28' 20" EAST AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT 920.44 FEET TO THE TERMINUS OF SAID EASEMENT. EXCEPTING THEREFROM ALL THAT PORTION LYING WITHIN THE PARCEL OF LAND CONVEYED TO SEBASTIAN NOLA AND FRANCES ANNA NOLA, AS TRUSTEES UNDER TRUST DATED NOVEMBER 30, 1982 FROM CITY OF SAN JOSE, A MUNICIPAL CORPORATION, BY DEED RECORDED JUNE 28, 1989, INSTRUMENT NO. 10161220, BOOK L001, PAGE 338, SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE SET IN THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD, STATE HIGHWAY (100.00 FEET IN WIDTH), AT THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING NORTH 49° 28' 20" EAST ALONG A NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT FOR A DISTANCE OF 23.98 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 70.00 FEET AT RIGHT ANGLES FROM THE CENTER LINE OF SAID SAN JOSE-OAKLAND ROAD; THENCE SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 27.22 FEET AND THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 140.00 FEET; THENCE EASTERLY ALONG AN ARC OF A CURVE TO THE LEFT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 00', FOR AN ARC DISTANCE OF 31.42 FEET TO A POINT ON THE NORTHWESTERLY LINE OF A PROPOSED STREET (80.00 FEET IN WIDTH); THENCE NORTH 82° 58' 30" EAST ALONG SAID LAST MENTIONED LINE FOR A DISTANCE OF 110.00 FEET; THENCE NORTH 14° 09' 24" WEST 161.248 FEET TO A POINT WHICH BEARS NORTH 82° 58' 30" EAST 110.00 FEET FROM THE SAID TRUE POINT OF BEGINNING; THENCE SOUTH 82° 58' 30" WEST 110.00 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL FIVE:**

BEGINNING AT AN IRON PIPE SET ON THE EASTERLY LINE OF OAKLAND ROAD, FORMERLY SAN JOSE-OAKLAND ROAD, AT THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OF OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE NORTH 49° 13' 31" EAST (DEED BEARING NORTH 49° 28' 20" EAST) 23.98 FEET; THENCE SOUTH 7° 16' 19" EAST (DEED BEARING NORTH 7° 01' 30" WEST) 167.22 FEET TO THE TRUE POINT OF BEGINNING; ALONG THE NORTHWESTERLY LINE OF COMMERCIAL STREET WHICH IS TO BE VACATED HEREWITH THE FOLLOWING COURSES; THENCE ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 00' 00" AND AN ARC LENGTH OF 31.42 FEET; THENCE NORTH 82° 43' 41" EAST (DEED BEARING NORTH 82° 58' 30" EAST) 141.24 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 210.00 FEET THROUGH A CENTRAL ANGLE OF 33° 30' 10" AND AN ARC LENGTH OF 122.79 FEET; THENCE ALONG THE NEW NORTHERLY LINE OF COMMERCIAL STREET THE FOLLOWING COURSES SOUTH 49° 13' 31" WEST 77.65 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 960.00 FEET THROUGH A CENTRAL ANGLE OF 8° 51' 17" AND AN ARC LENGTH OF 148.36 FEET; THENCE ALONG THE SOUTHERLY LINE OF COMMERCIAL STREET VACATED HEREWITH SOUTHWEST 43° 41' WEST 62.87 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 28° 09' 18" AND AN ARC LENGTH OF 9.83 FEET; THENCE ALONG A CURVE TO THE RIGHT FROM A TANGENT LINE BEARING NORTH 49° 53' 38" WEST WITH A RADIUS OF 40.00 FEET THROUGH A CENTRAL ANGLE OF 42° 37' 19" AND AN ARC LENGTH OF 29.75 FEET; THENCE NORTH 7° 16' 19" WEST (DEED BEARING NORTH 7° 01' 30" WEST) 75.28 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL SIX:**

BEGINNING AT AN IRON PIPE SET ON THE EASTERLY LINE OF OAKLAND ROAD FORMERLY SAN JOSE-OAKLAND ROAD, AT THE SOUTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OF OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE NORTH 49° 25' 11" EAST (DEED BEARING NORTH 49° 40' 00" EAST) 23.93 FEET; THENCE NORTH 7° 16' 19" WEST (DEED BEARING NORTH 7° 01' 30" WEST) 160.00 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 61° 50' 42" AN ARC LENGTH OF 21.59 FEET TO A POINT ON A CURVE HAVING A RADIAL BEARING OF NORTH 35° 25' 37" WEST TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE AFOREMENTIONED CURVE WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 28° 09' 18" AND AN ARC LENGTH OF 9.83 FEET; THENCE NORTH 82° 43' 41" EAST (DEED BEARING NORTH 82° 58' 30" EAST) 62.87 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT FROM A TANGENT LINE THAT BEARS SOUTH 58° 04' 48" WEST WITH A RADIUS OF 960.00 FEET THROUGH A CENTRAL ANGLE OF 0° 57' 16" AND AN ARC LENGTH OF 15.99 FEET; THENCE SOUTH 59° 02' 04" WEST 13.33 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 40.00 FEET THROUGH A CENTRAL ANGLE OF 71° 04' 18" AN ARC LENGTH OF 49.62 FEET TO THE TRUE POINT OF BEGINNING.

APN: 241-11-014 AND 241-11-020 (AFFECTS PARCEL ONE)  
241-11-021(AFFECTS PARCEL THREE) AND  
241-11-022(AFFECTS PARCELS FIVE AND SIX)

ARB NO'S: 243-13-136, 243-13-137, 243-13-78 AND 243-13-153

**NOTES CORRESPONDING TO SCHEDULE B**

TITLE ITEMS PER SCHEDULE "B" OF THE PRELIMINARY TITLE REPORT ISSUED BY FIRST AMERICAN TITLE COMPANY ORDER NO. NCS-640988-SC DATED JANUARY 10, 2014 AT 7:30 A.M.

(7) AN EASEMENT FOR INGRESS AND EGRESS AND INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED JANUARY 29, 1958 AS BOOK 3994, PAGE 164 OF OFFICIAL RECORDS. IN FAVOR OF: GERALD F. CAVANAUGH AND MARGUERITE C. CAVANAUGH. AFFECTS: AS DESCRIBED THEREIN (PLOTTED, AFFECTS SUBJECT PROPERTY)

(8) AN EASEMENT FOR STORM DRAINAGE AND MAINTENANCE AND INCIDENTAL PURPOSES, RECORDED JUNE 28, 1989 AS INSTRUMENT NO. 10161220 OF OFFICIAL RECORDS. IN FAVOR OF: CITY OF SAN JOSE. AFFECTS: AS DESCRIBED THEREIN (PLOTTED, AFFECTS SUBJECT PROPERTY)

**STATEMENT OF ENCROACHMENTS**

\* THIS IS A LISTING OF OBSERVED IMPROVEMENTS THAT CROSS PROPERTY LINES. STATEMENT OF OWNERSHIP OR POSSESSION IS NOT THE INTENT OF THIS LISTING.

⊗ - BUILDING IS LOCATED ENTIRELY WITHIN THE 25' BSL

**ZONING INFORMATION**

THE ZONING INFORMATION WAS PROVIDED BY THE CITY OF SAN JOSE PLANNING DEPARTMENT 1500 WARBURTON AVENUE SANTA CLARA, CA 95050  
TEL: (408) 615-2200  
HTTP://WWW.SANTACLARA.CA.GOV/

ZONE HI, HEAVY INDUSTRIAL SETBACKS  
FRONT 15'  
SIDE 0' / 25' FROM RESIDENTIAL  
REAR 0' / 25' FROM RESIDENTIAL  
HEIGHT 50'  
BULK/FAR/LOT COVERAGE  
PARKING BY USE

\*ZONING AND RESTRICTIONS SHOWN HEREON WERE OBTAINED BY A GENERAL REQUEST AT THE ABOVE NAMED DEPARTMENT. NO REPRESENTATION IS MADE FOR THE ACCURACY OR COMPLETENESS OF SAID THIRD PARTY INFORMATION. THIS FIRM IS NOT AN EXPERT IN THE INTERPRETATION OF COMPLEX ZONING ORDINANCES. COMPLIANCE IS BEYOND THE SCOPE OF THIS SURVEY. ANY USER OF SAID INFORMATION IS URGED TO CONTACT THE LOCAL AGENCY DIRECTLY.

**SURVEYOR'S CERTIFICATION**

TO:  
FIRST AMERICAN TITLE COMPANY & NOLA FAMILY LIMITED PARTNERSHIP, AS TO PARCELS ONE AND THREE; SEBASTIAN NOLA, SURVIVING TRUSTEE UNDER TRUST DATED NOVEMBER 30, 1982, AS TO PARCELS FIVE AND SIX.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 6, 7A, 7B, 7C, 8, 9, 10, 11A, 11(B), 13, 14, 16, 17, 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 02/20/2014

DIRK C. SLOOTEN  
REGISTERED LAND SURVEYOR NO. LS5342  
IN THE STATE OF CALIFORNIA  
DATE OF PLAT OR MAP: 03/03/2014

SURVEY PERFORMED BY:  
SLOOTEN CONSULTING, INC.  
4740 NORTHGATE BLVD., SUITE 115  
SACRAMENTO, CA 95834  
(916)-641-7570

**PARCEL SUMMARY**

TOTAL AREA:  
67,144 SQ. FT.  
1.5414 ACRES

**PARKING SUMMARY**

NO PARKING ON SUBJECT PROPERTY

**BASIS OF BEARINGS**

THE CENTERLINE OF COMMERCIAL STREET (N49°13'31"E) AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD ON NOVEMBER 30, 1990 IN BOOK 621 OF MAPS, PAGE 45, RECORDS OF SAN JOSE CITY WAS USED AS THE BASIS OF BEARINGS.

**BENCHMARK**

THE BENCHMARK USED FOR THIS SURVEY WAS IN THE CITY OF SAN JOSE BENCHMARK NO. 140, ELEV. = 63.68 (NAVD88)

**FLOOD NOTE:** By graphic plotting only, this property is in Zone(s) D 06085C0232H of the Flood Insurance Rate Map, Community Panel No. 05/19/2009, which bears an effective date of 05/19/2009 and is in a Special Flood Hazard Area. By telephone call dated 03/03/2014 to the National Flood Insurance Program (800-638-6620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

**SLOOTEN CONSULTING INC.**  
 SURVEYING & ENGINEERING  
 4740 NORTHGATE BL., SUITE 115  
 SACRAMENTO, CA 95834  
 (916)641-7570  
 (FAX)641-7572

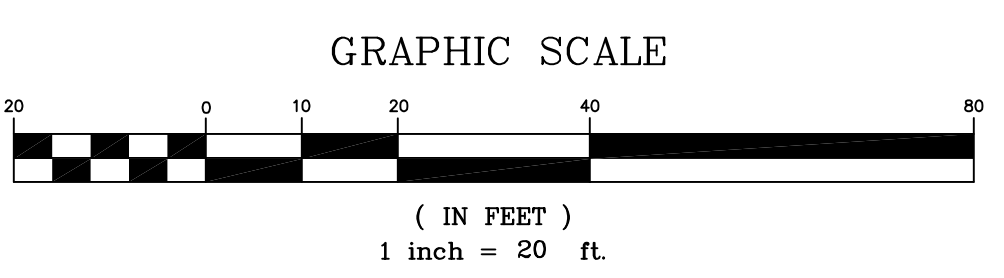
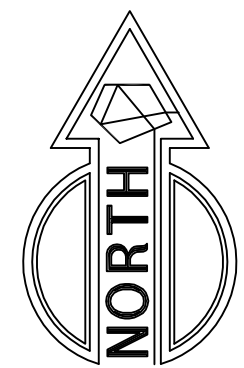
**ALTA/ACSM LAND TITLE SURVEY**  
 CALIFORNIA  
 757 COMMERCIAL STREET  
 SANTA CLARA  
 SAN JOSE

SHEET 1  
 OF 2 SHEETS  
 JOB No.  
**9861-01**

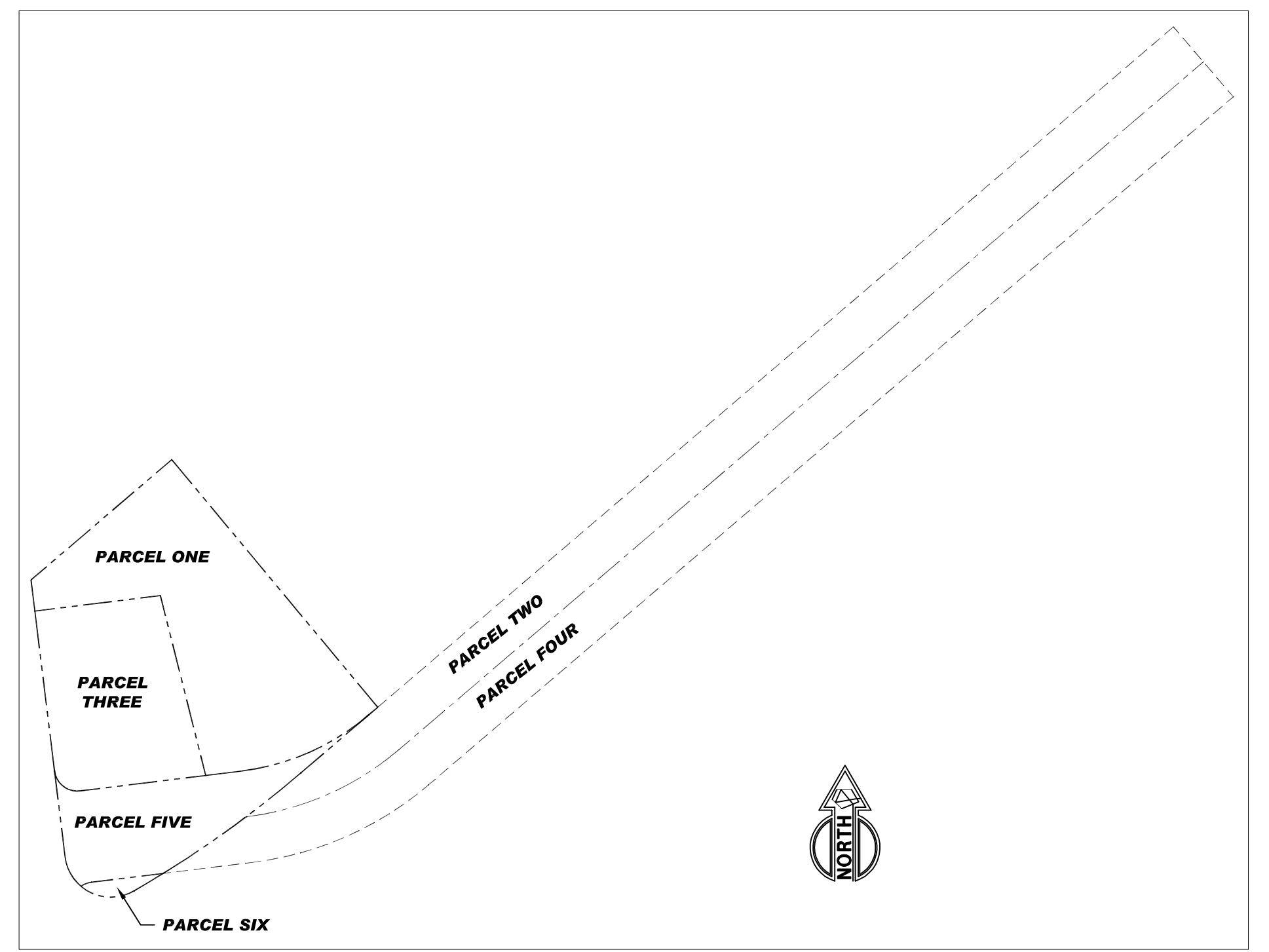
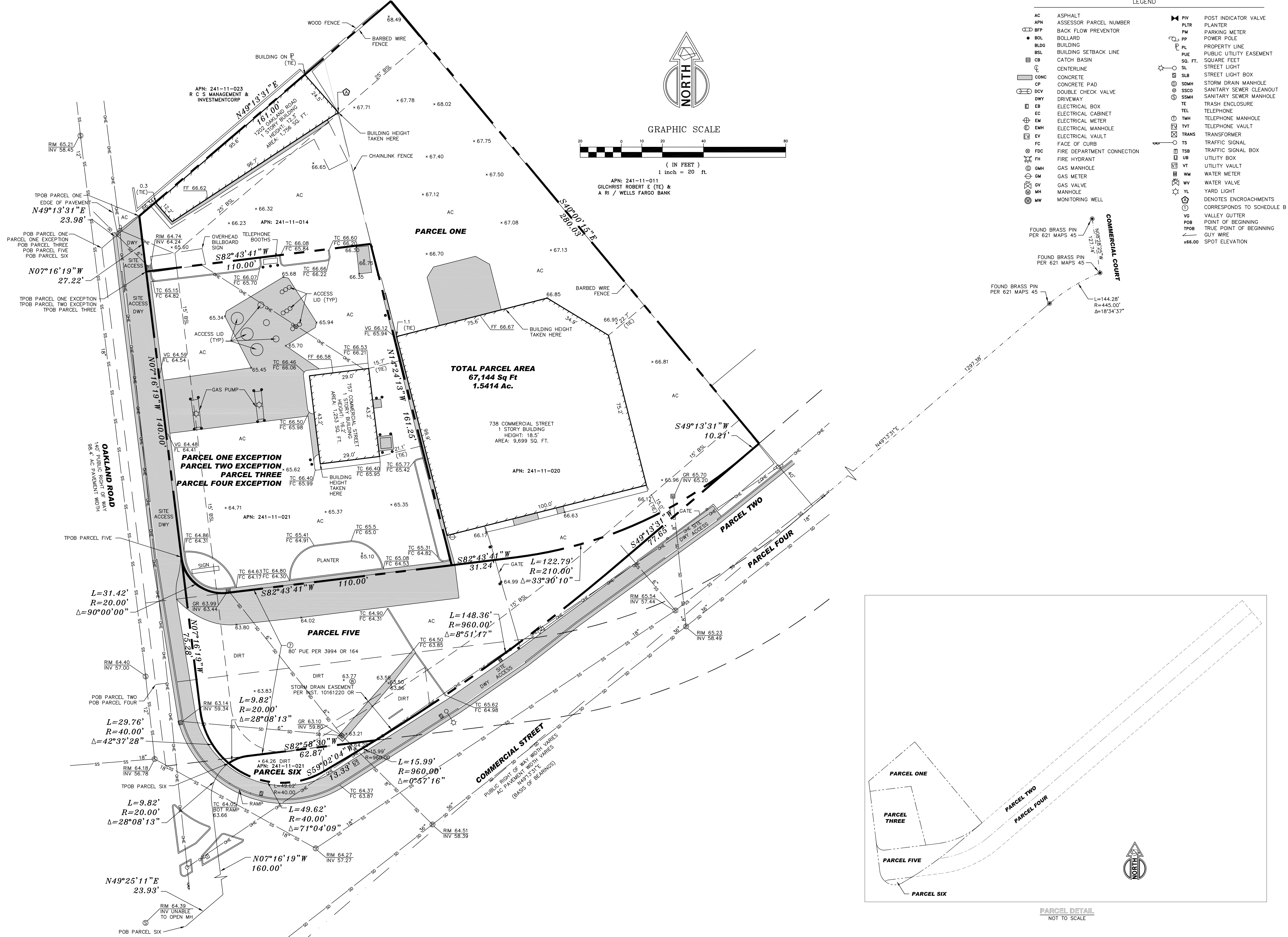
THIS IS AN ORIGINAL UNPUBLISHED WORK OF CHARLES L. SLOOTEN CONSULTING, INC. ANY REPRODUCTION OR TRANSMISSION OF THIS WORK WITHOUT THE WRITTEN CONSENT OF SLOOTEN CONSULTING, INC. IS PROHIBITED.



- AC ASPHALT
- APN ASSESSOR PARCEL NUMBER
- BFP BACK FLOW PREVENTOR
- BOL BOLLARD
- BLDG BUILDING
- BSL BUILDING SETBACK LINE
- CB CATCH BASIN
- CL CENTERLINE
- CONC CONCRETE
- CP CONCRETE PAD
- DCV DOUBLE CHECK VALVE
- DWY DRIVEWAY
- EB ELECTRICAL BOX
- EC ELECTRICAL CABINET
- EM ELECTRICAL METER
- EMH ELECTRICAL MANHOLE
- EV ELECTRICAL VAULT
- FC FACE OF CURB
- FDC FIRE DEPARTMENT CONNECTION
- FH FIRE HYDRANT
- GM GAS MANHOLE
- GM GAS METER
- GV GAS VALVE
- MH MANHOLE
- MW MONITORING WELL
- PIV POST INDICATOR VALVE
- PLTR PLANTER
- PM PARKING METER
- PP POWER POLE
- PL PROPERTY LINE
- SQ. FT. SQUARE FEET
- SL STREET LIGHT
- SLB STREET LIGHT BOX
- SDMH STORM DRAIN MANHOLE
- SSCO SANITARY SEWER CLEANOUT
- SSMH SANITARY SEWER MANHOLE
- TE TRASH ENCLOSURE
- TEL TELEPHONE
- TMH TELEPHONE MANHOLE
- TVT TELEPHONE VAULT
- TRANS TRANSFORMER
- TS TRAFFIC SIGNAL
- TSB TRAFFIC SIGNAL BOX
- UB UTILITY BOX
- VT UTILITY VAULT
- WM WATER METER
- WM WATER METER
- WV WATER VALVE
- YL YARD LIGHT
- YL DENOTES ENCROACHMENTS CORRESPONDS TO SCHEDULE B
- VG VALLEY CUTTER
- POB POINT OF BEGINNING
- TPOB TRUE POINT OF BEGINNING
- GUY WIRE
- \*66.00 SPOT ELEVATION



APN: 241-11-011  
GILCHRIST ROBERT E (E) &  
A RI / WELLS FARGO BANK



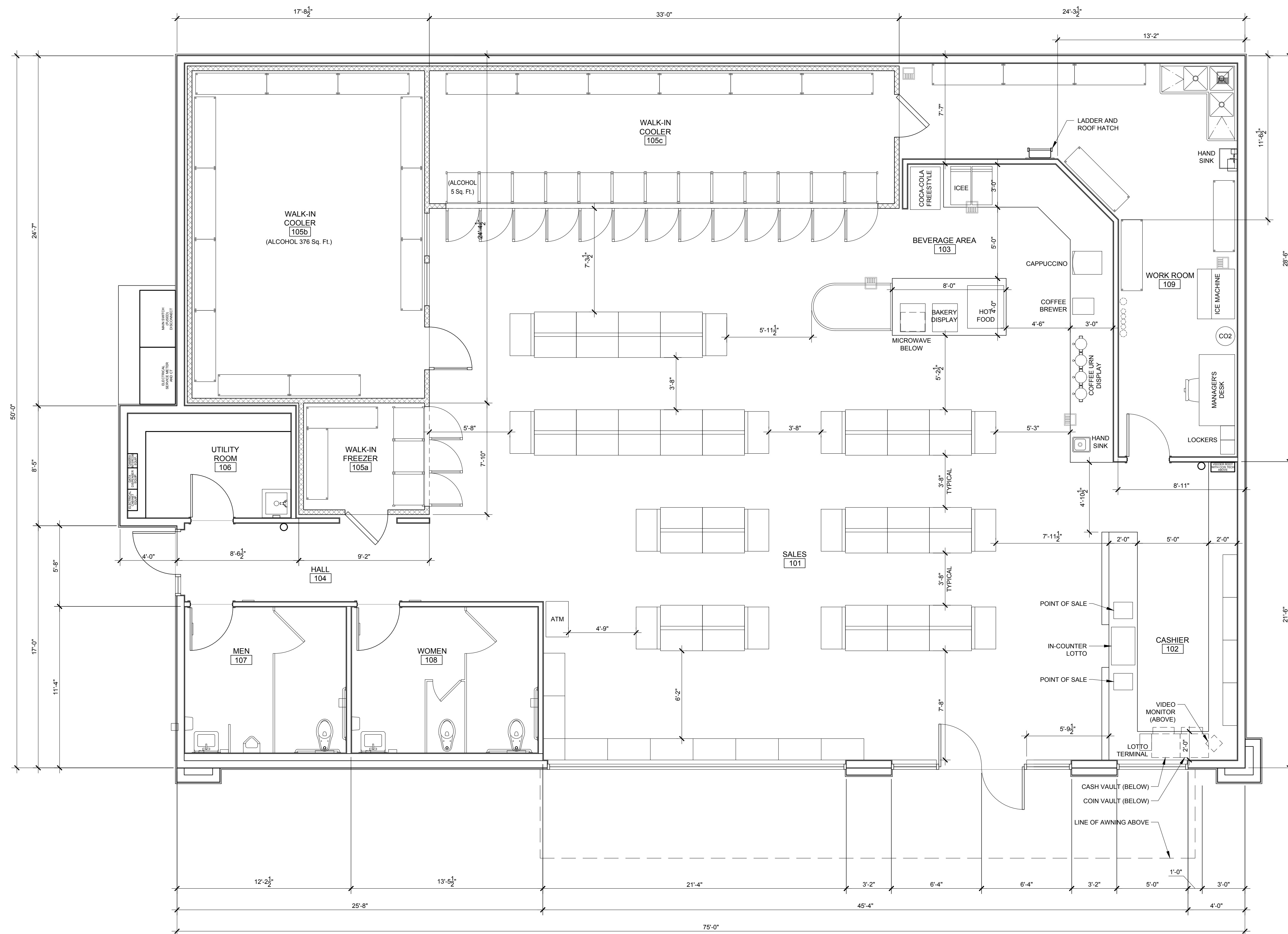
|                  |               |
|------------------|---------------|
| DATE: 02/10/2014 | SCALE: 1"=20' |
| DESIGNED:        | DRAWN:        |
| CHECKED:         | PROJ. ENGR.:  |
| FILE: 9861-01    | BY DATE       |

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(FAX) 641-7572

**ALTA/ACSM LAND TITLE SURVEY**  
SAN JOSE CALIFORNIA  
757 COMMERCIAL STREET  
SANTA CLARA  
SHEET 2 OF 2 SHEETS  
JOB No. 9861-01

PARCEL DETAIL NOT TO SCALE





FLOOR PLAN SCALE: 1/4" = 1'-0" NORTH

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REVISIONS

SUBMITTAL DATES

|               |            |
|---------------|------------|
| OWNER:        | 06/12/2017 |
| REG. AGENCIES | -          |
| O.T.B.:       | -          |

PROJECT NO.

09-30-67

DRAWN BY:

JRB

CHECKED BY:

JRB

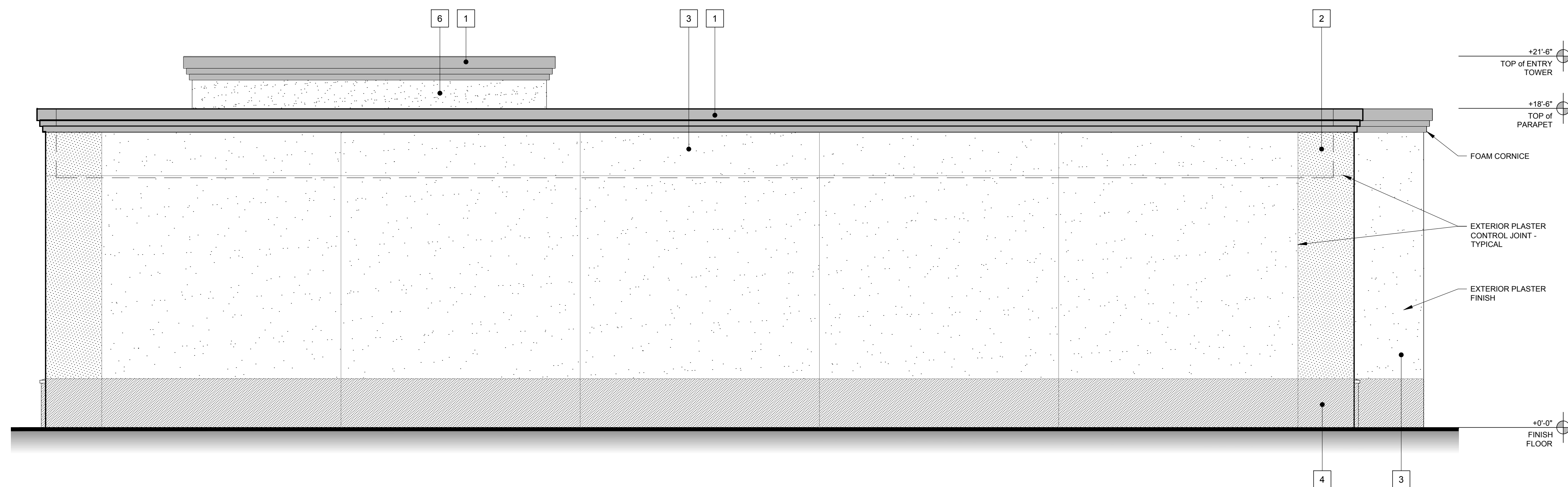
**ROTTEN ROBBIE #67**  
**SAN JOSE, CALIFORNIA**  
 1202 OAKLAND ROAD  
 SAN JOSE, CALIFORNIA 95112

SHEET TITLE

FLOOR PLAN

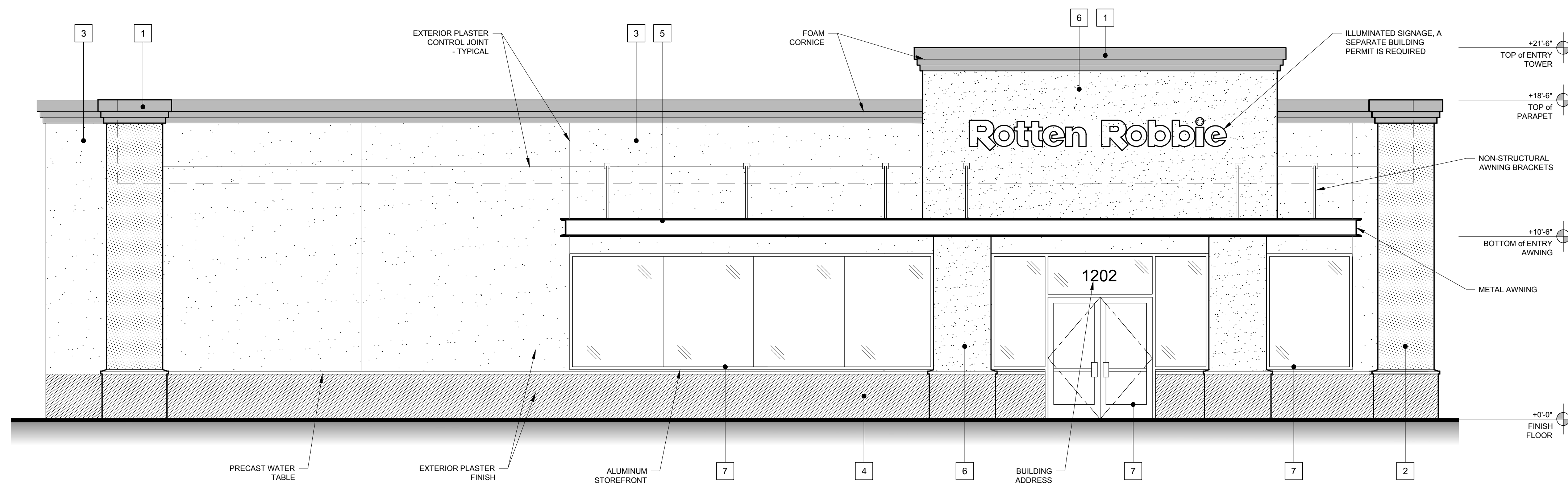
SHEET NO.

**A-1**

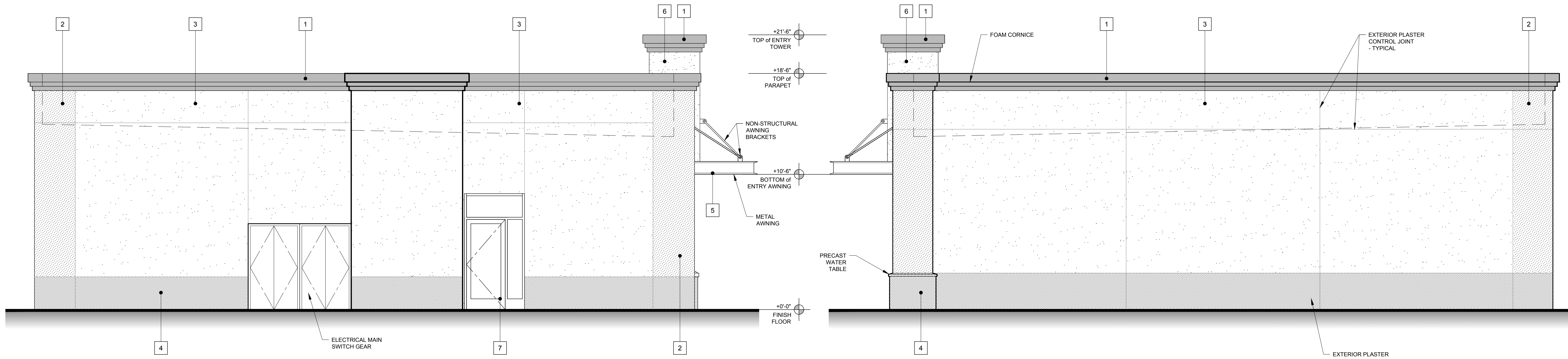


**NORTHEAST ELEVATION**  
SCALE: 1/4"=1'-0"

| COLOR SCHEME     |   | No.   |
|------------------|---|---|
| [Color swatch 1] | 1 | SHERWIN WILLIAMS "AVENUE TAN" - SW7543.       |
| [Color swatch 2] | 2 | SHERWIN WILLIAMS "PRICKLY PEAR" - SW2218.     |
| [Color swatch 3] | 3 | SHERWIN WILLIAMS "BUFF" - SW2340.             |
| [Color swatch 4] | 4 | SHERWIN WILLIAMS "OUTRIGGER" - SW2202.        |
| [Color swatch 5] | 5 | ICI "COLORADO RUST" - 267.                    |
| [Color swatch 6] | 6 | SHERWIN WILLIAMS "MUSTARD FIELD" - SW2341.    |
| [Color swatch 7] | 7 | ALUMINUM STOREFRONT - CLEAR ANODIZED ALUMINUM |



**SOUTHWEST ELEVATION**  
SCALE: 1/4"=1'-0"



**SOUTHEAST ELEVATION**  
SCALE: 1/4"=1'-0"

**NORTHWEST ELEVATION**  
SCALE: 1/4"=1'-0"

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| SUBMITTAL DATES |            |
|-----------------|------------|
| OWNER:          | 06/12/2017 |
| REG. AGENCIES   | -          |
| O.T.B.:         | -          |

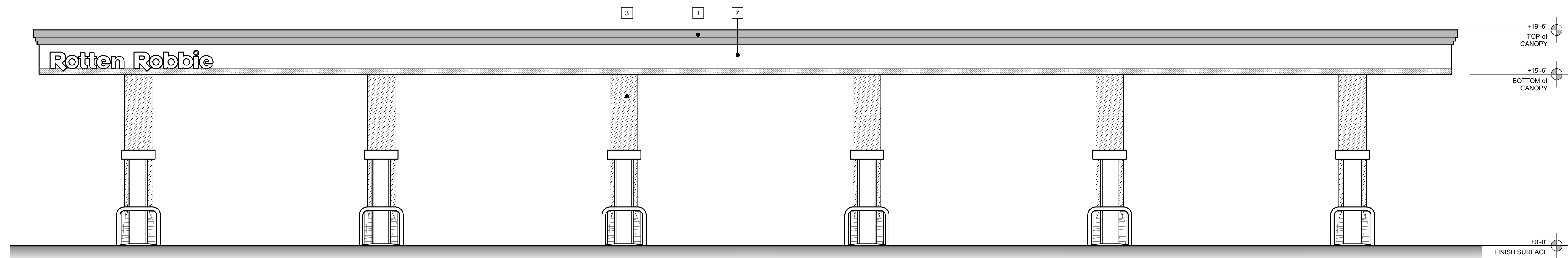
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|-------------|----------|
| PROJECT NO. | 09-30-67 |
| DRAWN BY:   | JRB      |
| CHECKED BY: | JRB      |

**ROTTEN ROBBIE #67**  
SAN JOSE, CALIFORNIA  
1202 OAKLAND ROAD  
SAN JOSE, CALIFORNIA 95112

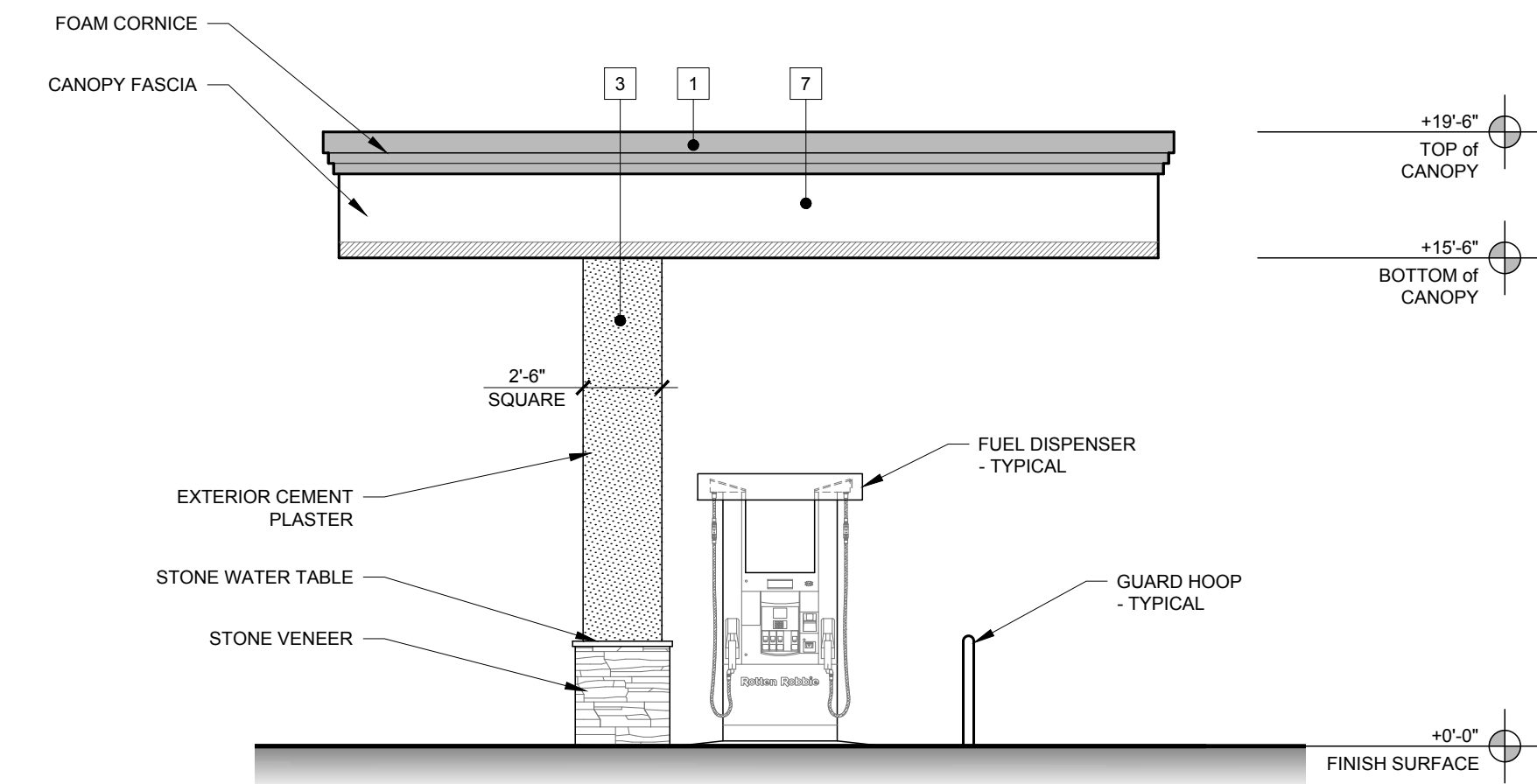
SHEET TITLE  
**C-STORE  
EXTERIOR  
ELEVATIONS**

SHEET NO.  
**A-2**

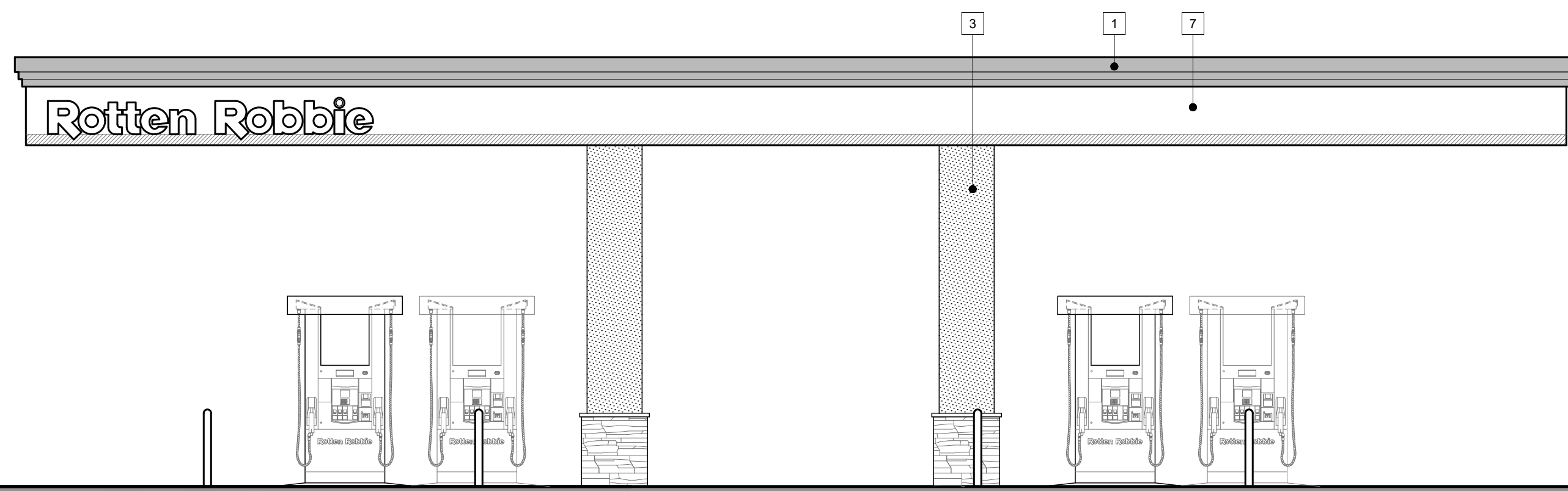
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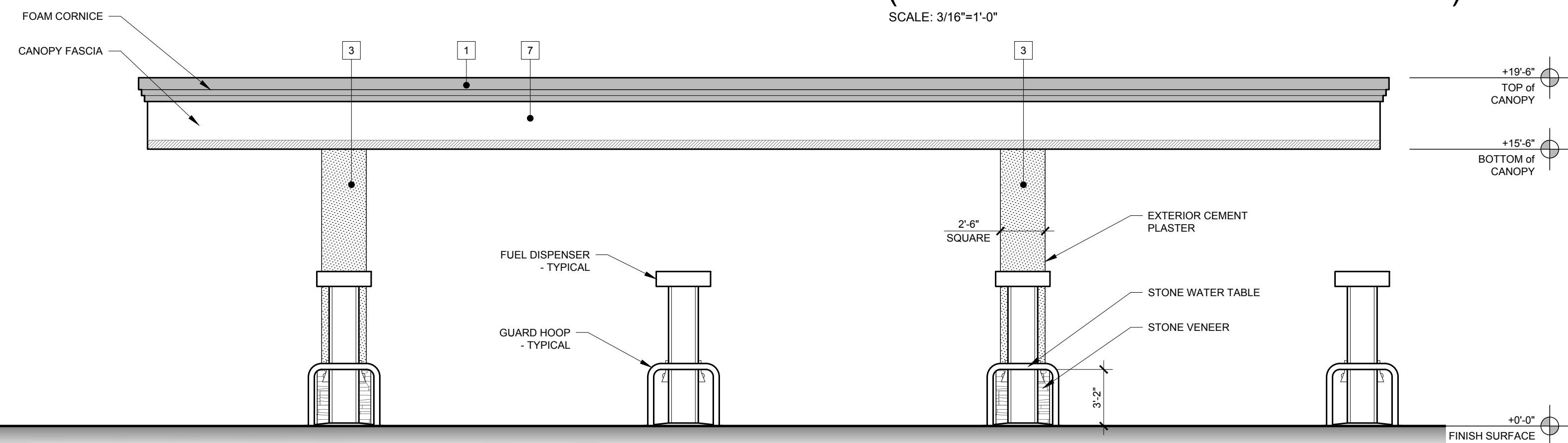
**SOUTHWEST ELEVATION  
(NORTHEAST ELEVATION SIMILAR)**  
SCALE: 3/16"=1'-0"



**SOUTHEAST ELEVATION  
(NORTHWEST ELEVATION SIMILAR)**  
SCALE: 3/16"=1'-0"



**SOUTHEAST ELEVATION  
(NORTHWEST ELEVATION SIMILAR)**  
SCALE: 3/16"=1'-0"



**SOUTHWEST ELEVATION  
(NORTHEAST ELEVATION SIMILAR)**  
SCALE: 3/16"=1'-0"

| COLOR SCHEME |   |
|--------------|---|
| 1            | SHERWIN WILLIAMS "AVENUE TAN" - SW7543.                       |
| 2            | SHERWIN WILLIAMS "PRICKLY PEAR" - SW2218.                     |
| 3            | SHERWIN WILLIAMS "BUFF" - SW2340.                             |
| 4            | SHERWIN WILLIAMS "OUTRIGGER" - SW2202.                        |
| 5            | ICI "COLORADO RUST" - 267.                                    |
| 6            | SHERWIN WILLIAMS "MUSTARD FIELD" - SW2341.                    |
| 7            | METAL CANOPY FASCIA "DARK BLUE" WITH "RED" AND "WHITE" STRIPE |
| 8            | GUARD HOOP "WHITE"  |

APPLY SHERWIN-WILLIAMS ANTI GRAFFITI COATING TO CANOPY COLUMNS AND STONE VENEER WAINSCOT

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|---------------|------------|
| OWNER:        | 06/12/2017 |
| REG. AGENCIES | --         |
| O.T.B.:       | --         |

|             |          |
|-------------|----------|
| PROJECT NO. | 09-30-67 |
| DRAWN BY:   | JRB      |
| CHECKED BY: | JRB      |

**ROTTEN ROBBIE #67**  
SAN JOSE, CALIFORNIA

1202 OAKLAND ROAD  
SAN JOSE, CALIFORNIA 95112

SHEET TITLE

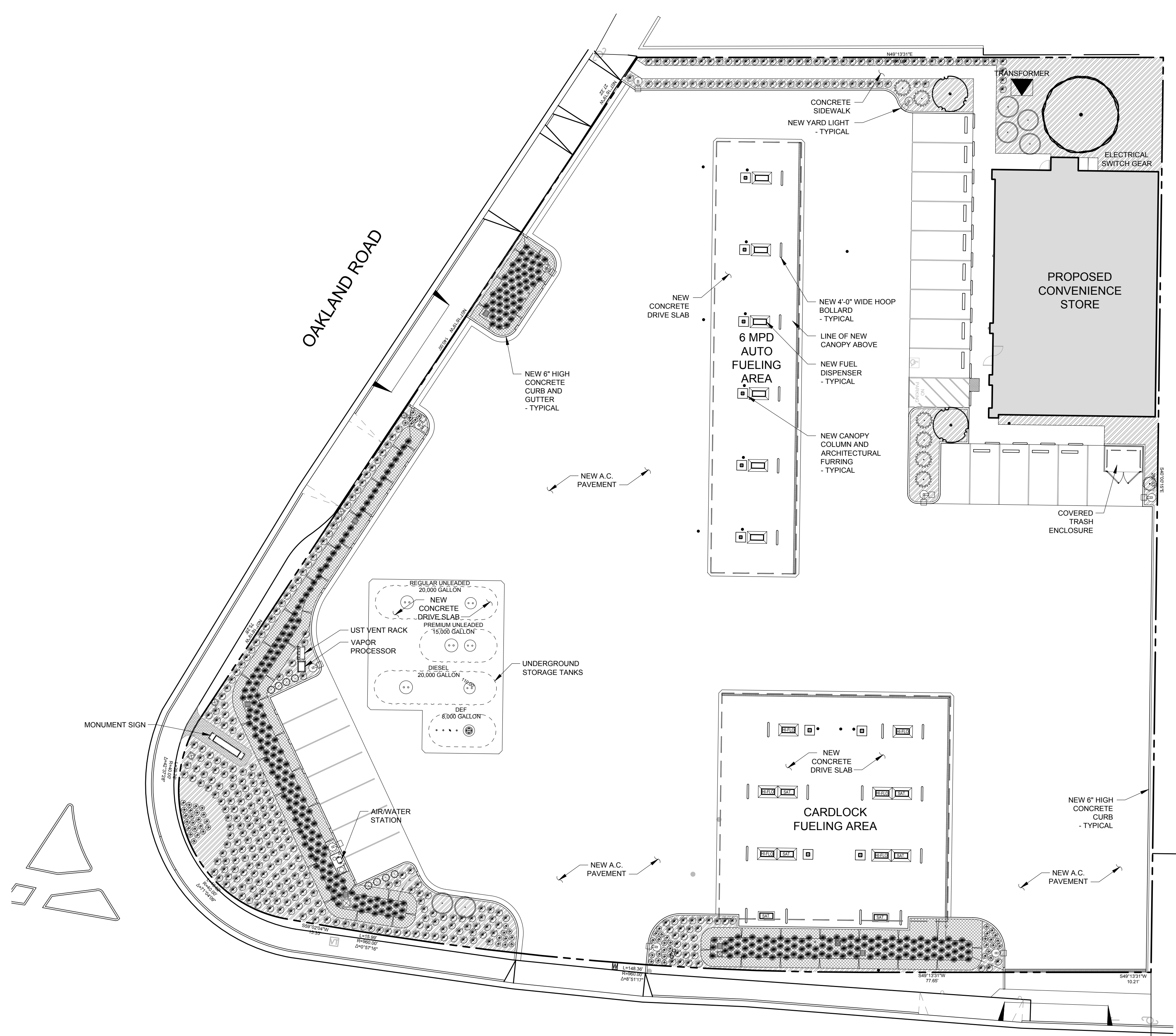
**CANOPY  
EXTERIOR  
ELEVATIONS**

SHEET NO.

**A-4**

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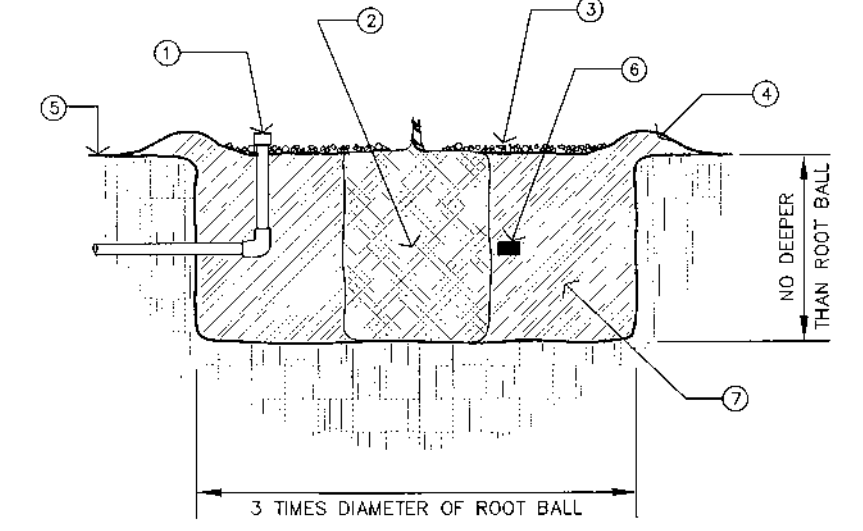




### LEGEND

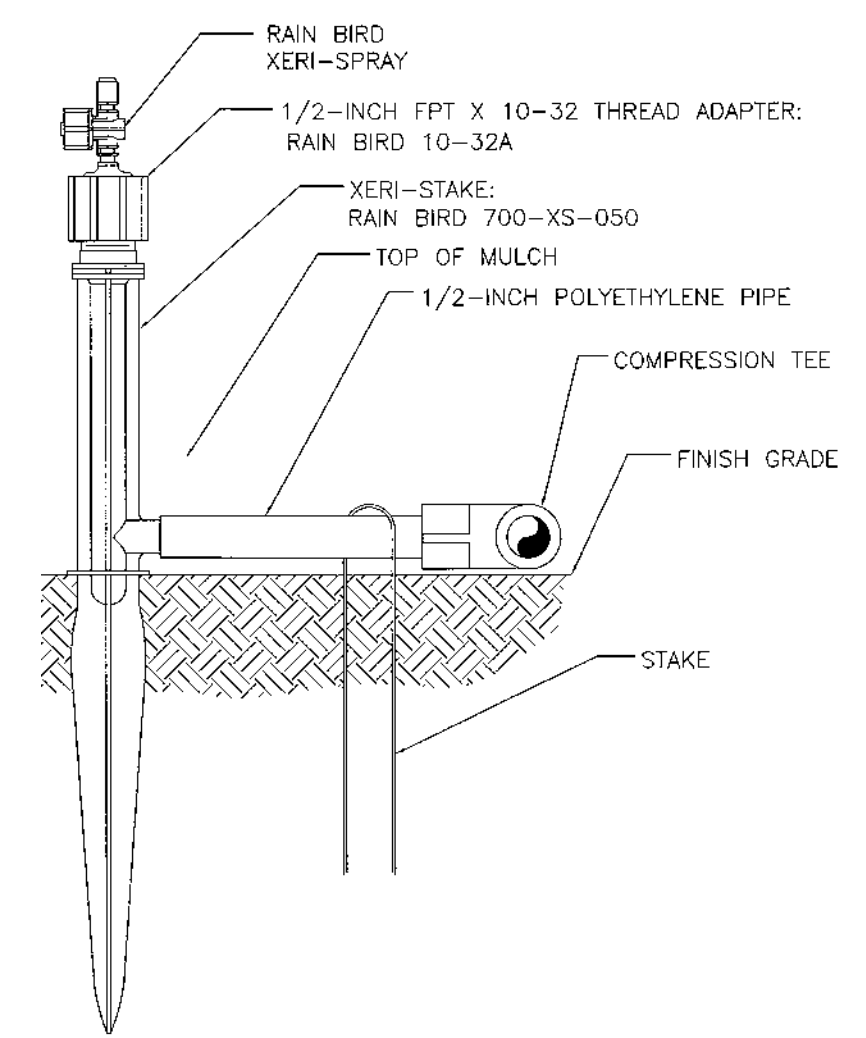
| SYMBOL              | SIZE  | QTY. | MATURE HEIGHT | BOTANICAL NAME                  | COMMON NAME                    |
|---------------------|---|------|---------------|---------------------------------|--------------------------------|
| <b>TREES</b>        |   |      |               |                                 |                                |
| [Symbol]            | 15 GAL.                                     | 2    | 25'           | ARBUS UTUNDO                    | STRAWBERRY TREE                |
| [Symbol]            | 15 GAL.                                     | 6    | 20'           | RHAPIOLEPIS "MAJESTIC BEAUTY"   | MAJESTIC BEAUTY INDIA HAWTHORN |
| [Symbol]            | 15 GAL.                                     | 1    | 18'           | PRUNUS C. "KRAUTER VESUVIUS"    | PURPLE LEAF PLUM               |
| [Symbol]            | 15 GAL.                                     | 3    | 35'           | LOPHOSTEMON CONFERTUS           | BRISBANE BOX                   |
| <b>PLANTS</b>       |   |      |               |                                 |                                |
| [Symbol]            | 5 GAL.                                      | 2    | 10' WIDE      | FATSHERA LIZEI                  | BOTANICAL WONDER               |
| [Symbol]            | 5 GAL.                                      | 5    | 10' WIDE      | VITIS CALIFORNICA "ROGER'S RED" | CALIFORNIA WILD GRAPE          |
| [Symbol]            | 15 GAL.                                     | 2    | 24' WIDE      | CAMPISIS TAGLIABUANA            | MNE. GALEN TRUMPET CREEPER     |
| [Symbol]            | 4" POT                                      | 101  | 18"           | NEPETA FAASSENII                | CATMINT                        |
| [Symbol]            | 4" POT                                      | 150  | 12"           | JUNCUS PATENS                   | WIRE GRASS                     |
| [Symbol]            | 5 GAL.                                      | 19   | 18"           | BERBERIS T. "CRIMSON PYGMY"     | DWARF BARBERRY                 |
| [Symbol]            | 4" POT                                      | 141  | 30"           | FESTUCA MAIREI                  | ATLAS FESCUE                   |
| [Symbol]            | 5 GAL.                                      | 12   | 4'-5"         | CALAMAGROTUS "KARL FOERSTER"    | KARL FOERSTER REED GRASS       |
| [Symbol]            | 5 GAL.                                      | 10   | 5'-6"         | ARCTOSTAPHYLOS "SUNSET"         | SUNSET MANZANITA               |
| [Symbol]            | 5 GAL.                                      | 4    | 5'-6"         | MAHONIA P. "KEN HARTMAN"        | CALIFORNIA HOLLY GRAPE         |
| [Symbol]            | 1 GAL.                                      | 17   | 24"           | CEANOTHUS G. "ANCHOR BAY"       | WILD LILAC                     |
| [Symbol]            | 5 GAL.                                      | 33   | 4'-6"         | RHAMNUS CALIFORNIA "EVE CASE"   | COFFEEBERRY                    |
| <b>GROUND COVER</b> |   |      |               |                                 |                                |
| [Symbol]            | "STRINGY REDWOOD BARK" MULCH, 3" DEEP LAYER |      |               |                                 |                                |
| [Symbol]            | BIOSWALE AREA                               |      |               |                                 |                                |
| [Symbol]            | 2'-4" DIA. RIVER ROCK AREA                  |      |               |                                 |                                |
| [Symbol]            | ANNUAL BEDDING PLANTING AREA                |      |               |                                 |                                |

- IRRIGATION NOTES:**
- ALL IRRIGATION LATERALS SHALL BE SCHEDULE 40 PVC WITH 18" MINIMUM COVER.
  - DRIP DISTRIBUTION TUBING INSTALLATION: THE TUBING WILL BE SNAKED IN THE TRENCH IN UNDERGROUND SYSTEMS AND ABOUT THE LANDSCAPE IN ABOVE GROUND INSTALLATIONS TO ALLOW FOR THE EXPANSION AND CONTRACTION VARIATIONS (ADD 3% TO TUBING LENGTH REQUIRED AS A GENERAL RULE).
  - BACKFLOW PREVENTION DEVICE SHALL BE INSTALLED PER LOCAL CODES AND APPROVED BY CITY OF SAN JOSE.

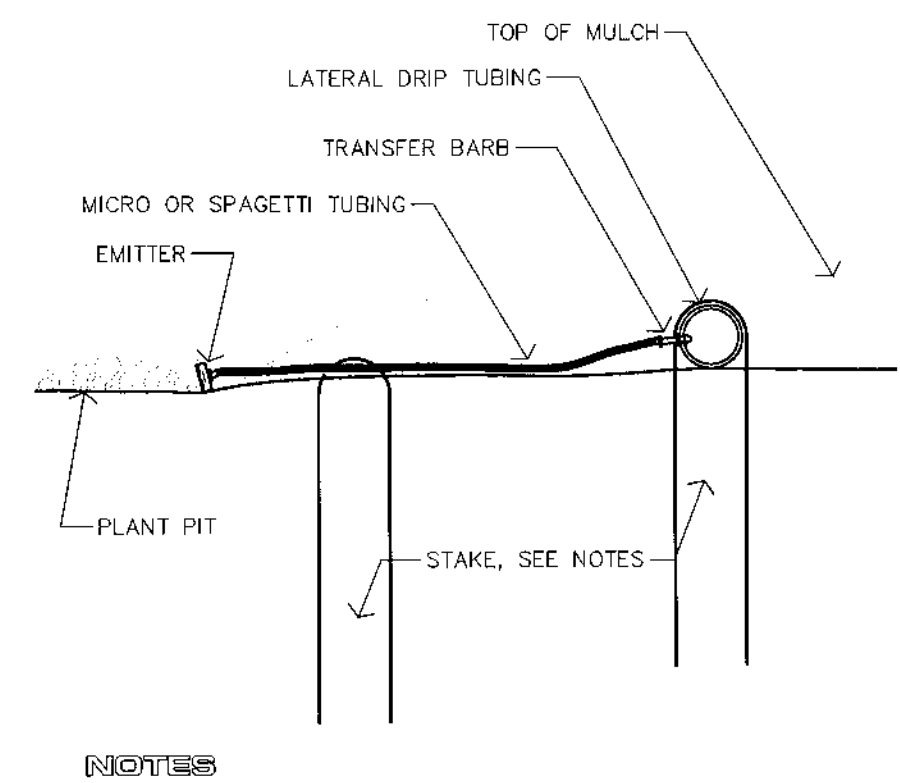


- CALL-OUT NOTES**
- BUBBLER OR DRIP EMITTER LOCATION—INSIDE WATERING BASIN.
  - ROOT BALL.
  - 1" LAYER OF NITROGENIZED REDWOOD MULCH, OR SEE PLANS ON TYPE OF MULCH TO APPLY. KEEP A 3" CLEARANCE AROUND TRUNKS OF ALL SHRUBS AND TREES.
  - CONSTRUCT TAMPER FIRM MOUND FOR WATERING BASIN. LOCATE AT OUTSIDE EDGE OF PLANT PIT. 2" HIGH FOR 1 & 5 GALLON PLANTS. 4" HIGH FOR 15 GAL. & LARGER PLANTS. SMIT IN LAWN.
  - FRESH SOIL.
  - "AGRIFORM" 20-10-5 PLANTING TABLETS. PLACE TABLETS HALFWAY UP & 1" AWAY FROM ROOT BALL. USE 1 TAB FOR 1 GAL., 2 TABS FOR 5 GAL., 3 TABS FOR 15 GAL., AND FOR LARGER PLANTS, USE 1 TAB FOR EACH 1/2" OF TRUNK DIAMETER. PLACE TABS EQUALLY SPACED AROUND ROOT BALL.
  - PLANT PIT BACKFILL. USE NO AMENDMENTS UNLESS STATED DIFFERENTLY IN PLANTING NOTES. BACKFILL SHALL BE NATIVE SITE SOIL BROKEN UP FINELY AND ROCK 1" OR LARGER) AND OTHER DEBRIS REMOVED. REMOVE ALL CLAY SLICKS FROM WALL OF PLANT PIT AND SCORIFY SOIL AND BOTTOM. WATER SETTLE PLANT PIT ONCE BACK-FILLING IS COMPLETE.

**1 PLANT PIT IRRIGATION** SCALE: N.T.S.

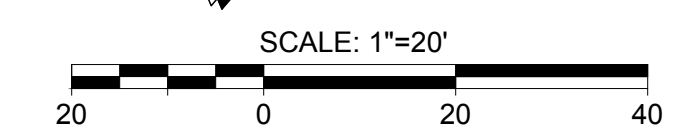


**3 XERI-SPRAY** SCALE: N.T.S.



**2 DRIP EMITTER** SCALE: N.T.S.

- NOTES**
- STAKING - LATERAL DRIP TUBING WILL BE STAKED AT 6' O.C. AND 3' FROM ENDS. MICRO (SPAGETTI) TUBING WILL BE STAKED AT 3' O.C. STAKES WILL BE GALV. METAL AND MANUFACTURED BY SALCO, PEPCO, OR EQUAL.
  - EMITTERS UP SLOPE FROM LATERAL DRIP TUBING WILL BE STAKED ON THE UP SLOPE SIDE OF PLANT PIT.



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**REVISIONS**

| NO. | DESCRIPTION |
|-----|-------------|
|     |             |
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REVISIONS

**SUBMITTAL DATES**

| OWNER:         | DATE       |
|----------------|------------|
| OWNER:         | 06/12/2017 |
| REG. AGENCIES: | -          |
| O.T.B.:        | -          |

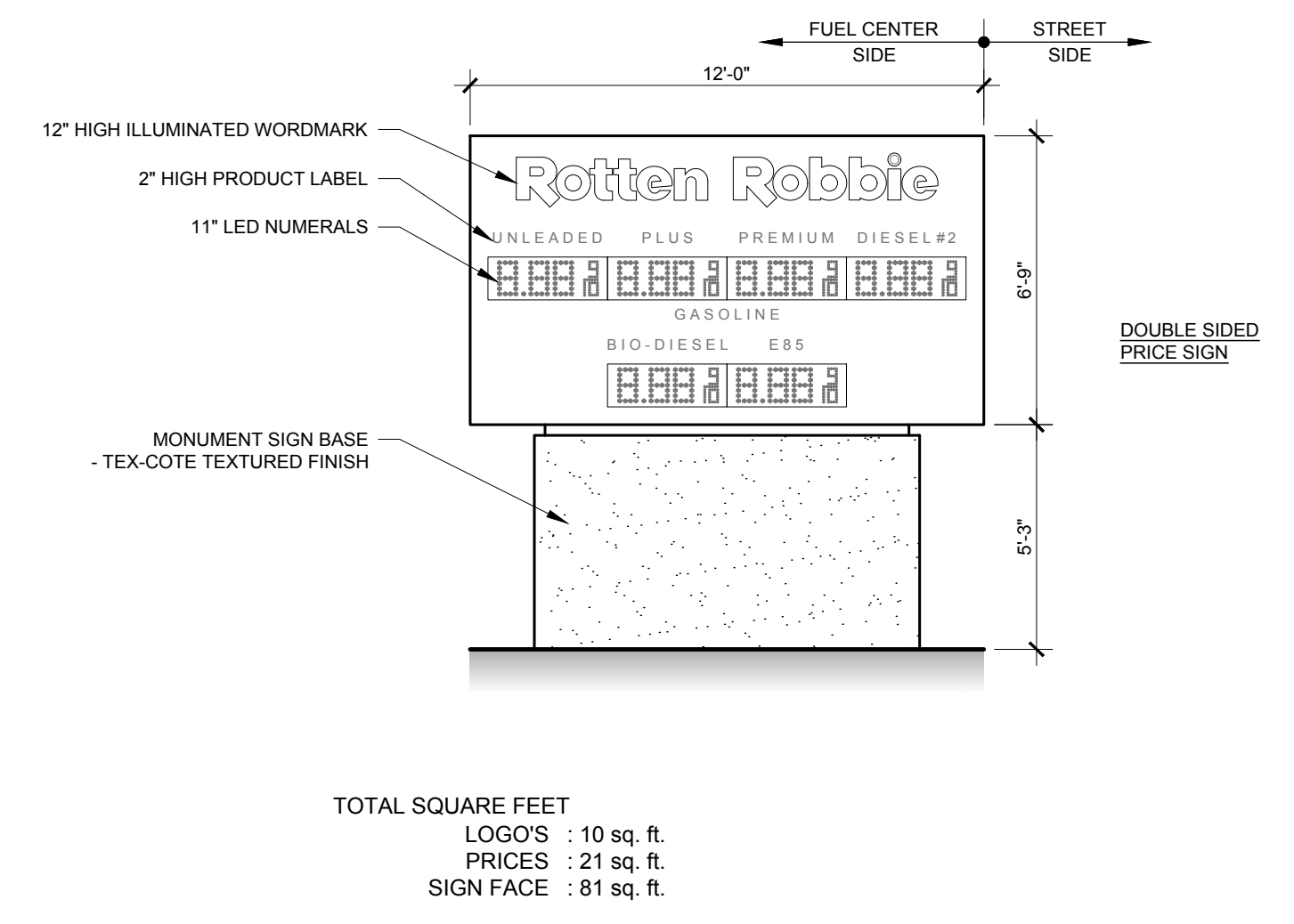
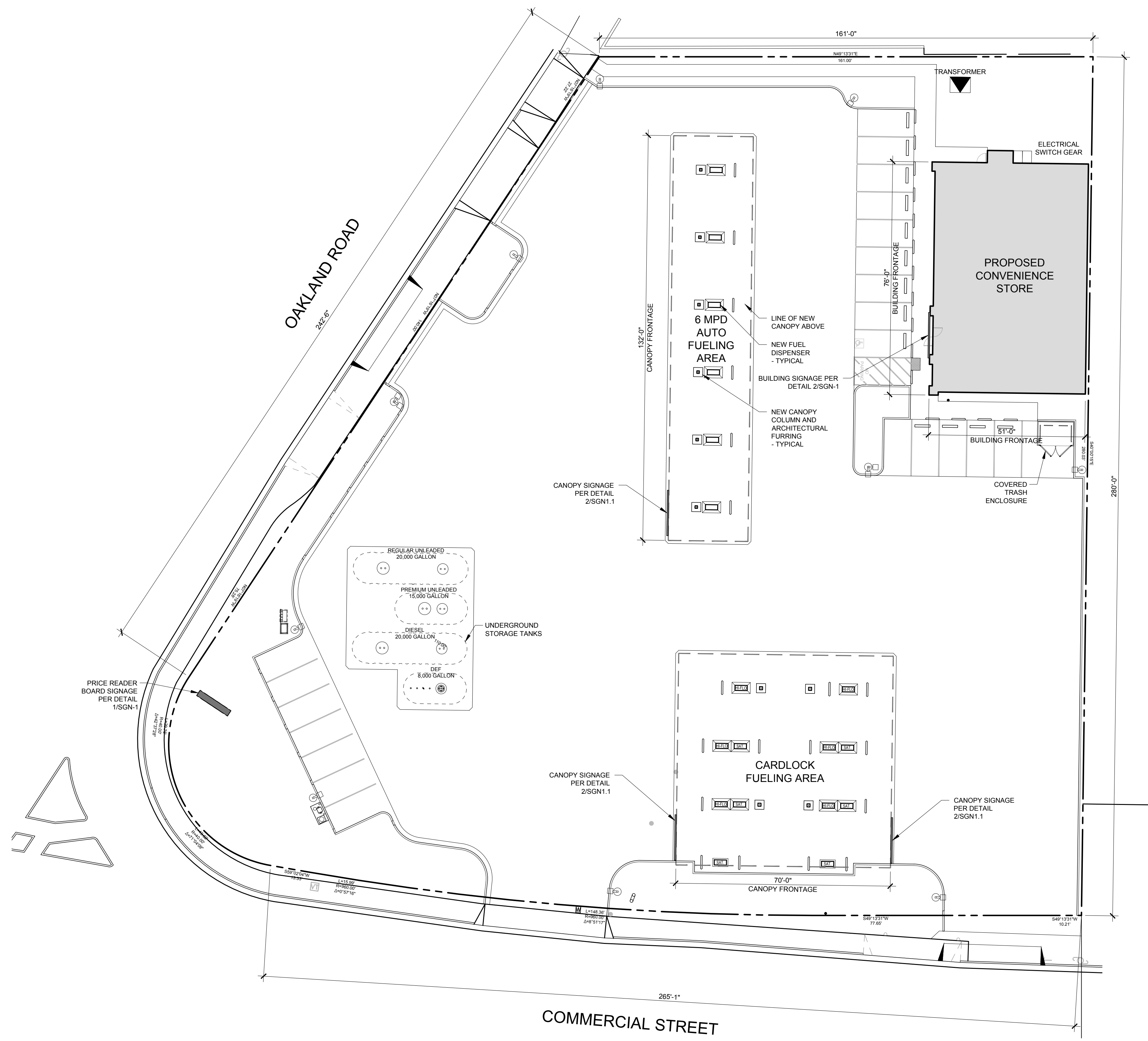
|             |          |
|-------------|----------|
| PROJECT NO. | 09-30-67 |
| DRAWN BY:   | JRB      |
| CHECKED BY: | JRB      |

**ROTTEN ROBBIE #67**  
 SAN JOSE, CALIFORNIA  
 1202 OAKLAND ROAD  
 SAN JOSE, CALIFORNIA 95112

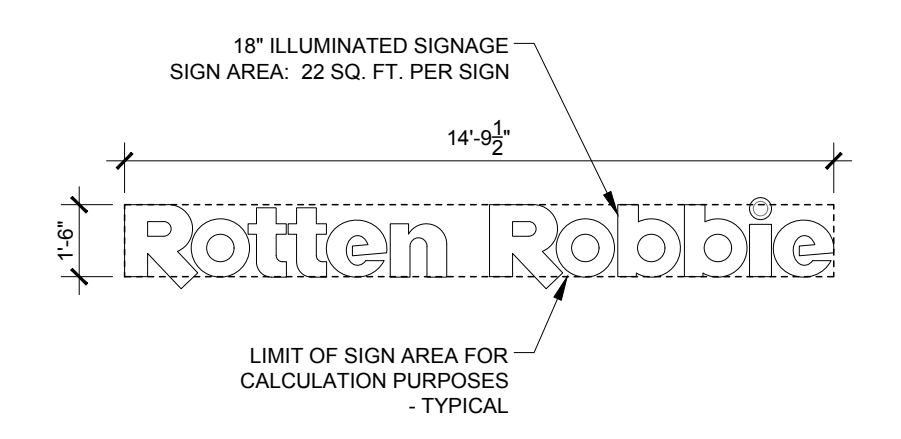
SHEET TITLE  
**CONCEPTUAL  
 LANDSCAPE  
 PLAN**

SHEET NO.  
**L-1**

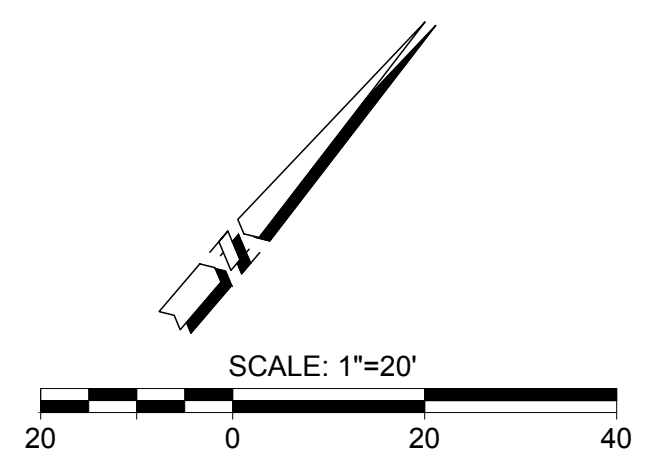
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**1 PRICE SIGN READER BOARD**  
SCALE: 1/4"=1'-0"



**2 WORDMARK - 18" HIGH**  
SCALE: 1/4"=1'-0"




**TOTAL SIGNAGE SQUARE FEET**

|                                    |          |
|------------------------------------|----------|
| STREET FRONTAGE (OAKLAND ROAD):    | 242 FEET |
| 1st OCCUPANCY FRONTAGE (BUILDING): | 76 FEET  |
| 2nd OCCUPANCY FRONTAGE (CANOPY):   | 132 FEET |
| 3rd OCCUPANCY FRONTAGE (CANOPY):   | 70 FEET  |
| 4th OCCUPANCY FRONTAGE (CARWASH):  | 50 FEET  |

| SIGN LOCATION  | TOTAL                    |
|--|--------------------------|
| FREE-STANDING MONUMENT SIGN<br>LOGO / TEXT<br>PRICING  | 10 sq. ft.<br>21 sq. ft. |
| ATTACHED CANOPY TEXT/LOGO<br>(THREE (3) AT 22 sq. ft.) | 66 sq. ft.               |
| ATTACHED BUILDING TEXT/LOGO                            | 22 sq. ft.               |
| <b>TOTAL SIGNAGE:</b>                                  | <b>119 sq. ft.</b>       |



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SAN JOSE, CALIFORNIA  
1202 OAKLAND ROAD  
SAN JOSE, CALIFORNIA 95112

SHEET TITLE

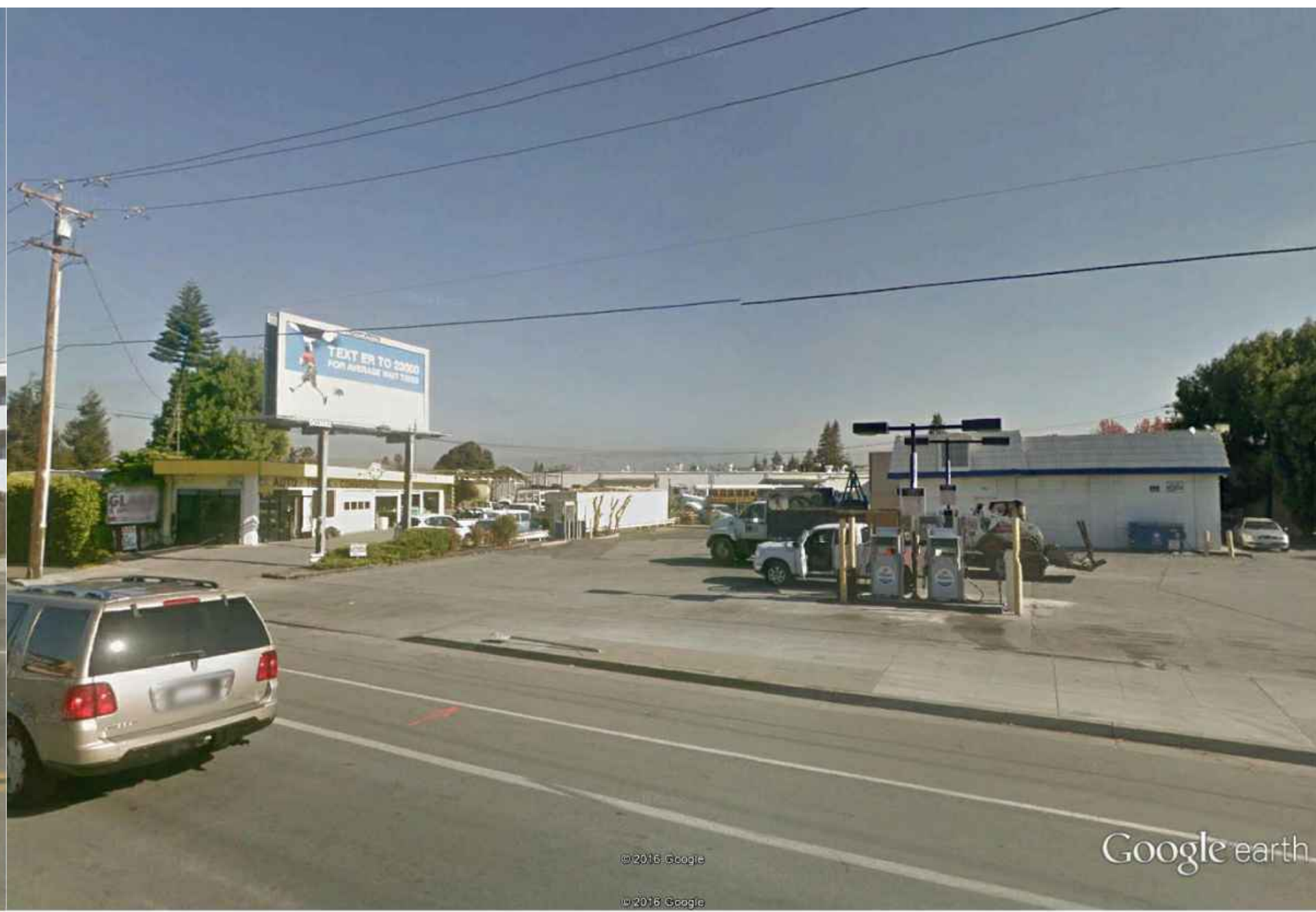
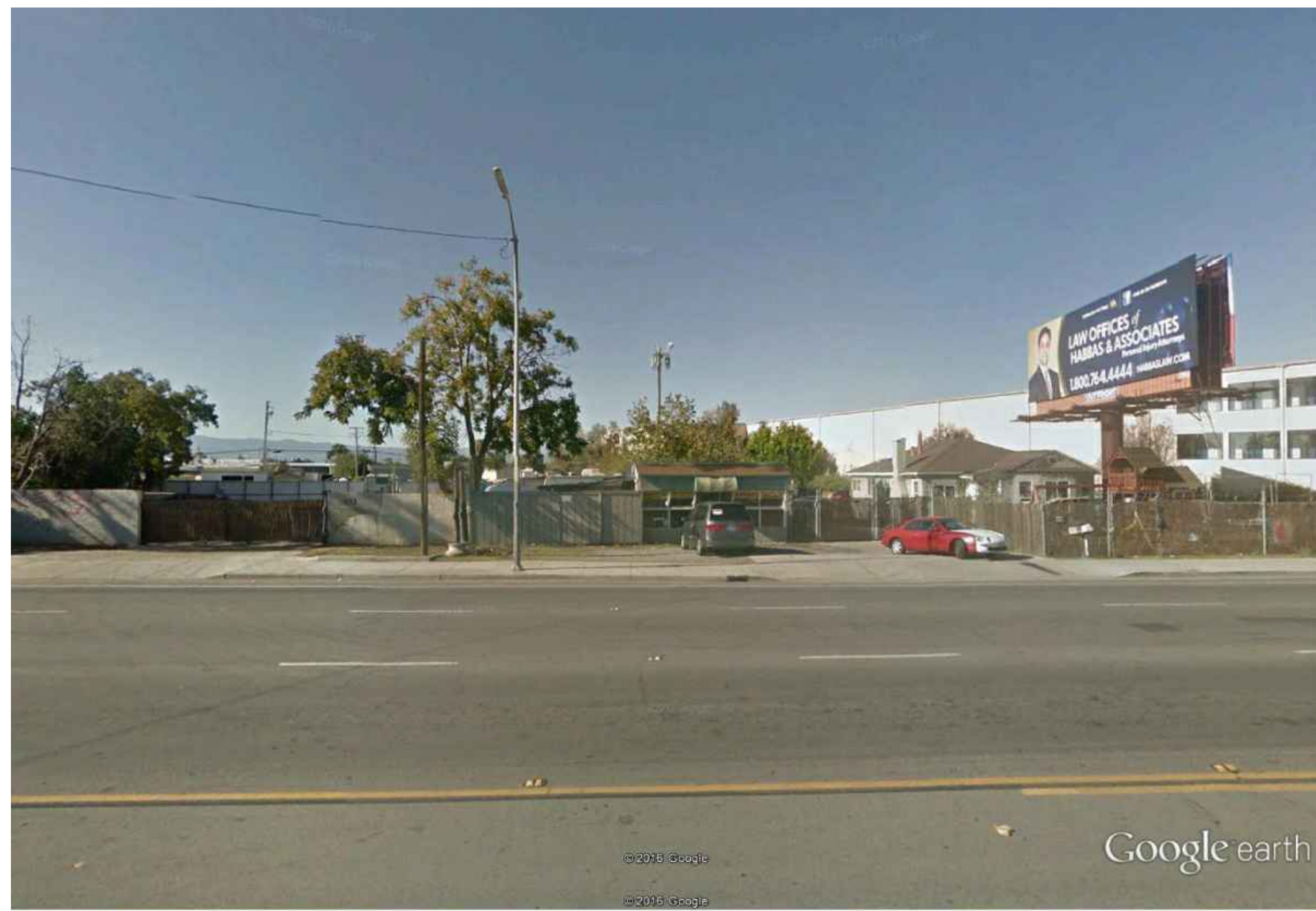
**CONCEPTUAL  
SIGNAGE  
PLAN**

SHEET NO.

**SGN-1**

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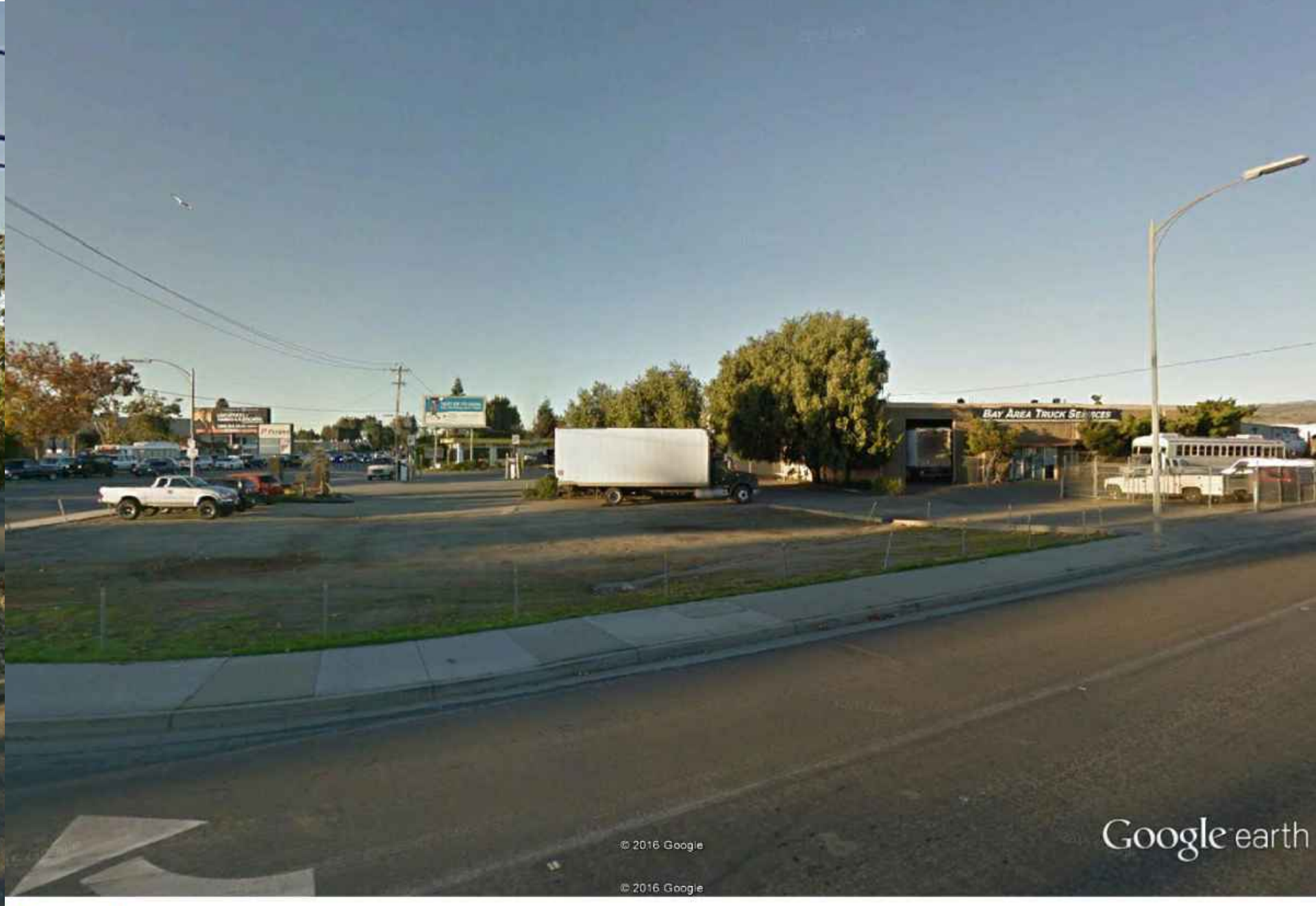




Google earth feet meters 10 5  
 VIEW OF ADJACENT PROPERTY LOOKING WEST FROM OAKLAND ROAD

Google earth feet meters 10 5  
 VIEW OF SITE LOOKING EAST FROM OAKLAND ROAD

Google earth feet meters 10 4  
 VIEW OF SITE LOOKING WEST FROM COMMERCIAL STREET



Google earth feet meters 10 5  
 VIEW OF ADJACENT PROPERTY LOOKING NORTH FROM COMMERCIAL STREET

Google earth feet meters 10 5  
 VIEW OF SITE LOOKING NORTH FROM COMMERCIAL STREET



Google earth feet meters 10 5  
 VIEW OF ADJACENT PROPERTY LOOKING SOUTHWEST FROM COMMERCIAL STREET AND OAKLAND ROAD

Google earth feet meters 10 5  
 VIEW OF SITE LOOKING EAST FROM OAKLAND ROAD

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SHEET TITLE  
**SITE AND NEIGHBORHOOD PHOTOS**

SHEET NO.  
**PH-1**

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