SITE DEVELOPMENT PERMIT

FILE NO.	**H13-039**
LOCATION OF PROPERTY	**Easterly side of Martin Avenue approximately 900 feet southeasterly of De La Cruz Boulevard (325 Martin Avenue)**
ZONING DISTRICT	**HI – Heavy Industrial**
GENERAL PLAN DESIGNATION	**Public/Quasi-Public**
PROPOSED USE	**Site Development Permit to construct a new terminal, hangars, and associated facilities on a 29.9 gross acre portion of the Norman Y. Mineta San Jose International Airport**
ENVIRONMENTAL STATUS	**Re-use of the Airport Master Plan EIR (Final EIR for the Airport Master Plan for the Norman Y. Mineta San José International Airport, EIR Resolution Nos. 67380 (June 10, 1997) and 71451 (March 18, 2003), and addenda thereto).**
APPLICANT/ ADDRESS	**Sam Curro, Kraus Manning, Inc. 7233 Lake Ellenor Drive Orlando, FL. 32809**
OWNER/ ADDRESS	**City of San Jose – Attn: Dave Maas 1701 Airport Blvd., Suite B-1130 San Jose, CA. 95110**

FACTS

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

1. This site has a designation of Public/Quasi-Public on the adopted San José 2040 General Plan Land Use/Transportation Diagram.
2. The site is located within the HI – Heavy Industrial Zoning District.
3. The subject site is approximately 29.9 gross acres in size, and is part of the overall Norman Y. Mineta San Jose International Airport property.
4. The site is currently developed with surface parking lots.
5. This is a Site Development Permit to allow the construction of a 278,500 square foot air terminal, hangars and associated facilities, on a 29.9 gross acre portion of the Norman Y. Mineta San Jose International Airport, located on the easterly side of Martin Avenue approximately 900 feet southeasterly of De La Cruz Boulevard.

6. The project includes a natural-gas powered backup generator for short tern use during power outages. The generator will be 200 feet from the property line for the closest adjacent industrial use, and will generate a noise level of 65dBa at this property line while in use.
7. The buildings meet or exceed the required property line setbacks of the HI-Heavy Industrial zone, and incorporate 24 to 50-foot separations from one another. Vehicle maneuvering and parking areas are provided within the building setback and separation areas. Parking spaces are provided along the building frontages, in close proximity to the building entrances. Access to the parking areas is provided by driveways along Martin Avenue, and access to the buildings and service areas is provided by on-site driveways.
8. The project provides 281 automobile parking spaces, 6 motorcycle parking spaces, and 5 bicycle parking spaces. According to Table 20-190 of the Chapter 20.90, Parking and Loading, of the Municipal Code, one automobile parking space per employee and one space per company vehicle are required for the project; one bicycle parking space per 10 employees is required; and one motorcycle parking space is required per 50 code-required automobile parking spaces. The project will employ 36 people, and include one courtesy van to be parked in the parking lot.
9. The project includes four hangar buildings of approximately 65,000 to 67,000 square feet each. The proposed hangar structures are industrial in character and functional in design, and incorporate long and tall wall masses. Smaller building elements along the front and sides of the buildings for terminal, office and shop areas, serve to break down the building masses. Architectural design elements are also included to articulate the wall masses. The proposed buildings are located opposite existing buildings across Martin Avenue from the project site. The existing buildings are generally smaller in size and height, but are also industrial in character, incorporating functional designs with minimal architectural detail.
10. The proposed buildings are located a minimum of 60 feet from adjacent buildings and uses.
11. Section 15.11.980 of the Municipal Code requires all landscape areas in excess of ten thousand square feet shall be designed to allow for the current and future use of recycled water, except where the Director grants an exception on the basis that reculced water is not available, and will not be available in the foreseeable future to serve the landscape project.
12. The recycled water main line closest to the project is located within De La Cruz Boulevard, which intersects Martin Avenue. The project site is located on Martin Avenue, approximately 850 feet from the intersection of Martin Avenue and De La Cruz Boulevard, as measured along the Martin Avenue roadway alignment. There are no plans to extend the existing recycled water main line within De La Cruz Avenue to within Martin Avenue.
13. The environmental impacts of the project were addressed by a Final EIR entitled "Final EIR for the Airport Master Plan for the Norman Y. Mineta San Jose International Airport," adopted by City Council Resolution No. 67380 on June 10, 1997, and Resolution No. 71451 on March 18, 2003, and subsequent addenda thereto. Pursuant to Section 21081.6 of the California Environmental Quality Act (CEQA) a Mitigation Monitoring and Reporting Program (MMRP) was adopted that includes measures to mitigate or avoid significant effects on the environment.

FINDINGS

The Director of Planning, Building and Code Enforcement concludes and finds, based on the analysis of the above facts, that:

1. The interrelationship between the orientation, location and elevations of proposed building and structures and other uses on-site are mutually compatible and aesthetically harmonious in that:
   a. Sufficient open space separates all structures and uses.
   b. Sufficient maneuvering room will be provided on site to allow efficient circulation and minimize interference with other uses.
   c. Parking spaces are conveniently located in relation to the uses they support.
2. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood in that:
   a. The structures proposed on the site are compatible in terms of mass, scale and height with existing adjacent or nearby structures.
   b. The proposed structures do not unreasonably interfere with the light and air available to adjacent sites.
3. Recycled water is not available to the project site, and will not be available to the site in the foreseeable future; therefore, the project is not required to design the landscape irrigation system to accommodate recycled water.
4. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties, in that:
   a. Under the provisions of Section 15162 of the State Guidelines for implementation of the California Environmental Quality Act (CEQA), the City of San José has determined that the project is pursuant to or in furtherance of the Final EIR for the Airport Master Plan for the Norman Y. Mineta San Jose International Airport (EIR) and subsequent Addendum, and does not involve new significant effects beyond those analyzed in this Final EIR.
5. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain the appearance of the neighborhood, in that:
   a. The site plan is consistent with applicable regulations and design guidelines intended to screen outdoor activities, mechanical equipment and trash facilities.
   b. The project architecture and landscaping are industrial in appearance and scale, consistent with the heavy industrial character of the area.
6. Traffic access, pedestrian access and parking are adequate in that:
   a. The proposed number, size and access of parking spaces comply with the requirements of the Zoning Ordinance.

b. The project includes construction of a public sidewalk and park strip along the Martin Avenue frontage. The project provides for on-site pedestrian circulation accessible from the public sidewalk and on-site vehicle parking areas that provide access to all buildings and uses on the site for which pedestrian access is required.

7. The application is either consistent with the General Plan or counterbalancing considerations justify the inconsistency

   a. The project site is designed Public/Quasi-Public on the on the adopted San José 2040 General Plan Land Use/Transportation Diagram. This designation allows for a variety of public-serving uses, including airports and associated facilities. The project allows for the construction and operation of airport facilities, and is therefore consistent with the General Plan.

Finally, the Director of Planning, Building and Code Enforcement concludes and finds, based on the analysis of the above facts, that the proposed project conforms in all respects to the provisions of Title 20 of the San José Municipal Code.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:

   a. Acceptance of the Permit by the applicant; and

   b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.

2. **Building Permit.** Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions.

3. **Permit Expiration.** This Site Development Permit shall automatically expire four (4) years from and after the date of issuance hereof by said Director, if within such four-year period, the proposed construction of building has not commenced, pursuant to and in accordance with the provisions of this Site Development Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit in accordance with Title 20 of the San José Municipal Code.

4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.

Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

5. **Conformance to Plans.** Development of the site shall conform to approved Site Development plans entitled "Signature Flight Support FBO Complex & Site Development," dated December 20, 2013 on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04, and Title 24, Chapter 24.03, as amended), with the exception of any subsequently approved changes.
6. **Revocation.** This Site Development Permit is subject to revocation for violation of any of its provisions or conditions.
7. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
8. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
9. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Site Development Permit incorporated by reference in this Permit in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code.
10. **Lot Line Adjustment.** Prior to the issuance of a Building Permit for the air terminal, hangars and/or associated facilities, the permittee shall secure approval and provide recordation of the following:
    a. A Lot Line Adjustment to remove or relocate the existing lot line that extends under the proposed structures so as to conform to Building Code requirements.
11. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
    a. *Lot Line Adjustment.* The permittee shall comply with condition #10 of this Site Development Permit.
    b. *Construction Plans.* This permit file number, H13-039, shall be printed on all construction plans submitted to the Building Division.
    c. *Americans With Disabilities Act.* The applicant shall provide appropriate access as required by the Americans With Disabilities Act (ADA).
    d. *Construction Conformance.* A project construction conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan submittal to the Building Division. Prior to final inspection approval by the Building Department, Developer shall obtain a written confirmation from the Planning Division that the project, as constructed, conforms to all applicable requirements of the subject Permit, including the plan sets. To prevent delays in the issuance of Building Permits, please notify Planning Division staff at least one week prior to the final Building Division inspection date.

12. **FAA Clearance.** Conditions set forth in the FAA's obstruction evaluation determinations issued September 10, 2013 shall be incorporated into construction plans and be completed prior to Occupancy Permit issuance.

13. **Green Building Requirements for Tier 2 Non Residential Development (≥25,000 square feet).** This development is subject to the City's Green Building Ordinance for Private Sector New Construction. Prior to the issuance of any shell or complete building permits issued on or after September 8, 2009 for the construction of buildings approved through the scope of this Site Development Permit, the permittee shall pay a Green Building Refundable Deposit in the amount of $30,000 applicable to the gross square footage of said buildings which are approved through this Permit. The project must receive the minimum green building certification of LEED Silver. The request for refund of the Green Building Deposit together with green building certification evidence demonstrating the achievement of the green building standards indicated above shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of Title 17 of the San Jose Municipal Code.

14. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the permittee will be required to have satisfied all of the following Public Works conditions. The permittee is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

    a. **Construction Agreement**: The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

    b. **Transportation**:

        i. This project is covered under the previously certified Airport Master Plan Environmental Impact Report as amended; therefore no further level of service analysis is required.

        ii. Install and maintain "no parking" signs along Martin Avenue.

    c. **Grading/Geology:**

        i. A grading permit is required prior to the issuance of a Public Works Clearance.

        ii. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under a Public Works grading and drainage permit prior to the issuance of a Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.

iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining the haul route permit.

iv. Because this project involves a land disturbance of one or more acres, the permittee is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.

v. The project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.

d. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.

i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.

ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.

e. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

f. **Street Improvements**: The permittee shall make the following improvements:

i. Remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.

ii. Construct 4.5-foot detached sidewalk, with 4-foot park strip, along the Martin Avenue frontage (totaling 8.5-feet from back of curb to back of walk).

iii. Remove and replace broken or uplifted curb and gutter along the Martin Avenue frontage.

iv. Dedicate and improve the public streets to the satisfaction of the Director of Public Works

v. The proposed two-way driveway widths shall be a maximum of 32-feet.

vi. The proposed one-way driveway widths shall be 16-feet.

vii. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.

g. **Electrical**:

i. New electroliers will be required along Martin Avenue; the full extent of the sidewalk improvements.

ii. Final location of the electroiliers will be determined at the public improvement stage.

h. **Street Trees**: The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in park strips at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this Site Development Permit are conceptual only.

15. **Generators.** This permit includes the approval of a stand-by/backup electrical power generation facility. Any additional stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.

16. **Cultural Resources.** A qualified archaeologist shall monitor all subsurface construction activity for the identified projects located within designated archaeological sensitive areas. If any human remains are encountered, the County Coroner shall be contacted immediately. If human remains are determined to be Native American interments, the Coroner should contact the Native American Heritage Commission for determination as to reburial of remains. A report evaluating the find and identifying mitigation shall be submitted by the archaeologist to the Director of Planning, Building and Code Enforcement. If prehistoric or historic archaeological resources are uncovered during construction activities, the monitoring archaeologist shall require that work be discontinued within a 100-foot radius of the find. A report evaluating the find and identifying mitigation for impacts shall be prepared by the archaeologist and submitted to the City's Director of Planning, Building and Code Enforcement and the Director of the Airport.

17. **Air Quality:** A construction emissions abatement program will be included in construction contracts under the Project Case to reduce PM10, ROG and NOx emissions from construction. Components include:

a. Water all active construction areas at least twice daily.

b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

c. Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.

e. Sweep street daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

f. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas.

g. Enclose, cover, water twice daily or apply (nontoxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

h. Limit traffic speeds on unpaved roads to 15 mph.

i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

j. Replant vegetation in disturbed areas as quickly as possible.

k. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour.

l. Provide rideshare and transit incentives for construction personnel.

m. Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.

n. Maintain and operate construction equipment so as to minimize particulates from exhaust emissions. During construction, trucks and equipment should be running only when necessary. Equipment should be kept in good condition and well-tuned, to minimize exhaust emissions.

o. Prohibit trucks and equipment to idle without purpose for long periods.

18. **Geology and Seismicity:** Engineering design and construction of all facilities at the Airport shall adhere to applicable City building codes and other standards applicable to fuel storage tanks, and be consistent with the most current engineering practice. The application of these higher design standards ensures an acceptable level of risk is established in the design. All feasible engineering design and methods shall be used to reduce the potential for damage due to various types of geologic hazards.

19. **Geology and Seismicity:** Engineering design and construction of all facilities at the Airport shall adhere to applicable City building codes and other standards applicable to places of public assembly (essential facilities) and potentially hazardous facilities, and be consistent with standard engineering practice to achieve an acceptable level of risk. Special attention shall be given in the design of building interiors and exteriors to reduce non-structural hazards from earthquakes. Building designs shall contain as many measures as are practical and economically feasible to eliminate non-structural hazards.

20. **Hazardous Materials:** Potentially contaminated sites shall be screened for hazardous materials contamination prior to beginning construction. If the potential for workers to encounter hazardous materials is identified, necessary precautions shall be taken to protect the health and safety of site workers.

21. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.

22. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.

23. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning, Building and Code Enforcement through a subsequent Permit Adjustment.
24. **Anti-Graffiti.** The permittee shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
25. **Landscaping.** Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the permittee.
26. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.
27. **Lighting.** LED outdoor lighting is approved as part of this permit as shown on the approved plans. Changes to the approved lighting plan shall conform to the City's Outdoor Lighting Policy and shall be subject to review and approval by the Director of Planning, Building and Code Enforcement through a Permit Adjustment.
28. **Perimeter Fencing.** Fence height and materials shall be provided as shown on the approved plans. Changes to the approved fencing shall require review by the Director of Planning, Building and Code Enforcement.
29. **Building and Property Maintenance.** The permittee shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
30. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
31. **Fire Department Requirements.** The project shall conform to the requirements of the Fire Department at the plan review stage to the satisfaction of the Chief Building Official and the Fire Chief.
32. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.

APPROVED and issued on this **17Th day of January, 2014**.

Joseph Horwedel, Director
Planning, Building, and Code Enforcement

Deputy