

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
C.C. 03-01-05 *11.5*

File Number
C04-108

Application Type
Conforming Prezoning

Council District
5

Planning Area
Alum Rock

Assessor's Parcel Number(s)
484-31-050 and 484-31-051 and
484-31-019

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Hadasa Lev

Location: west side of South White Road, approximately 300 feet north of Story Road

Gross Acreage: 0.82

Net Acreage: 0.82

Net Density: N/A

Existing Zoning: Unincorporated

Existing Use: Single-family residence and public eating establishment

Proposed Zoning: CP Commercial Residential

Proposed Use: Commercial

GENERAL PLAN

Completed by: HLL

Land Use/Transportation Diagram Designation
General Commercial

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: HLL

North: Medium Low Density Residential

Unincorporated

East: Commercial

CG Commercial General

West: Single family detached residential

Unincorporated

South: Commercial

CP Commercial Pedestrian and CO Commercial Office District

ENVIRONMENTAL STATUS

Completed by: HLL

- Environmental Impact Report found complete (GP 2020 EIR certified 8/16/1994)
 Negative Declaration circulated on
 Negative Declaration adopted on

- Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: HLL

Annexation Title: Unincorporated

Date: n/a

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

- Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: *February 4, 2005* Approved by: *Susan Walton*
 Action
 Recommendation

OWNER

DeLa Torre Properties
911 McLaughlin Ave.
San Jose, CA 95121

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: HLL

Department of Public Works

None received

Fire

See attached

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owner, DeLa Torre, is requesting to prezone the subject 0.82 gross-acre site from unincorporated County to CP Commercial Pedestrian to allow commercial uses. The site, which includes three separate parcels, is currently developed with two single-family residences and a public eating establishment. The applicant has indicated intent to demolish the two existing houses on the two northern parcels and to develop the site with commercial uses. A Site Development Permit will be necessary for any future commercial development of the subject property.

The site is surrounded by residential uses to the north and west, and commercial uses to the south and east. The applicant has filed an Annexation request for the subject properties.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR," which was certified on August 16, 1994, by the City of San José City Council Resolution Number: 65459

GENERAL PLAN CONFORMANCE

The site is designated General Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed CP Commercial Pedestrian Zoning District is consistent with this designation.

ANALYSIS

The proposed rezoning to CP Commercial Pedestrian zoning district will bring the zoning into conformance with the General Plan and facilitate annexation of the site and implementation of uses that are consistent with the *General Commercial* General Plan land use designation and compatible with surrounding uses.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with members of the public.

COORDINATION

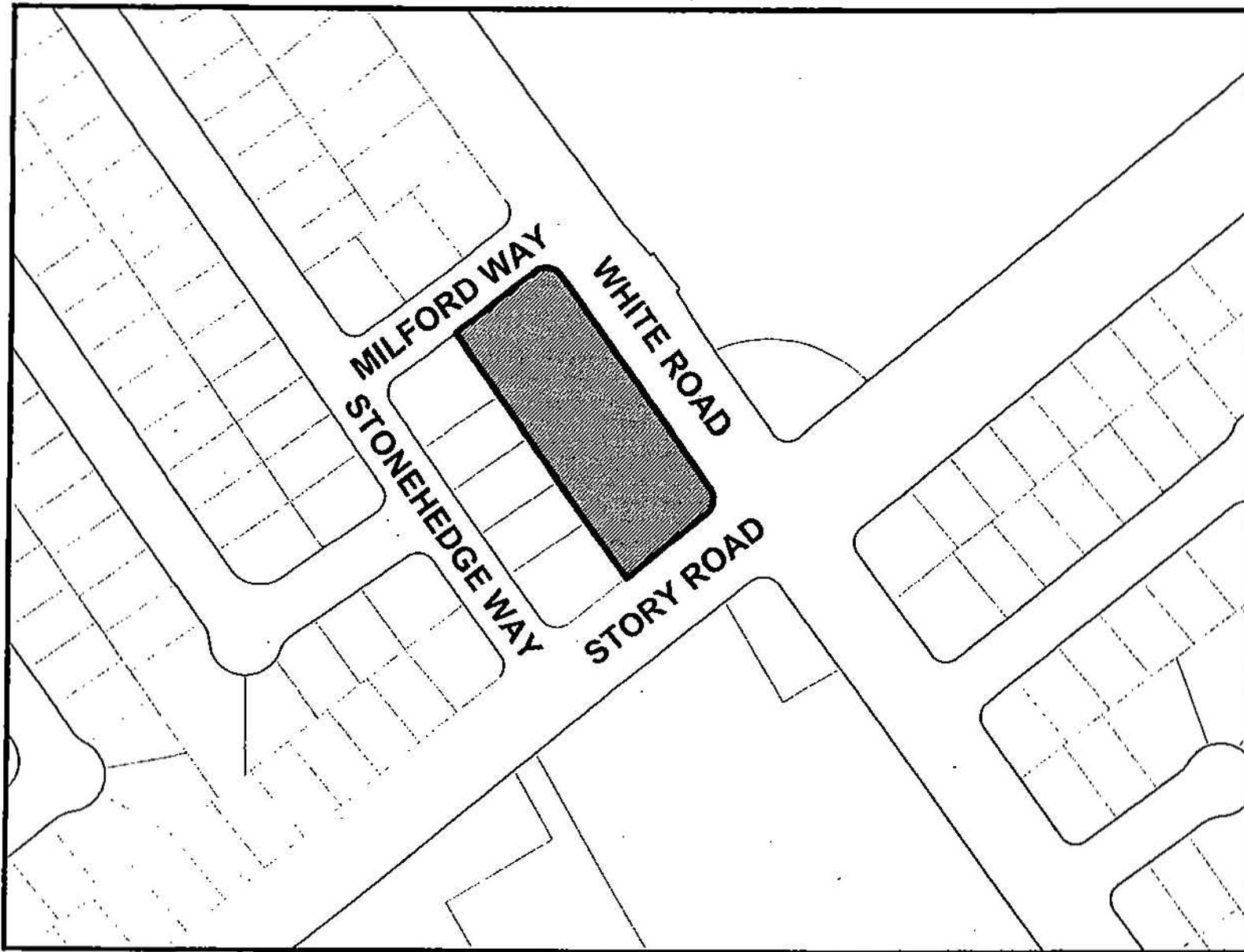
This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney.

RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning will facilitate development of this site that is consistent with the General Plan and compatible with the surrounding uses.

C:
Thom Anderson
2321 Bethards Dr. #B
Santa Rosa, CA 95405



Scale: 1"=160'

Map Created On:
01/26/2005

File No: C04-108

District: 05

Quad No: 68



Memorandum

TO: Elena Lee
Planning and Building

FROM: Nadia Naum-Stoian
Fire Prevention Engineer
San Jose Fire Department

SUBJECT: INITIAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 12/16/04

Approved

Date n/a

PLANNING NO.: C04-108
DESCRIPTION: Conventional Rezoning from County to CP Commercial District on a 0.53 gross acre site
LOCATION: west side of South White Road, approximately 300 feet north of Story Road
ADDRESS: west side of South White Road, approximately 300 feet north of Story Road (1075 S WHITE RD)
FOLDER #: 04 134700 ZN

The San Jose Fire Department has reviewed the related plans as submitted and has the following comments and requirements.

- These comments are based on the following information:
 - Largest building: 7,300_sq. ft.
 - Construction Type: VN
 - Occupancy Group: M
 - Number of stories: 1
- Site fire flow requirement: 2,250 G.P.M.
- Average hydrant(s) spacing: 450 feet - Subject to Fire Department approval
- Comply with comments from the Building/Fire Departments at the plan review stage.
- A permit must be obtained from the Building and Fire Departments. Submit three (3) sets of construction plans to the Building Department, one (1) of those sets of plans will be routed to the San Jose Fire Department for review and comments.

• **THE FOLLOWING CORRECTIONS SHALL APPLY TO THE SUBJECT APPLICATION:**

1. The needed fire flow noted above shall be provided from a minimum of 2 hydrants and shall be spaced apart on average 450 feet from the proposed project. Fire flow may be reduced upon construction of a four-hour wall, without openings, as per the adopted fire code. Construction of the area separation wall(s) is subject to review by the Fire Department.
 2. Approved access road(s) and hydrant(s) shall be provided once wood framing is available at site or provide an alternate means of water suppression subject to the approval of the Fire Department. Obtain permit and pay applicable fees prior to the installation. Contact the San Jose Fire Department's Fire Protection Systems Section at (408) 277-8756.
 3. All Fire Department access roads, water mains, and fire hydrants shall be installed and operational during construction in accordance with Article 87 of the Fire Code and all other applicable standards.
 4. All buildings exceeding 6,200 square feet shall be provided with an approved automatic fire extinguishing system(s) as per the adopted San Jose Municipal Code. All alternate means of protection shall be reviewed by the Fire Department.
 5. All fire department connections shall be located within 100 feet from a standard public fire hydrant. All alternate means of protections shall be reviewed by the Fire Department. The public fire hydrant(s) shall be located on the same frontage as all fire service connections.
 6. Buildings shall be provided with automatic fire extinguishing systems. Systems serving more than 100 sprinklers shall be supervised by an alarm monitoring station.
- Each locked gate on site shall have an approved device with unlocking capability. Contact the Fire Department's Bureau of Fire Prevention at (408) 277-4656 for approved devices. Provide a manual means of opening gate if there is a power failure.
 - Public (off-site) and private (on-site) fire hydrants shall be provided. All hydrants must meet the specifications for the City of San Jose's Fire Department. For hydrant locations please contact the San Jose Fire Department's Fire Protection Engineering Division at (408) 277-5357.
 - All existing and new fire hydrants shall be at least 10 feet from all driveways.
 - All structures shall be located wholly within 450 feet (road distance) of an accessible standard street hydrant.

- All dead-end streets or roads shall have a hydrant within 175 feet from the most remote end of the rear lot as per the Uniform Fire Code.
- Street numbers shall be visible day and night from the nearest street, either by means of illumination or by the use of reflective materials.

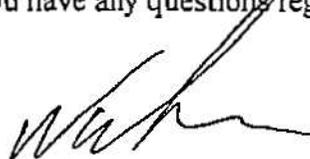
IF APPLICABLE

- The Hazardous Materials process can be lengthy and complex. The applicant should contact the Hazardous Materials Division at (408) 277-4659 as soon as possible to initiate the process.

Use or storage of hazardous materials, liquids, gases and/or chemicals will be subject to meeting the requirements of the Hazardous Materials Storage Ordinance, the Toxic Gas Ordinance, the applicable sections of the San Jose Fire Code, and the National Fire Codes. Submit names and amount of any hazardous materials, if they are to be stored or used, to the Bureau of Fire Prevention for review and approval.

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- We reserve the right to make comments at a future date.

If you have any questions regarding these items, please contact me at (408) 277-8754.



BY: Nadia Naum-Stoian FPE
Bureau of Fire Prevention
San Jose Fire Department