

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number
C.C. 06-19-07

11.1 (g)

File Number
C07-022

Application Type
Conforming Rezoning

Council District
7

Planning Area
South

Assessor's Parcel Number
455-23-034

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Chris Burton

Location: East side of Stone Avenue at the intersection with Cimino Street

Gross Acreage: 4.09

Net Acreage: 4.09

Net Density: n/a

Existing Zoning: IP Industrial Park

Existing Use: Wholesale Building Materials

Proposed Zoning: HI Heavy Industrial

Proposed Use: Wholesale Building Materials

GENERAL PLAN

Land Use/Transportation Diagram Designation
Heavy Industrial

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Vehicle Storage

HI Heavy Industrial Zoning District

East: Wholesale Landscaping Materials

HI Heavy Industrial Zoning District

West: Corporation Yard

IP Industrial Park Zoning District

South: Concrete Construction

IP Industrial Park Zoning District

ENVIRONMENTAL STATUS

Environmental Impact Report - Use of 2020 General Plan EIR
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: Monterey Park No. 94

Date: February 1, 1986

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date:

June 4, 2007

Approved by:

Action
 Recommendation

Susan Walton

OWNERS/APPLICANT

Salvatore & Vida N. Anello
9 Spanish Bay Circle
Pebble Beach, CA 93953

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Chris Burton

Department of Public Works

Attached

Fire

Attached

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owners, Salvatore & Vida N. Anello, are requesting a rezoning of a 4.09 gross-acre site on the east side of Stone Avenue at the intersection with Cimino Street, from IP Industrial Park Zoning District to HI Heavy Industrial Zoning District to allow uses consistent with the General Plan and surrounding area.

This property was annexed into the City of San Jose (File No. Monterey Park No. 94) on February 1, 1986. The annexation followed a City-initiated pre-zoning of the property to the I Industrial Zoning District. The I Industrial District allowed a range of uses including storage, warehouse and distribution facilities, manufacturing facilities, and construction firms and yards. The I Industrial Zoning District was subsequently changed as part of the Zoning Code update on February 19, 2001 which changed the standards of the I Industrial Zoning District to those of the IP Industrial Park Zoning District. The IP Industrial Park Zoning District is an exclusive designation intended for a variety of industrial users such as offices, financial institutions, research and development, manufacturing, assembly, and testing.

SITE AND SURROUNDING USES

The subject site, located on the west east side of Stone Avenue at the intersection with Cimino Street, consists of one parcel and is developed with a building materials supply company. The site was formerly used as a truck depot and warehouse facility. The site currently contains three structures, a 1,320 square foot office, a 16,800 square foot shop, and an 8,125 square foot warehouse, with the remainder of the site being paved with asphalt. The site is currently surrounded by a concrete construction company to the south, a general contractor corporation yard and recreational vehicle storage facility to the northwest and north, a vehicle repair parts supplier to the northeast, and a landscape irrigation equipment supplier to the east.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

GENERAL PLAN CONFORMANCE

The site is designated Heavy Industrial in the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed HI Heavy Industrial Zoning District is consistent with the Heavy Industrial land use designation. The proposed HI Heavy Industrial Zoning District would allow heavy industrial uses characteristic of this area. 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 properties from being used to their fullest extent and are not of a scale or design that depends on customers from beyond normal walking distances..

ANALYSIS

The Heavy Industrial General Plan land use designation is intended for industrial uses 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. The Heavy Industrial designation is applied only to areas where heavy industry presently predominates. In addition, 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 existing IP Industrial Park zoning on the subject site conflicts with the intent of the Heavy Industrial General Plan designation in that it does not allow heavy industrial uses such as heavy manufacturing, industrial services, outdoor uses and storage, common carriers and extractive and primary processing industries.

The proposed rezoning to HI Heavy Industrial Zoning District will provide a zoning consistent with the existing uses on the site and surrounding area and would allow the land uses consistent with the General Plan land use designation of Heavy Industrial.

PUBLIC OUTREACH

A notice of the public hearing was published, posted on the City's web site and 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.

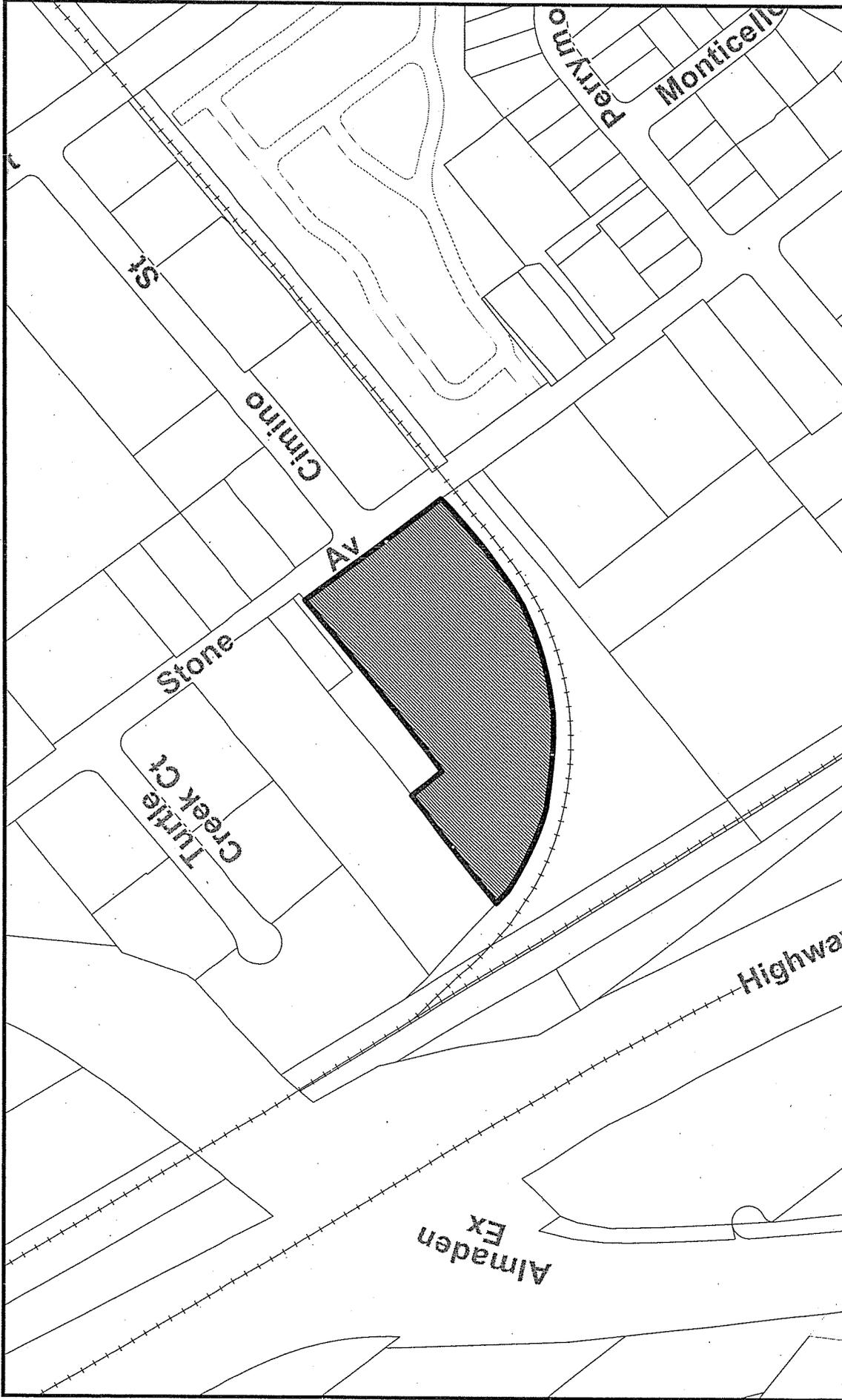
COORDINATION

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 Heavy Industrial.
2. The proposed rezoning will allow continued use and facilitate future development of this site that is consistent compatible with the existing and surrounding uses.

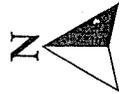


File No: C07-022

District: 7

Quad No: 99

Scale: 1"= 250'
Noticing Radius: 500 feet



04/11/2007

Memorandum

TO: Christopher Burton
Planning and Building

FROM: Michael Liw
Public Works

SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 05/22/07

PLANNING NO.: C07-022
DESCRIPTION: Conforming Conventional Rezoning from LI Light Industrial District to the HI Heavy Industrial District on a 4.09 gross acres site
LOCATION: East side of Stone Avenue at the intersection with Cimino Street
P.W. NUMBER: 3-14859

Public Works received the subject project on 04/12/07 and has no comments related to the Conforming Rezoning application. The following comments and requirements are related to potential future Planning stages and are included for information purposes only.

Project Conditions:

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 applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Construction Agreement:** The public improvements conditioned as part of this permit may 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.
2. **Sanitary:** A conceptive sanitary sewer plan will be required prior to Planning permit approval(s).
3. **Storm:**
 - a) A conceptive grading/drainage plan will be required prior to Planning permit approval(s).
 - b) Indicate the overland release path in arrows.
 - c) The release path must be paved.
 - d) On-site ponding must be less than one foot.
 - e) Finished floor elevations must be one foot higher than overland release elevation.

4. **Stormwater Runoff Pollution Control Measures:** A Stormwater Control Plan will be required prior to Planning permit approval(s). 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) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.
5. **Stormwater Peak Flow Control Measures:** Projects that are required to install treatment control measures are encouraged to comply with the requirements of the City's Post-Construction Hydromodification Management Policy (City Council Policy 8-14) to control the project's hydromodification impacts that can cause increased erosion and other impacts to beneficial uses of local rivers, streams and creeks. It is recommended that the project install treatment control measures that have flow-control benefits such as bioretention facilities, infiltration trenches, filter strips, and vegetated swales.
6. **Transportation:** A Traffic Report may be required prior to environmental clearance or zoning.
7. **Street Improvements:**
 - a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - b) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
 - c) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works. The extent of the dedication and improvements will be determined at future Planning stages.
 - d) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans. To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.
8. **Grading/Geology:**
 - a) A grading permit will be required prior to the issuance of a Public Works Clearance.
 - b) The Project site is within the State of California Seismic Hazard Zone. A soil 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 (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

9. **Flood: Zone AO, Depth 1', Portion in Zone D**

The project site is subject to flooding from both Canoas Creek and Coyote Creek. The proposed project may block flood flows that are currently going through the site. This may result in induced flooding to adjacent and downstream properties.

- a) A Flood Blockage Study performed by a registered professional engineer is required for the proposed project. The project may need to refer to a flood analysis being finalized for a project on the GE property located at the northwest corner of Monterey Highway and Curtner Avenue.
- b) Elevate the lowest floor more than 1 foot above the highest existing adjacent grade to the proposed structure or floodproof to the same elevation. For insurance rating purposes, the building's floodproofed design elevation must be at least one foot above the base flood elevation to receive rating credit.
- c) An Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, is required prior to issuance of a building permit. Consequently, an Elevation Certificate for each built structure, based on finished construction is required prior to issuance of an occupancy permit.
- d) If the structure is to be floodproofed, a Floodproofing Certificate (FEMA Form 81-65) for each structure, floodproofing details, a Flood Emergency Operation Plan, and an Inspection & Maintenance Plan are required prior to the issuance of a Public Works Clearance.
- e) Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.

10. **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.

11. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans

12. **Street Trees:**

- a) Installation of street trees will be required. Conceptual locations should be shown on plans at future Planning stages. The locations of the street trees will be determined at the street improvement stage.
- b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
- c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.

Planning and Building

05/22/07

Subject: C07-022

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13. **Referrals:** This project should be referred to the Southern Pacific Transportation Company.

Please contact the Project Engineer, Mirabel Aguilar, at (408) 535-6822 if you have any questions.



Michael Liw

Senior Civil Engineer

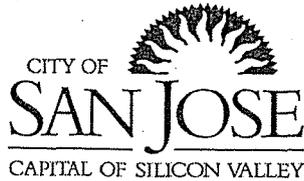
Transportation and Development Services Division

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MAY 10 2007



CITY OF SAN JOSE
DEVELOPMENT SERVICES

Memorandum

TO: Christopher Burton

FROM: Nadia Naum-Stoian

DATE: 05/08/07

SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION

Re: Plan Review Comments

PLANNING NO: C07-022

DESCRIPTION: Conforming Conventional Rezoning from LI Light Industrial District to the HI Heavy Industrial District on a 4.09 gross acres site

LOCATION: east side of Stone Avenue at the intersection with Cimino Street

ADDRESS: east side of Stone Avenue at the intersection with Cimino Street (1999 STONE AV)

FOLDER #: 07 011094 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on the following information from drawings dated 4/9/07 by Frey Environmental

Largest building: 16,800 sq. ft.

Construction Type: V N

Occupancy Group: S2

Number of stories: 1

1. The project plans as submitted, do not comply with the Fire Code. The following are discrepancies noted:

- a) Fire apparatus access roads are not shown to be in accordance with the requirements of the SJFC. Provide all info listed below.
- b) The plans do not indicate that the required fire flow of 3500GPM will be available at the project site. Please ask the applicant to immediately contact Jim Bariteau of San Jose Water Co. at 408-279-7874 to get the water flow information.
- c) The plans do not show location of hydrants. The required fire flow shall be provided through 3 hydrants.

2. Please advise the applicant to submit plans to the Fire Department that provide the following information:

- a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:

- be at least 20 feet wide;
- have an unobstructed vertical clearance of not less than 14 feet;
- be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds;
- have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
- be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet; and
- have a gradient less than or equal to 15%.
- **Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)**
 - i) **Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked**
 - ii) **Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked**

- b) Location of fire hydrants. The average distance between hydrants shall not exceed 350 feet.

All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections.

- c) Available fire flow. Provide a copy of the letter from San Jose Water Co. that indicates the water flow available.

The application provided does not include adequate information; Fire Department staff will provide further review and comments when additional information is received as part of subsequent permit applications.

Note: The plans shall be submitted to the Fire Department *by appointment only* (call Nadia Naum-Stoian) as soon as possible.



Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699

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APR 30 2007

CITY OF SAN JOSE
DEVELOPMENT SERVICES



Memorandum

ENVIRONMENTAL SERVICES (ESD)

TO: Chris Burton
Department of Planning,
Building, & Code Enforcement

FROM: Matt Krupp
Environmental Services

SUBJECT: Response to Development
Application

DATE: Staff Review Agenda
April 26, 2007

APPROVED: *[Signature]*

DATE: 4/30/07

PLANNING NO. :	C07-022
LOCATION:	east side of Stone Avenue at the intersection with Cimino Street
DESCRIPTION:	Conforming Conventional Rezoning from LI Light Industrial District to the HI Heavy Industrial District on a 4.09 gross acres site
APN:	45523034

ESD received the subject project and is submitting the following additional conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 975-2578.

Source Control

Industrial

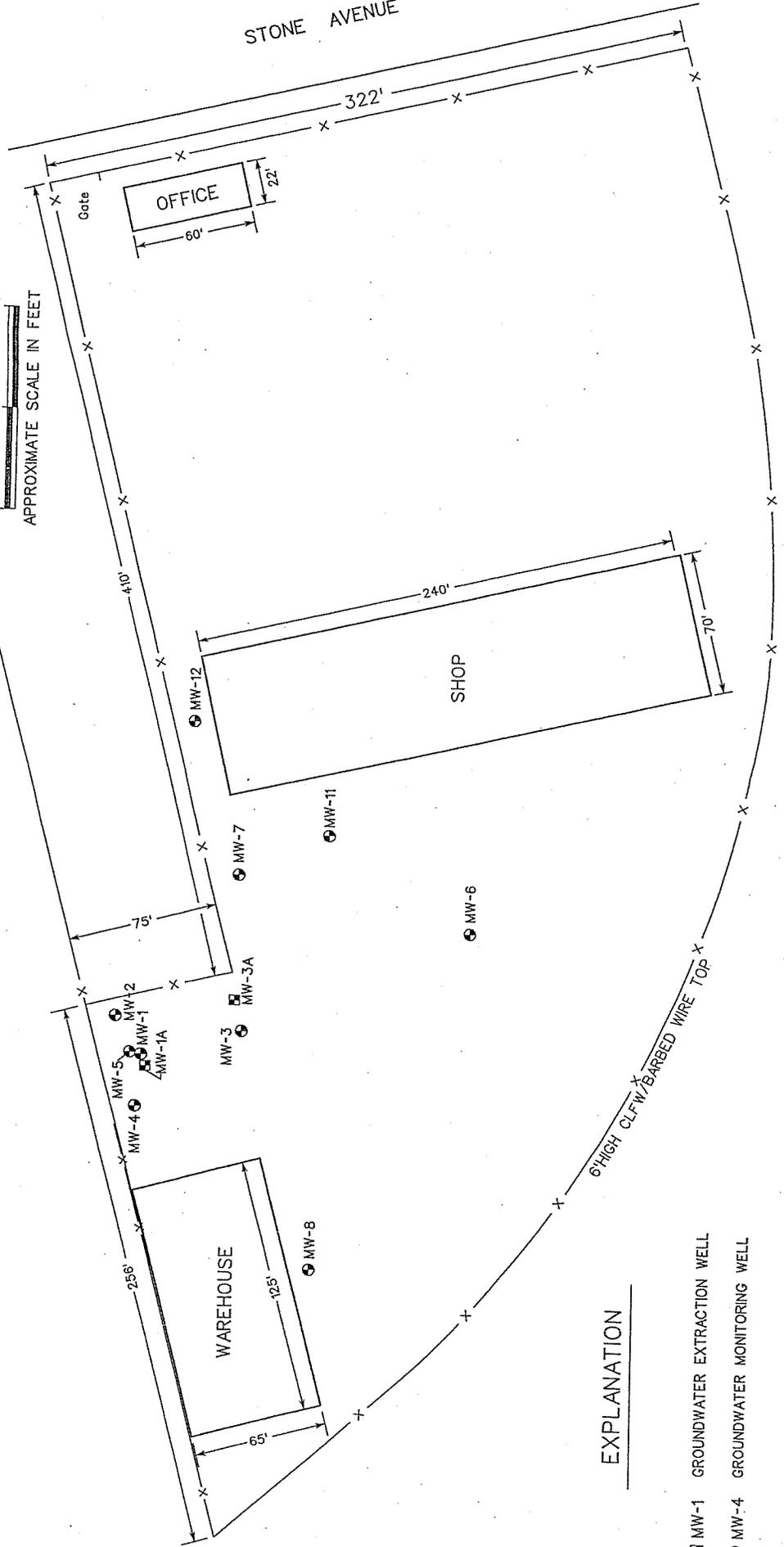
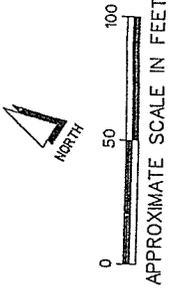
The proposed development must conform to the City of San Jose (City) industrial waste discharge regulations¹. Industrial process flow and/or non-domestic wastewater discharge into the sanitary sewer system will require Source Control staff to review and approve the final plans. An Industrial Wastewater Discharge Permit may be required. Implementation of Reasonable Control Measures (RCMs) and Best Management Practices (BMPs) adopted by the City for specific industry groups may also be required.

Contact Source Control staff at (408) 945-3000, if you have questions.

¹ In accordance with the San Jose Municipal Code, Chapter 15.14 - Industrial Waste Discharge Regulations

022-707

STONE AVENUE



EXPLANATION

- ☐ MW-1 GROUNDWATER EXTRACTION WELL
- ⊙ MW-4 GROUNDWATER MONITORING WELL

PLOT PLAN EXHIBIT B

1989 STONE AVENUE
 SAN JOSE, CALIFORNIA
 APN: 455-23-034

Prepared By: FREY Environmental, Inc. 4-9-07

SALVATORE ANELLO + VERA M. ANELLO, Owners
 J-004-01/SJ-004-01.dgn