

8-14-07  
11.1 (b)

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

# STAFF REPORT

Hearing Date/Agenda Number  
CC 08-14-2007

File Number: C07-044

Application Type  
Conforming Conventional Rezoning

Council District: 3

Planning Area: East Santa Clara Street  
Neighborhood Business District (NBD)

Assessor's Parcel Number:  
467-11-021

## PROJECT DESCRIPTION

Completed by: Rebekah Ross

Location: Northwest corner of Santa Clara Street and North 24th Street

Gross Acreage: 0.38                      Net Acreage: N/A      Net Density: N/A

Existing Zoning: CG -- Commercial General      Existing Use: Commercial

Proposed Zoning: CP- Commercial Pedestrian      Proposed Use: No change

## GENERAL PLAN

Land Use/Transportation Diagram Designation: General Commercial  
Santa Clara Street/Alum Rock Avenue Transit Corridor and  
East Santa Clara Street Neighborhood Business District

Project Conformance:  
 Yes     No  
 See Analysis and Recommendations

## SURROUNDING LAND USES AND ZONING

North: Residential                      R-2 Two- Family Residence District

East: Commercial                      CG -- Commercial General

South: Residential                      A (PD) Planned Development

West: Office                              CG - Commercial General

## ENVIRONMENTAL STATUS

Environmental Impact Report GP 2020 EIR Certified 8-16-1994       Exempt  
 Negative Declaration circulated on       Environmental Review Incomplete  
 Negative Declaration adopted on

## FILE HISTORY

Date Application Filed: June 22, 2007

Annexation Title: East San Jose

Date: 12/01/1911

## PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval                              Date: 07-23-07                      Approved by: *Susan Walton*  
 Approval with Conditions       Action  
 Denial                                       Recommendation  
 Uphold Director's Decision

| OWNER/ APPLICANT   | CONTACT PERSON   |
|--|--|
| Deanna and Catherine L. Corpuz<br>2120 Bridle Ridge Court<br>San Jose, CA 95138-2407<br>(408) 578-1280 | Sullivan S. Santos<br>1931 Old Middlefield Way # F<br>Mountain View, CA 94043<br>(650) 966- 1842 |

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Completed by: Rebekah Ross

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**PUBLIC AGENCY COMMENTS RECEIVED**

Department of Public Works: See Attached

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Other Departments and Agencies: Fire Department, Environmental Services Department

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GENERAL CORRESPONDENCE: None received.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The property owner is requesting a Conforming Conventional Rezoning of the subject 0.38 gross acre site from the CG – Commercial General Zoning District to the CP- Commercial Pedestrian Zoning District to allow more flexible development of the site in the future. The subject site is roughly square in shape and is surrounded by commercial uses to the west and east and by residential uses to the north and south. The site is currently developed with a commercial building that was constructed in 1948.

**PUBLIC OUTREACH**

Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site, and a notice was published in a local newspaper, the Post Record. The staff report has been posted on the City's web site and staff has been available to discuss the project with members of the public. Staff has not received any inquires from the public regarding this proposal.

**ENVIRONMENTAL REVIEW**

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR." On August 16, 1994, the City Council adopted Resolution Number: 65459 making findings for adoption of the San Jose 2020 General Plan.

**GENERAL PLAN CONFORMANCE**

The subject site is designated as General Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram and is located with the Santa Clara Street/Alum Rock Avenue Transit Corridor and within the East Santa Clara Street Neighborhood Business District (NBD).

The proposed rezoning of the property to the CP – Commercial Pedestrian Zoning District is consistent with the General Commercial General Plan land use designation in that commercial uses may be permitted provided that they comply with the commercial development standards, and do not adversely impact nearby residential neighborhoods and new development is encouraged with a Transit Corridor and Neighborhood Business District to support existing residences and to provide new job opportunities.

## **ANALYSIS**

The CP – Commercial Pedestrian Zoning District is designed to support the goals and policies of the General Plan related to Neighborhood Business Districts (NBD's). The CP – Commercial Pedestrian Zoning District is intended to support pedestrian-oriented retail activity at a scale comparable with surrounding residential neighborhoods.

If the rezoning of the property is approved, the applicant proposes to construct an addition to the western side of the existing building that will conform to the Development Standards of the CP – Commercial Pedestrian Zoning District. If the rezoning of the property is not approved, the future development of the site would be subject to a 12.5 foot corner side setback from East Santa Clara Street. If approved, this proposed addition could be constructed up to the property line, closer to the street and public-right-of-way. Staff supports the proposed rezoning application to promote this type of development on the site that will create more vibrant pedestrian and transit-oriented development.

The proposed rezoning to the CP – Commercial Pedestrian Zoning District will also allow the continuation of an existing commercial building on the property consistent with the commercial development pattern along the East Santa Clara Street Neighborhood Business District and the surrounding area.

Residential uses abut the site at the northern property line and to the south of the site across East Santa Clara Street. It is not expected that the continuation of the existing commercial uses would negatively affect this residential area.

## **COORDINATION**

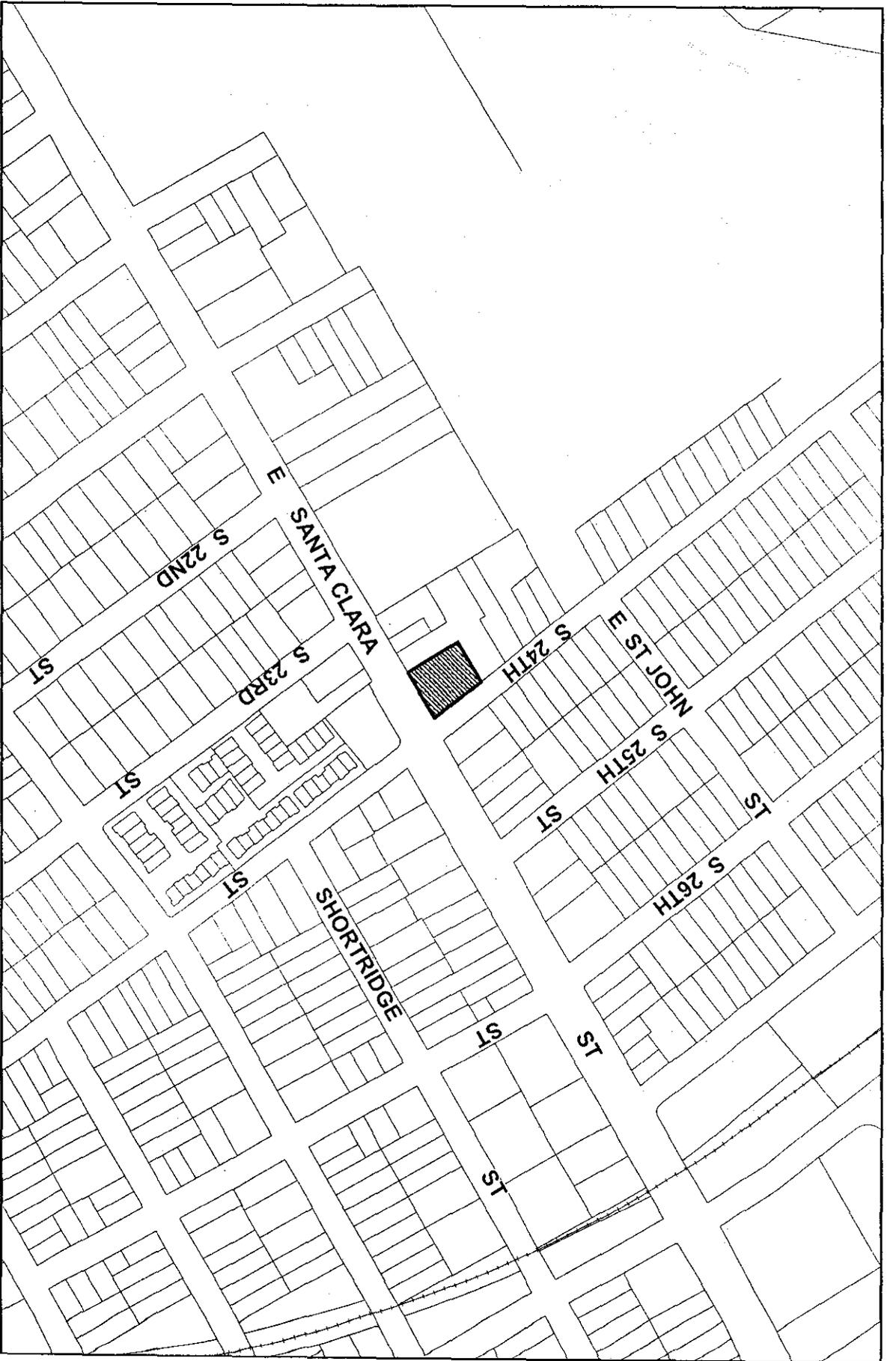
This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department, and the City Attorney.

## **RECOMMENDATION**

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. The proposed rezoning is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

Attachments:



File Number: C07-044

Council District: 3

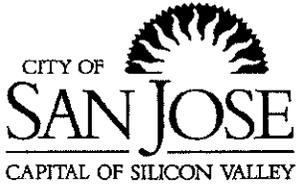
Quad Number: 67



Subject Site

Scale: 1" = 300'  
Noticing Radius: 500'





**USE OF A PROGRAM EIR  
SAN JOSE 2020 GENERAL PLAN FINAL EIR**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

**PROJECT DESCRIPTION AND LOCATION**

C07-044. Conforming Conventional Rezoning from the CG – Commercial General Zoning District to the CP – Commercial Pedestrian Zoning District to allow future commercial uses on a 0.38 gross acre site for a project located on the northwest corner of East Santa Clara Street and North 24<sup>th</sup> Street in the City of San Jose.

Council District. 3

County Assessor's Parcel Number 467-11-021

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

- |                         |                         |                         |
|-------------------------|-------------------------|-------------------------|
| Traffic and Circulation | Soils and Geology       | Noise                   |
| Cultural Resources      | Hazardous Materials     | Land Use                |
| Urban Services          | Air Quality             | Aesthetics              |
| Energy                  | Facilities and Services | Water Quality/Resources |
| Open Space              | Schools                 | Drainage and Flooding   |
| Vegetation and Wildlife |                         |                         |

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

Rebekah Ross  
Project Manager

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

Date 7/20/07

for [Signature] Deputy JOHN W. BATTY

# Memorandum

**TO:** Rebekah Ross  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 07/13/07

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PLANNING NO.: C07-044  
DESCRIPTION: Conforming Conventional Rezoning from the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.4 gross acre site  
LOCATION: Northwest corner of Santa Clara Street and S 24th Street  
P.W. NUMBER: 3-05792

Public Works received the subject project on 06/25/07 and submits the following comments and requirements.

## **Project Conditions:**

**Public Works Clearance for a Building Permit:** Prior to the issuance of Building permits, 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. **Minor Improvement Permit:** The public improvements conditioned as part of this permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
2. **Transportation:** This project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes less than 5,000 square feet of Retail use.
3. **Grading/Geology:**
  - a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
  - 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.

4. **Flood: AO, Depth 1'**
  - a) Project must comply with the City's Substantial Improvement Policy for improvements to existing structures in a Special Flood Hazard Area.
  - b) If the cost of the proposed improvements exceed 50% of the market value of the existing structure, it will be considered a substantial improvement and the entire structure must fully comply with the following City Floodplain Management requirements:
    - i) Elevate the lowest floor of the existing structure and proposed addition more than 1 foot above the highest existing adjacent grade to the 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.
    - ii) An Elevation Certificate (FEMA Form 81-31) based on construction drawings is required prior to issuance of a building permit. Consequently, after the improvement is completed, an Elevation Certificate is required prior to issuance of an occupancy permit.
    - iii) If the existing structure and proposed addition will be floodproofed, a Floodproofing Certificate (FEMA Form 81-65, floodproofing details, and if applicable, a Flood Emergency Operation Plan and an Inspection & Maintenance Plan are required prior to the issuance of a Public Works Clearance.
  - a) 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.
5. **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.
6. **Street Improvements:**
  - a) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage. This will include most or all of the curb, gutter, and sidewalk along 24<sup>th</sup> Street and the driveway on Santa Clara Street.
  - b) Upgrade driveway on 24<sup>th</sup> Street and the corner handicap ramps to ADA standards.
  - c) Close unused driveway cut on Santa Clara Street.
7. **SNI:** This project is located within the Five Wounds/Brookwood Terrace SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.

8. **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.
  
9. **Street Trees:**
  - a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
  - 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.

Please contact the Project Engineer, Maria Angeles, at (408) 535-6817 if you have any questions.

Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division

# Memorandum

**TO:** Rebekah Ross

**FROM:** Nadia Naum-Stoian

**SUBJECT: INITIAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE: 07/17/07**

Re: Plan Review Comments

PLANNING NO: C07-044

DESCRIPTION: Conforming Conventional Rezoning from the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.4 gross acre site

LOCATION: northwest corner of Santa Clara Street and S 24th Street

ADDRESS: northwest corner of Santa Clara Street and S 24th Street (1135 E SANTA CLARA ST)

FOLDER #: 07 020208 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 6/21/07 by SSS DESIGNS LLC

Largest building: 6,192 sq. ft.

Construction Type: VN NO SPRINKLERS

Occupancy Group: B RETAIL/OFFICES

Number of stories: 1

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

- a) The plans do not indicate that the required fire flow of 2,000 GPM 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.
- b) The plans do not show location of hydrants. The required fire flow shall be provided through 2 hydrants, one in front of property and second east down Santa Clara St.

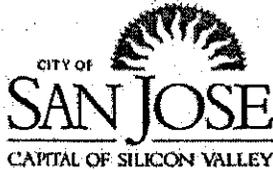
2. Please advise the applicant to submit plans to the Fire Department that provide the following information:

- a) Location of fire hydrants. The average distance between hydrants shall not exceed 450 feet
- b) Available fire flow. Provide a copy of the letter from the San Jose Water Dept that indicates the water flow available.

Access on property is not required-all structures are within 150 feet from street frontage.

**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



RECEIVED

JUL 4 2007

CITY OF SAN JOSE  
DEVELOPMENT SERVICES

*Memorandum*

**ENVIRONMENTAL SERVICES (ESD)**

**TO:** Rebekah Ross  
Department of Planning,  
Building, & Code Enforcement

**FROM:** Matt Krupp  
Environmental Services

**SUBJECT:** Response to Development  
Application

**DATE:** Staff Review Agenda  
July 5, 2007

**APPROVED:** *[Signature]*

**DATE:** 7/3/07

|                |   |
|----------------|---|
| PLANNING NO. : | C07-044   |
| LOCATION:      | northwest corner of Santa Clara Street and S 24th Street  |
| DESCRIPTION:   | Conforming Conventional Rezoning from the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.4 gross acre site |
| APN:           | 46711021  |

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. To facilitate better connectivity to the street, the building entrances should be oriented towards the street.

**Source Control**

***Restaurants***

The proposed facility must conform to the City of San Jose (City) industrial waste discharge regulations<sup>1</sup>. Any non-domestic wastewater discharge into the sanitary sewer system will require Source Control staff to review and approve the final plans. Such review will include sizing of grease traps and interceptors.

Contact Environmental Engineering staff at (408) 945-3000, if you have questions.

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

## Integrated Waste Management (IWM)

### *Commercial, Industrial, and Institutional Buildings*

1. The proposed commercial development must follow the requirements for recycling container space<sup>2</sup>. When 30 percent or more of the original floor space is added to an existing building, provision must be made for the storage and collection of recyclables. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures.
2. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. For further information, contact the Commercial Solid Waste Program at (408) 535-3515.

## Water Efficiency

### *Commercial*

The proposed development should consider installation of the following water efficient equipment as applicable:

- **High Efficiency Toilets** (1.0 gal/flush) and/or **Dual Flush Toilets** (0.8-1.1 gal/flush for liquids, 1.6 gal/flush for solids) maximize water efficiency. High Efficiency Toilets use at least 20% less water than standard Ultra-Low Flush Toilets (1.6 gal/flush) and Dual Flush Toilets save water by offering two separate flush settings.
- **Electronic Faucets** use a sensor that allows water to flow only when users place their hands adjacent to the faucet. All units comply with mandated flow rates (2.2 gallons per minute), with many offering flow rates as low as 1.5 gallons per minute. Additionally, the replacement of manual hot and cold water valves with an electrically actuated valve eliminates two high-maintenance items from the restroom. Additional benefits can include improved sanitation and perceived cleanliness because of their hands-free operation. Electronic restroom products can also help facilities meet the accessibility requirements of the Americans with Disabilities Act.
- **Efficient Pre-Rinse Sprayers for Food Service** not only save water, but also energy. Efficient pre-rinse sprayers only use 1.6 gallons of water per minute and save energy by reducing the amount of gas or electricity needed to heat the hot water.
- **Water Conserving Dishwashers** can save several gallons of water per load over conventional dishwashers and are typically more energy efficient.

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<sup>2</sup> In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

- **Commercial High Efficiency Clothes Washers** are more water and energy-efficient, using about 30 percent less water and saving up to 50 percent of energy costs over conventional clothes washers. For large applications, recycling systems can also be installed whereby final rinses are used as first rinses for subsequent loads.

Financial incentives may be available for installing various types of residential, commercial, industrial or institutional water efficient appliances or equipment. Contact the Santa Clara Valley Water District for more information and availability.

Call the Santa Clara Valley Water District Water Conservation Hotline at (408) 265-2607 ext 2554 or visit [www.valleywater.org](http://www.valleywater.org).

### **Urban Runoff**

Per City of San Jose Stormwater Policy 6-29 all new and redevelopment projects are required to implement post-construction best management practices and treatment control measures to the *maximum extent practicable*. Vegetative swales, bioretention units, and landscape-based BMPs are recommended as the preferred choice for post-construction treatment control measures.

All projects that create or replace 10,000 square feet of impervious surface are required to develop a Stormwater Control Plan with hydraulically sized post-construction treatment control measures to address water quality. The Stormwater Control Plan should be included as a plan set sheet and clearly identify the following: location, size and identification of source control measures and water quality treatment control measures; details of all proposed water quality treatment control measures; location, size and identification of proposed landscaping/plant materials; calculations illustrating that water quality treatment control measures meet numerical sizing standards; existing natural hydrologic features and significant natural resources; soil types; depth to groundwater; 100 year flood elevation; existing and proposed topographic contours with drainage areas and sub areas delineated and arrows showing flow direction; type of impervious surface in each drainage area; and treatment control measure maintenance requirements.

For technical guidance please refer to the SCVURPPP ([www.scvurppp.org](http://www.scvurppp.org)) C.3 Handbook and the CASQA New and Redevelopment Handbook ([www.cabmphandbooks.com/Development.asp](http://www.cabmphandbooks.com/Development.asp))

For details on Post-Construction Urban Runoff Management Policy please see City of San Jose Policy 6-29 ([www.sanjoseca.gov/planning/stormwater/Policy\\_6-29\\_Memo\\_Revisions.pdf](http://www.sanjoseca.gov/planning/stormwater/Policy_6-29_Memo_Revisions.pdf))

