COUNCIL AGENDA: 10-24-06
ITEM: 10.1.a & 11.1.e

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: October 12, 2006

COUNCIL DISTRICT: 5
SNI AREA: Mayfair

SUBJECT: GP05-05-02. **GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE SAN JOSE 2020 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM GENERAL COMMERCIAL ON APPROXIMATELY 0.46 ACRES TO NEIGHBORHOOD/COMMUNITY COMMERCIAL (1898 ALUM ROCK AVENUE AND AT THE NORTHERLY PORTION OF 1884 ALUM ROCK AVENUE), AND FROM MEDIUM DENSITY RESIDENTIAL (8-16 DU/AC) ON APPROXIMATELY 0.12 ACRES TO NEIGHBORHOOD/COMMUNITY COMMERCIAL WITH A NEIGHBORHOOD BUSINESS DISTRICT OVERLAY (57 MCCREERY AVENUE).**

PDC05-112. PLANNED DEVELOPMENT REZONING FROM CG COMMERCIAL GENERAL AND R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICTS TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW APPROXIMATELY 15,000 SQUARE FEET OF COMMERCIAL USES ON A 0.59 GROSS-ACRE SITE, LOCATED ON THE SOUTHWEST CORNER OF ALUM ROCK AVENUE AND MCCREERY AVENUE.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend approval of the General Plan Amendment request to change the Land Use/Transportation Diagram designations from General Commercial and Medium Density Residential (8-16 DU/AC) to Neighborhood/Community Commercial with Neighborhood Business District Overlay and the Planned Development Rezoning from CG Commercial General and R-1-8 single-family residence zoning districts to A(PD) Planned Development Zoning district to allow approximately 15,000 square feet for commercial uses as recommended by Planning staff, on an approximately 0.59-acre site on the southwesterly quadrant of Alum Rock Avenue and McCreery Avenue.

OUTCOME

If the City Council were to approve the General Plan amendment to change the Land Use/Transportation Diagram designations from General Commercial and Medium Density Residential (8-16 DU/AC) to Neighborhood/Community Commercial with Neighborhood Business District Overlay and the Planned Development Zoning of the site from CG Commercial General and R-1-8 Single-Family Residence Zoning districts to A(PD) Planned Development Zoning district, as recommended by the Planning Commission and the Director of Planning, uses of the CN Commercial Neighborhood Zoning district would be allowed on the 0.59 gross acre-site, and any new project would conform to the Draft Development Standards (attached to staff report).

BACKGROUND

On October 11, 2006, the Planning Commission held a public hearing to consider the proposed General Plan amendment and Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan amendment and Rezoning.

The project was approved as part of the consent calendar. No one spoke in favor of or in opposition to the proposed project.

ANALYSIS

The proposed General Plan amendment is consistent with several General Plan policies intended to support economic development within Transit Oriented Development Corridors. The proposal could potentially allow an existing business to expand on a small scale and could facilitate a compact, infill, neighborhood commercial use that is compatible with the surrounding neighborhood.

The conceptual plan site has been designed to facilitate an attractive and efficient tire shop operation that achieves an acceptable level of compatibility with surrounding uses. The overall site and building design together with specific treatment at the site perimeters work together to achieve compatibility with the surrounding neighborhood and will be further refined at the Planned Development Permit Stage.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- ☐ **Criteria 1**: Requires Council action on the use of public funds equal to $1 million or greater. **(Required: Website Posting)**
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. The project was presented to the Mayfair Strong Neighborhoods Initiative Neighborhood Advisory Committee (NAC) meeting on September 28, 2006. Approximately 40 people attended the meeting and were generally in support of the project. They expressed satisfaction with the project and the enclosure of the work bay areas. At the meeting, the NAC members took an official vote of support for the project. A letter of support from the NAC was received by Planning staff on October 3, 2006 (see attachment). A joint notice of the public hearings to be held on the subject General Plan amendment and rezoning before the Planning Commission on October 11, 2006 and City Council on October 24, 2006 was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. Staff has been available to discuss the proposal with members of the public. This General Plan amendment request is subject to the State of California Tribal Consultation Guidelines and was referred to Tribal Representatives in January 2006. As of October 12, 2006, Planning staff has not received any comments from Tribal Representatives.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies as discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

Mitigated Negative Declaration, File No. PDC05-112 and GP05-05-02, adopted on October11, 2006.

Susan Walton
for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Principal Planner, Susan Walton at 535-7800.

cc: Calderon Tires, 1898 Alum Rock Avenue, San Jose, CA 95116
Vincent Rivero, 1570 Oakland Road, San Jose, CA 95131
Kurt Anderson, 12201 Saratoga-Sunnyvale Road. Suite C, Saratoga, CA 95070

COUNCIL AGENDA: 10-24-06
ITEM: 10.1(a) & 11.1(e)

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: October 6, 2006

TRANSMITTAL MEMO

COUNCIL DISTRICT: 5
SNI: N/A

SUBJECT: GP05-05-02 and PDC05-112. LOCATED ON THE SOUTH WEST CORNER OF McCREERY AVENUE AND ALUM ROCK AVENUE.

The Planning Commission will hear this project on October 11, 2006. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.

Susan Walton
for JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Susan Walton at (408) 535-7800.

Department of Planning, Building and Code Enforcement
200 E Santa Clara Street, 3rd Floor
San José, CA 95113

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

GENERAL PLAN AMENDMENT AND REZONING STAFF REPORT SUMMER 2006 HEARING

Hearing Date/Agenda Number:	P.C. 10-11-06 Item: 6a 1 & 2 C.C. 10-24-06
File Number:	GP05-05-02 and PDC05-112
Council District and SNI Area:	District 5/Mayfair
Major Thoroughfares Map Number:	68
Assessor's Parcel Number(s):	481-18-013(Part), 481-18-014, 481-18-015
Project Manager:	Meera Nagaraj and Hadasa Lev

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) and General Commercial on approximately 0.46 acres to Neighborhood/ Community Commercial and maintain the existing Neighborhood Business District Overlay (1898 Alum Rock Avenue and at the northerly portion of 1884 Alum Rock Avenue); and from Medium Density Residential (8-16 DU/AC) on approximately 0.12 acres to Neighborhood/Community Commercial with the addition of a Neighborhood Business District Overlay (57 McCreery Avenue); and Planned Development Rezoning from CG Commercial General and R-1-8 Single-Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow approximately 15,000 square feet for commercial uses on a 0.59 gross-acre site.

LOCATION: Southwest corner of McCreery Avenue and Alum Rock Avenue.	**ACREAGE:** Approximately 0.59 acres

APPLICANT/OWNER:

Calderon's New and Used Tires

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: General Commercial and Medium Density Residential (8-16 DU/AC), and Neighborhood Business District Overlay on northerly portion of the site.

Proposed Designation: Neighborhood Community Commercial with Neighborhood Business District Overlay on entire site.

ZONING DISTRICT(S):

Existing Designation: CG Commercial General and R-1-8 Residence Zoning Districts

Proposed Designation: A(PD) Planned Development Zoning District

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Two shopping centers and multi family residential / General Commercial and Medium High Density Residential (12-25 DU/AC)

South: Unoccupied single-family home / Medium Density Residential and General Commercial

East: Mixed-use development / General Commercial and Medium High Density Residential (12-25 DU/AC)

West: Dental office / General Commercial

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration circulated on September 22, 2006.

PLANNING STAFF RECOMMENDATION:

Neighborhood/Community Commercial General Plan Land Use/Transportation Diagram designation with Neighborhood Business District Overlay; and A(PD) Planned Development Zoning District to allow approximately 15,000 square feet for commercial uses

Approved by: Susan Walton
Date: October 4, 2006

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

Memoranda received for the General Plan amendment request:

- Department of Public Works (DPW) – Memo from DPW Transportation and Development Services Division states that the subject site is in AO-1 Flood Zone and State Liquefaction Zone. (See DPW memo dated October 13, 2005.)
- Department of Transportation (DOT) – The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area. Therefore, this General Plan amendment is exempt from a run on the computer model for traffic impact analysis. (See DOT memo dated April 18, 2006.)
- San José Fire Department – The Fire Department noted the staff would provide further review and comments upon receiving additional information as part of subsequent permit application. (See San José Fire Department memo dated October 12, 2005 for complete comments.)

Memoranda received for the Planned Development Zoning Application:

- See attached memoranda from Public Works, dated October 3, 2006; the Fire Department dated October 3, 2006.

GENERAL CORRESPONDENCE:

See attached letter from Mayfair Neighborhood Action Committee (NAC) dated October 3, 2006.

ANALYSIS AND RECOMMENDATIONS:

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to:

1. Change the General Plan Land Use/Transportation Diagram designation from General Commercial on approximately 0.46 acres to Neighborhood/Community Commercial and maintain the existing Neighborhood Business District Overlay (1898 Alum Rock Avenue and at the northerly portion of 1884 Alum Rock Avenue); and change the Land

Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) on approximately 0.12 acres to Neighborhood/Community Commercial with the addition of a Neighborhood Business District Overlay (57 McCreery Avenue).

2. If the General Plan amendment is approved, approve the proposed Planned Development Rezoning from CG Commercial General and R-1-8 Residence District to A(PD) Planned Development Zoning District on a 0.59 gross-acre site.

PROJECT DESCRIPTION

This report includes discussion of both a proposed General Plan amendment and Planned Development Rezoning.

General Plan Amendment File No. GP05-05-02:

This is a privately initiated General Plan amendment request to change the *San José 2020 General Plan* Land Use/Transportation Diagram designation from General Commercial on approximately 0.46 acres to Neighborhood/Community Commercial, and maintain the existing Neighborhood Business District Overlay (1898 Alum Rock Avenue and at the northerly portion of 1884 Alum Rock Avenue), and from Medium Density Residential (8-16 DU/AC) on approximately 0.12 acres to Neighborhood/Community Commercial with the addition of a Neighborhood Business District Overlay (57 McCreery Avenue). The subject site, on approximately 0.59 acres, is located at the southwesterly quadrant of Alum Rock Avenue and McCreery Avenue.

The majority of the project site has an existing Neighborhood Business District (NBD) Overlay designation. A 0.12-acre parcel located at the rear, southernmost, portion of the subject site away from Alum Rock Avenue (57 McCreery Avenue) does not contain the overlay. The proposal calls for an addition of an NBD Overlay designation to this rear parcel in addition to the proposed Neighborhood/Community Commercial on the entire 0.59-acre site. The overall resulting General Plan Land Use/Transportation Diagram base designation would be Neighborhood/ Community Commercial with a NBD General Plan Overlay designation over the entire proposed site.

The subject site is located within the *Santa Clara Street/Alum Rock Transit-Oriented Development Corridor*, one of the six key Transit-Oriented Development Corridors identified on the General Plan Land Use/Transportation Diagram. The Santa Clara Street/Alum Rock Corridor includes a planned light rail line.

The site is also located in the Mayfair Strong Neighborhoods Initiative (SNI) area, the Alum Rock Redevelopment Project Area, and within a State-designated economic Enterprise Zone, which is a historically economically depressed geographic area that has been designated by the State of California to encourage and stimulate business growth, development, and investment in the area. Businesses that operate within the boundaries of an Enterprise Zone may qualify for special tax incentives. The proposed Neighborhood/Community Commercial land use designation typically allows neighborhood-serving retail and service establishments. The proposed Neighborhood Business District (NBD) overlay designation is applied to predominantly commercial land use designations. The purpose of the overlay is to support the variety of commercial and non-commercial uses that contribute to neighborhood identity by serving as a focus for neighborhood activity.

Planned Development Zoning File No. PDC05-112:

A Planned Development Rezoning is proposed from CG Commercial General and R-1-8 Residence Zoning Districts to A(PD) Planned Development Zoning District. A Planned Development Zoning is required because the combination of the use and setbacks proposed do not conform to the standards of any conventional commercial Zoning Districts. The draft General Development Standards (see attached) allow for uses of the CN Commercial Neighborhood Zoning District as specified in Section 20.40.100 of the City of San José's Zoning Ordinance, but the proposed setbacks vary from those specified in this Zoning District.

The applicant is proposing to demolish the existing tire shop building and single-family home on the site and construct a new two-story, 15,198-square foot tire shop building proposed to be located at the corner of the site. The main vehicle entrance driveway is proposed to be located on Alum Rock Avenue. This driveway would provide the primary vehicular access to the building. A second ingress/egress driveway is proposed on the McCreery Avenue side of the building.

The service bays and several parking spaces are proposed to be enclosed within the building. A vehicle exit door is proposed to be located on the south side of the building, near McCreery Avenue. Customers would be able to enter the building from the Alum Rock driveway and park in the designated spaces. After the services are performed on the cars, the cars would be driven out the exit door and parked in the surface parking area proposed in the southerly portion of the site. There are 18 tandem parking spaces proposed in this area with a total of 25 on-site parking spaces.

The conceptual Site Plan includes tire and equipment storage areas, an office, a retail display area and a customer waiting area on the ground floor of the building and office and storage areas on the second floor. The conceptual elevations include a glass façade along Alum Rock and a tower element at the corner of Alum Rock and McCreery Avenue. The applicant has indicated as desire to preserve and relocate the existing tire monument sign to the corner of the site within a niche in the proposed tower.

BACKGROUND

Site Conditions and Context

The project site is located on the south side of Alum Rock Avenue, at the southwest corner of Alum Rock and McCreery Avenues. The site included three parcels that have recently been combined through a Lot Line Adjustment (File No. AT06-017): a corner parcel which includes the existing tire shop, a vacant parcel to the west of the tire shop, and a parcel to the south of the tire shop. The site is approximately ½ mile east of U.S. 101 and approximately 2/3 mile west of Interstate 680.

The site is developed with a 1½-story retail/office/shop building, a one story single-family home, an open paved parking lot, a small landscaped area at the corner of the site near the street intersection, and a fenced storage/trash area located at the back of the sidewalk on McCreery Avenue. The parcel containing the single-family house contains mature trees and landscaping. There are access driveways on Alum Rock and McCreery Avenues.

Research indicates that the original tire shop building was demolished or substantially demolished without benefit of permits. Per aerial photos, a new building was constructed in 1982. This building includes significant alterations to the original building with new plywood

siding, metal roofing, and new aluminum or vinyl windows. Planning staff has concluded that the original building has lost its integrity and the new building would not qualify for the Historic Resource Inventory. The single–family home on the site was built in the Pre-World War II Tudor Revival Architectural style in 1939. It has been altered with window and door replacements. Planning staff has concluded that it is not likely that this building would qualify for the Historic Resource Inventory.

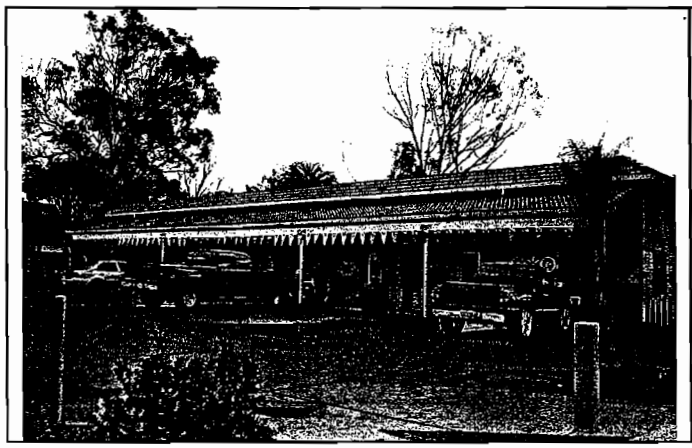
There is a long history of code enforcement cases on the property involving outdoor operations, illegal signage and building alteration without benefit of permits. There is currently an open code case on the property involving the remodeling of the structure without benefit of permits. The existing monument sign may not be legal.

The project site is surrounded by Alum Rock Avenue to the north with multi-family residential, professional office, restaurants and various other commercial uses beyond, McCreery Avenue to the east with a large mixed use multi-family residential building beyond, a dental office to the west, next to a vacant site, single-family to the south. The area south and west of the site contains a single-family neighborhood. A high-density multi-family residential project is proposed on the property adjacent to the southwest corner of the project site. A Planned Development Zoning Application for that project (File No. PDC04-088) has recently been approved and a Planned Development Permit (PD04-071) and Tentative Map (PT04-090) are on file and pending.

Fig.1. Aerial Photograph of the site and the surrounding area. (Source: Department of Public Works, 2001, City of San José. Mixed Use development to the east is missing from aerial, which was taken prior to construction.)

Single family residence located on the rear portion of the site on west side of McCreery Avenue.

Calderon Tires looking east on Alum Rock Avenue



Entry to Calderon Tires facing McCreery Avenue.

Vacant site located on the west of the site, facing Alum Rock Avenue.

ANALYSIS

The key issues in analyzing the proposed General Plan amendment and Planned Development Zoning are: 1) consistency with the *San José 2020 General Plan* Major Strategies, goals, and policies; 2) consistency with the Mayfair SNI Neighborhood Improvement Plan; 3) site design and land use compatibility; and 4) building design.

1) Consistency with the San José 2020 General Plan Major Strategies, Goals, and Policies

Major Strategies

The *San José 2020 General Plan* has seven Major Strategies that establish the basic framework for planning in San José and together provide the "vision" for San José, particularly related to its future growth and development. The proposed change to the General Plan Land Use/Transportation Diagram designation is consistent with the Economic Development Major Strategy. This Major Strategy is designed to maximize the economic potential of the City's land resources while providing employment opportunities for San José's residents. San José continues to support development and revitalization of non-residential areas which are essential to the economic health of the community. The combination of industrial areas, Downtown, regional and local centers, and other commercial and office development along major streets constitutes

the City's economic base. The success of other Major Strategies of the General Plan depends to a great extent on the success of economic development in the City.

General Plan Goals, and Policies

Transit-Oriented Development (TOD) Corridors are areas designated by the City as generally suitable for more intensive non-residential uses, for mixed uses, and higher residential densities. Development of these TOD Corridor areas are important for the City to achieve key General Plan objectives including economic growth, efficient delivery of urban services, and a solid fiscal base for the City. The proposed General Plan amendment is consistent with several General Plan policies intended to support economic development within TOD Corridors. These policies are discussed below:

Commercial Land Use Policy No. 4: The City should encourage the upgrading, beautifying, and revitalization of existing strip commercial areas and shopping centers. The proposed General Plan amendment would allow an existing neighborhood-serving commercial use to expand and upgrade its facility and would contribute to the revitalization of the site, which is located within an existing Neighborhood Business District. Therefore, the proposed General Plan amendment is consistent with this policy.

Commercial Land Use Policy No. 5: Commercial development should be allowed within established residential neighborhoods only when such development is compatible with the residential development and is primarily neighborhood serving. The Neighborhood/Community Commercial and NBD Overlay typically allow neighborhood-serving retail and service establishments. The purpose of the NBD Overlay is to support the variety of commercial and non-commercial uses that contribute to neighborhood identity by serving as a focus for neighborhood activity. The proposed General Plan amendment is consistent with this policy.

Commercial Land Use Policy No. 8: A proposal to convert residential properties along major streets to office or commercial use should be approved only when there is a substantial non-residential character to the area and where satisfactory parking and site design can be demonstrated. The proposed General Plan amendment would allow the conversion of a smaller portion of a residential property (along McCreery Avenue) to commercial along with the existing commercial use on the remaining portion of the subject site facing Alum Rock Avenue. A portion of the site facing Alum Rock Avenue is already a part of the Neighborhood Business District located on both sides of Alum Rock Avenue and has a NBD Overlay. The subject site is of sufficient size to accommodate parking adequately on the site. The proposed General Plan amendment is generally consistent with this policy.

Commercial Land Use Policy No. 14: Existing commercial development within residential neighborhoods may expand when such development is small scale and is compatible with the adjacent residential neighborhood, and provides efficient delivery of urban services, and a solid fiscal base for the City.

The proposal could potentially allow an existing business to expand on a smaller scale and could facilitate a compact infill, Neighborhood/Community Commercial use that is compatible with the surrounding neighborhood. The proposed General Plan amendment is therefore consistent with this policy.

2) Consistency with the Mayfair SNI Neighborhood Improvement Plan

The site is located within the Mayfair Strong Neighborhoods Initiative (SNI) area. The Mayfair Neighborhood Improvement Plan (NIP), developed jointly with the City and the area residents and adopted by the City Council, is an important component of the planning policies that provide guidance for the Mayfair area. The NIP identifies below items as a part of its vision:

- *People are given the opportunities and resources to find and maintain well-paying jobs.*
- *The Mayfair neighborhood provides a clean, inviting and well-maintained environment in which businesses can prosper and families can thrive.*

The proposed General Plan amendment could potentially help the existing tire business to be retained within the community by allowing redevelopment of the site and expansion of its business operations per the concurrent rezoning proposal. Redevelopment of the site could contribute to improving the existing site condition, which has a history of code violations. Expansion of the business would open up new job opportunities. The proposal is consistent with the SNI Neighborhood Improvement Plan vision.

3) Site Design and Land Use Compatibility

The site has been designed to facilitate an attractive and efficient tire shop operation that achieves an acceptable level of compatibility with surrounding uses. The overall site and building design together with specific treatment at the site perimeters work together to achieve compatibility with the surrounding neighborhood.

Building Location and Overall Site Design. The conceptual site plan orients the building at the corner of Alum Rock and McCreery Avenue, consistent with the goal of achieving pedestrian oriented development in The Alum Rock Avenue Neighborhood Business District. This orientation allows for much of the activity of the use, including the main pedestrian and vehicular entrances to the building, to take place close to the street and create a buffer zone at the rear of the site adjacent to the residentially zoned properties to the south.

The Draft Development Standards (see attached) mirror the applicant's proposal by requiring maximum setbacks along Alum Rock Avenue (10 feet) and McCreery Avenue (15 feet) and large minimum setbacks at the rear of the site including a 20-foot building setback along the southern property line. This setback exceeds the 15-foot setback for the approved Zoning of the property to the south of the project site, resulting in a 35-foot buffer area between the new commercial building and planned high-density residential uses. The Draft Development Standards also include a requirement for a 5-foot landscape setback and a solid 8-foot wall (or alternate and equivalent noise mitigation that would adequately prevent noise disturbance of affected residential uses) between the parking lot and the residentially-zoned property to the south, which further buffer the adjacent property to the south. The noise report for the project determined that the proposed new building which will contain all of the future operational activities indoors would provide sufficient acoustical shielding to ensure compliance with City noise standards.

Staff believes that the applicant's proposal represents a significant improvement to the existing layout in which the building is located at the rear of the site and tire services are provided outdoors creating a nuisance for the adjacent residential properties.

Parking. The 25 parking spaces shown on the conceptual Site Plan exceed the City of San José's parking requirement for a tire shop facility by three spaces. The office space shown on the conceptual second floor plan is ancillary to a tire shop facility and would not require additional

parking spaces. The tandem spaces at the rear are proposed to be used once service has been completed on the cars. The cars would be driven out by one of the employees such that the tandem configuration would not create operational issues.

4) Building Design

The building orientation towards Alum Rock Avenue creates an open and transparent frontage which staff believes is compatible with existing commercial land uses across the street and the adjacent mixed use development to the east of the site. The proposed tower element strengthens the building presence at the corner and together with the mixed use development to the east creates a gateway to the residential neighborhood to the south. The proposal and the requirement in the Draft Development Standards to enclose the tire service within the building will protect the residentially-zoned properties to the south and east and create a quieter area at the rear of the site. The sides and rear of the building have been designed to further protect these uses from noise generated through tire service operations including a solid elevation with no open door or windows with the exception of one roll-up door in the southeast corner.

Height. The 50-foot height limit in the Draft Development Standards is consistent with City standards and is compatible with the height limits of surrounding uses including the 50-foot height limit of the adjacent mixed-use development to the east, and the 55-foot height limit of the residentially-zoned property to the south.

Conclusion

Based on the above analysis, staff concludes that the General Plan amendment is consistent with the *San José 2020 General Plan* Economic Development Major Strategy, several goals and policies in the General Plan that are related to economic development, and the Mayfair Strong Neighborhoods Initiative Neighborhood Improvement Plan. Staff further concludes that proposed Planned Development Zoning is compatible with the surrounding land uses, adds to the pedestrian character on Alum Rock Avenue, and encourages a development that provides adequate protection for proximate residential neighborhoods from potential noise generated on the project site.

ENVIRONMENTAL REVIEW

Based on an Initial Study prepared for this project, a Draft Mitigated Negative Declaration was circulated for public review on September 22, 2006, which concluded that the project would not result in a significant environmental impact. The Negative Declaration identifies mitigation that has been included in the project in the areas of air quality, cultural resources, hydrology and water quality, and noise. After considering public comment regarding the potential environmental impacts of the project, the Director of Planning intends to adopt the Final Mitigated Negative Declaration on October 11, 2006. A copy of the Mitigated Negative Declaration is attached. It can also be referenced in the Environmental section of the Planning Divisions' web site at http://www.sanjoseca.gov/planning/eir/MND.asp.

PUBLIC OUTREACH

The project was presented to the Mayfair Strong Neighborhoods Initiative Neighborhood Advisory Committee (NAC) meeting on September 28, 2006. Approximately 40 people attended the meeting and were generally in support of the project. They expressed satisfaction with the project and the enclosure of the work bay areas. At the meeting, the NAC members took an

official vote of support for the project. A letter of support from the NAC was received by Planning staff on October 3, 2006 (see attachment).

A joint notice of the public hearings to be held on the subject General Plan amendment and rezoning before the Planning Commission on October 11, 2006 and City Council on October 24, 2006 was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. Staff has been available to discuss the proposal with members of the public.

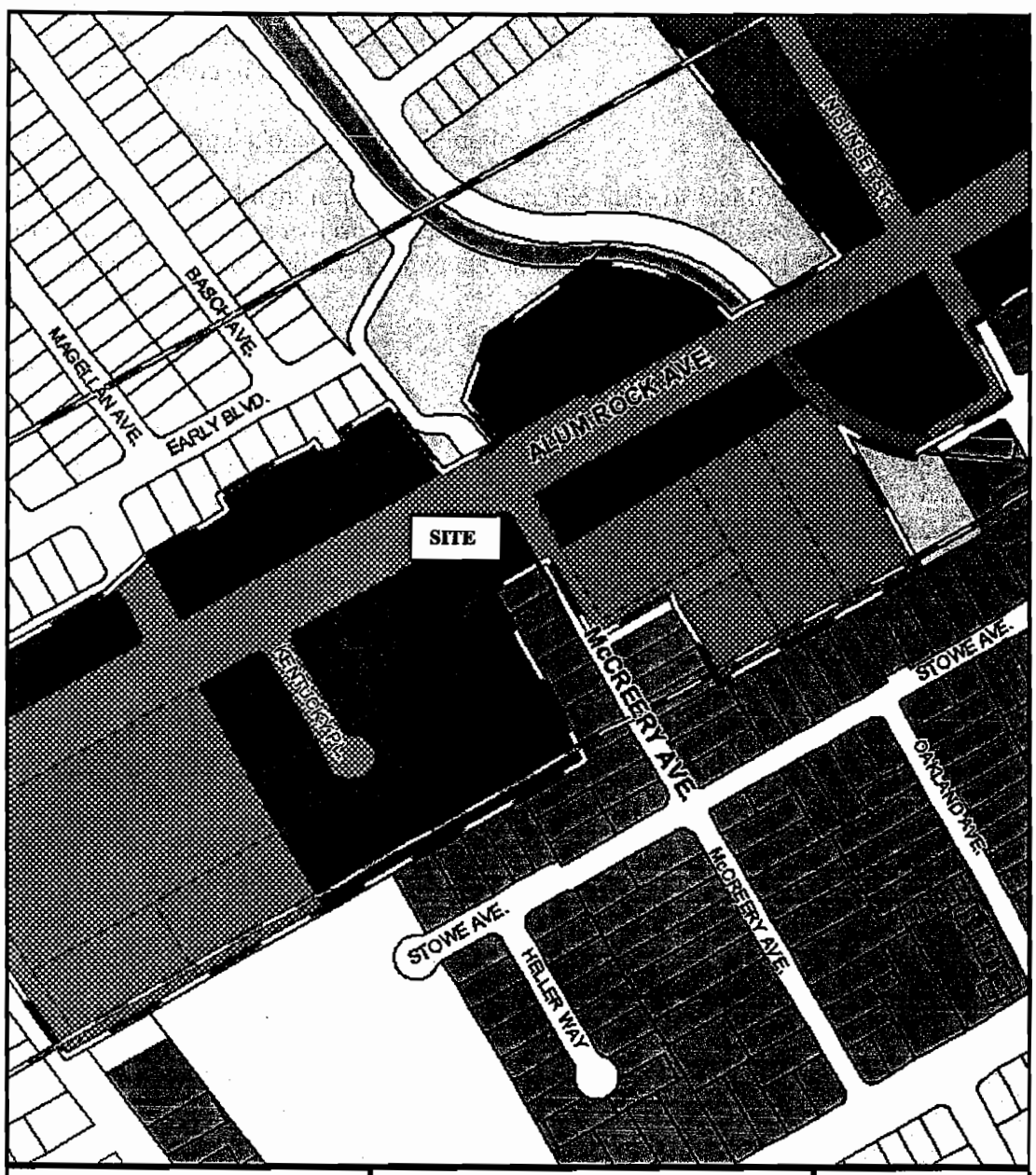
State of California Tribal Consultation Guidelines:

This General Plan amendment request is subject to the State of California Tribal Consultation Guidelines and was referred to Tribal Representatives in January 2006. As of October 4, 2006, Planning staff has not received any comments on the proposed General Plan amendment from Tribal Representatives.

Attachments

I. Mitigated Negative Declaration
II. Development Standards
III. Correspondence from City's Departments

GP05-05-02



SAN JOSE

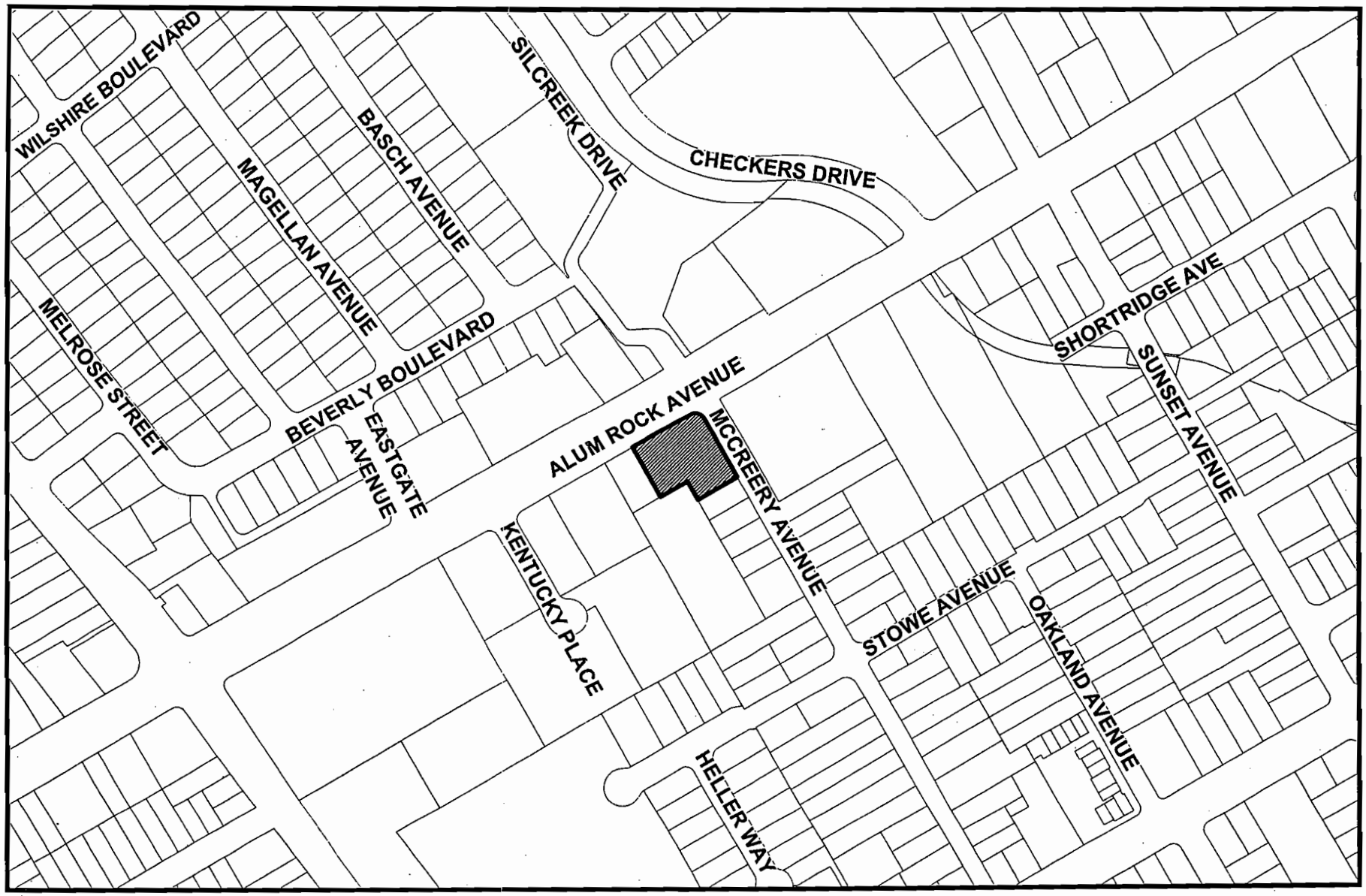
Department of Planning, Building and Code Enforcement
Planning Services Division

SITE

Neighborhood Business District

NORTH

Scale 1" = 250'
Quad: 68



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Scale: 1"=300'

Map Created On: 11/10/2005

Noticing Radius: 500 feet

File No: PDC05-112

District: 5

Quad No: 68

PLANNED DEVELOPMENT ZONING PDC05-112
DEVELOPMENT STANDARDS

I. LAND USE

Permitted Uses:
Uses of the CN Commercial Neighborhood Zoning District as specified in section 20.40.100 of the City of San Jose's Municipal Code as Amended. Conditional Uses may be allowed upon issuance of and in compliance with a Planned Development Permit.

II. DEVELOPMENT STANDARDS

1. Perimeter Setbacks

The rear property line is defined as including the two parts of the southern property line across from Alum Rock Avenue and the western property line that connects these two parts of the southern property line.

Front Alum Rock Avenue	maximum10 feet
Front McCreery Avenue	maximum15 feet
Rear (see definition above)	minimum 20 feet
Side opposite of McCreery Avenue	minimum 10 feet

2. Landscape setbacks

A landscape setback of 5 feet shall be provided along the rear property line (see definition above) separating the site from residentially zoned properties to the south and from outdoor parking areas.

* All setbacks shall be measured from the property line.

Minor architectural projections – Minor architectural projections, such as chimneys and bay-windows may project into any setbacks or building separation by no more than 2' 0" for a horizontal distance not to exceed 10' 0" in length, no more than 20 % of the building elevation.

2. Maximum Building Height **50** feet

3. Minimum Parking Requirements*.

Parking shall be provided per section 20.90.060 of the City of San Jose's Municipal Code as amended.

* Tandem parking is allowed with a Planned Development Permit.

*A 10% parking reduction can be approved through a Planned Development Permit

III. PUBLIC WORKS REQUIREMENTS AND OFF-SITE IMPROVEMENTS AT PLANNED DEVELOPMENT PERMIT STAGE

1. **Soils:** 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.

VI. ENVIRONMENTAL MITIGATION

2. **Tree Mitigation.** Trees approved for removal shall be replaced as follows.

- Each tree between 12 inches and 18 inches in diameter removed shall be replaced with two 24-inch box trees.
- Each tree 18 inches or greater in diameter shall be replaced by four 24-inch box trees.

2. **Noise.**

- Construction will 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. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Future tire service operations shall only take place within the five proposed indoor work bays.
- Tire service operations shall be limited to the hours of 8:00 A.M. and 6:00 P.M.
- The project shall include the construction of an 8-foot tall solid noise barrier between the parking lot and the residential property to the south. Alternate noise mitigations to the construction of an 8-foot wall may be approved through a development permit based on a finding by the Director

of Planning, Building and Code Enforcement that this mitigation is equivalent to the construction of the 8-foot wall and is adequate to prevent noise disturbance of affected residential uses.

- The proposed building shall comply with San Jose Zoning Ordinance standards for rooftop equipment screening.

2. **Cultural Resources.** There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.

VI. WATER POLLUTION PLANT NOTE

Pursuant to Part 2.75 of Chapter 15.12 of the San José Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager make a determination that the cumulative sewage treatment demand on 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 the San José-Santa Clara Water Pollution Control 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. Substantial conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, ACTING DIRECTOR

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Calderon Tires

PROJECT FILE NUMBER: PDC05-112 and GP05-05-02

PROJECT DESCRIPTION: General Plan amendment request to change the Land Use/ Transportation Diagram designation from General Commercial on approximately 0.46 acres (1898 Alum Rock Avenue and at the northerly portion of 1884 Alum Rock Avenue) and from Medium Density Residential (8-16 DU/AC) on approximately 0.12 acres (57 McCreery Avenue) to Neighborhood/Community Commercial with a Neighborhood Business District Overlay on approximately 0.59-acres located at the southwesterly quadrant of Alum Rock Avenue and McCreery Avenue.

Planned Development Rezoning from CG Commercial General and R-1-8 Residence Zoning Districts to A(PD) Planned Development Zoning District to allow approximately 15,000 square feet for commercial uses on an approximately 0.59 gross-acre site and subsequent permits.

PROJECT LOCATION & ASSESSORS PARCEL NO.: southwest corner of Alum Rock Avenue and McCreery Avenue (1884 and 1898 Alum Rock Avenue and 57 McCreery Avenue); 481-18-013, -14, and -15

COUNCIL DISTRICT: 5

APPLICANT CONTACT INFORMATION: Mabiela R. AND J. A. Calderon, 2535 Glen Alma Way, San Jose, CA 95148-4118, (408)274-5414

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

I. AESTHETICS – The project will not have a significant impact on this resource, therefore no mitigation is required.

II. AGRICULTURE RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

III. AIR QUALITY – The project will have significant construction impacts on this resource, therefore the following mitigation is required during all construction phases of the project:

- Water all active construction sites at least twice daily;
- Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;

IV. BIOLOGICAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

V. CULTURAL RESOURCES – The following project-level mitigation measures, consistent with the recommendations of the Cultural Resource Evaluation prepared for the project, shall be implemented to reduce potential impacts to less than significant levels:

There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.

1) If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.

2) If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)

3) In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures

required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

a) In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

b) A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

VI. GEOLOGY AND SOILS – The project will not have a significant impact on this resource, therefore no mitigation is required.

VII. HAZARDS AND HAZARDOUS MATERIALS – The project will not have a significant impact on this resource, therefore no mitigation is required.

VIII. HYDROLOGY AND WATER QUALITY –

Implementation of the following project-level construction and post-construction mitigation measures, consistent with NPDES Permit and Post-Construction Urban Runoff Management Policy requirements, will reduce potential surface water quality impacts to less than significant levels:

Construction Mitigation Measure 1: The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay.* Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San Jose, California 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.

Construction Mitigation Measure 2: Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:

- The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
- The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

Construction Mitigation Measure 3: The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

- Restriction of grading to the dry season (April 15 through October 15);
- Utilize on-site sediment control BMPs to retain sediment on the project site;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction;
- Provide permanent cover to stabilize the disturbed surfaces after construction is completed.

Post-Construction Mitigation Measure 4: Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled "No Dumping – Flows to Bay" to the satisfaction of the Director of Planning, Building and Code Enforcement.

Implementation of the following project-level measure will reduce potential flooding impacts:
Measure 5: Prior to the issuance of building permits for the project, the project applicant shall be required to have satisfied the following Public Works Department conditions.

- Elevate the lowest floor, including basement, more than 1 foot above the highest existing adjacent grade to the proposed structure.
- An Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, is required prior to issuance of a building permit. A surveyor or registered professional engineer is required to complete and certify the building elevation information (sections C & D of the Certificate). Consequently, an Elevation Certificate based on finished construction is required for each built structure prior to issuance of an occupancy permit.
- Provide vent openings for all enclosures below the base flood elevation, except basements (crawlspace, at-grade garages, etc.). The design must either be certified by a registered professional engineer <u>or</u> meet the following requirements:
- Provide vent openings on at least two exterior walls of each enclosure to automatically equalize the lateral pressure of the floodwaters. The bottom of each opening shall be no higher than twelve inches above the exterior adjacent grade. Provide a minimum of two vent openings having a total net area of not less than one square inch per one square foot of enclosed area.
- 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.

IX. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required.

X. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. NOISE – Implementation of the following Mitigation Measures, based on the recommendations of the noise study, would reduce potential impacts to less than significant levels.

Mitigation Measure 1: Future tire service operations shall only take place within the five proposed indoor work bays.

Mitigation Measure 2: Tire service operations shall be limited to the hours of 8:00 A.M. and 6:00 P.M.

Mitigation Measure 3: With the exception of the one roll-up door in the southeast corner, the southern and eastern building facades shall be solid with no open doors or windows. The proposed work bays shall have rubber floor mats and be constructed with either spray-on sound-absorbing fire proofing or pinned 2-inch thick duct liner installed in the ceiling.

Mitigation Measure 4: The project shall include the construction of an 8-foot tall solid noise barrier between the parking lot and the residential property to the south. The barrier could be constructed of a variety of materials, including CMU or plaster, should be solid from bottom to top, and should have a minimum surface density of 3 pounds per square foot.

Mitigation Measure 5: The proposed building shall comply with San Jose Zoning Ordinance standards for rooftop equipment screening.

Mitigation Measure 3: The following measures shall be implemented by the project developer and/or construction site supervisor to reduce potential construction noise impacts to surrounding neighbors:

- Notify neighbors of the schedule and type of equipment used for each phase of construction;
- Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on- or off-site work within 500 feet of any residential unit.
- Locate noisy stationary equipment (i.e., generators or compressors) away from neighboring residences;
- Require that all construction equipment be in good working order and that mufflers be inspected for proper functioning;
- Require that vehicles and compressors turn off engines when not in use;
- Utilize available noise suppression devices and techniques as appropriate, in conformance with General Plan policy; and
- Designate a construction noise coordinator who would be available to respond to complaints from neighbors and take appropriate measures to reduce noise.

XII. POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIII. PUBLIC SERVICES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIV. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

XV. TRANSPORTATION / TRAFFIC – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVI. .UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **October 11, 2006**, any person may:

Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or

File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José CA 95113-1905 and include a $100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

Circulated on: 9/22/06
Deputy

Adopted on: _____
Deputy

MND/JAC 8/26/05

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Jenny Nusbaum
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: **RESPONSE TO GENERAL PLAN AMENDMENT APPLICATION**

DATE: 10/13/05

PLANNING NO.:	GP05-05-02
DESCRIPTION:	GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Neighborhood/Community Commercial with Neighborhood Business District Overlay on a 0.12-acre site. (J. Ascencion Calderon, Owner/Applicant).
LOCATION:	west side of McCreery Avenue, approximately 200 feet southeasterly of Alum Rock Avenue
P.W. NUMBER:	3-11612

Public Works received the subject project on 10/06/05 and submits the following comments:

AO-1	Flood Zone
NO	Geological Hazard Zone
NO	State Landslide Zone
YES	State Liquefaction Zone
NO	Inadequate Sanitary capacity
NO	Inadequate Storm capacity
NO	Major Access Constraints
NO	Near-Term Traffic Impact Analysis

Please contact the Project Engineer, Ryan Do, at 277-5161 if you have any questions.

EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

RTD
ES:rd:kg

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

RECEIVED
OCT 13 2005
CITY OF SAN JOSE
PLANNING DEPARTMENT

Memorandum

MEERA

DATE: 10/12/05

TO: Jenny Nusbaum
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO:	GP05-05-02
DESCRIPTION:	GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Neighborhood/Community Commercial with Neighborhood Business District Overlay on a 0.12-acre site. (J. Ascencion Calderon, Owner/Applicant).
LOCATION:	west side of McCreery Avenue, approximately 200 feet southeasterly of Alum Rock Avenue
ADDRESS:	west side of McCreery Avenue, approximately 200 feet southeasterly of Alum Rock Avenue (57 MCCREERY AV)
FOLDER #:	05 054937 AO

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.

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

Site flow requirement may be as high as 4,500 GPM.

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

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Laurel Prevetti
Planning, Building
and Code Enforcement

FROM: Hans F. Larsen

SUBJECT: **TRAFFIC IMPACT ANALYSIS FOR GP05-05-02**

DATE: 4-18-06

Approved

Date

File Number: GP05-05-02
Location: S/W corner of McCreery Ave. and Alum Rock Ave.
Acreage: 0.6 ac.
Description: Medium Density Res. (8-16 DU/AC) to Neighborhood/Community Commercial and expansion of the Neighborhood Business District
(Delete 2 HH, Add 2 J)
Outside Special Subarea (Remainder of City)

We have reviewed the subject General Plan Amendment (GPA) and submit the following comments. The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area. Therefore, this GPA is exempt from a computer model (CUBE) traffic impact analysis.

If an Environmental Impact Report (EIR) is required for this GPA for other reasons, the EIR must include a traffic impact analysis report for the project and a cumulative analysis for all GPAs on file this year. Additional traffic data will be provided to the applicant's traffic engineering consultant for the preparation of the report.

Please contact Paul Ma at 975-3272 if you have any questions.

HANS F. LARSEN
Deputy Director
Department of Transportation

HFL:PM
cc: Jenny Nusbaum
Meera Nagaraj

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Hadasa Lev
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: **FINAL RESPONSE TO DEVELOPMENT APPLICATION**

DATE: 10/03/06

PLANNING NO.:	PDC05-112
DESCRIPTION:	Planned Development Rezoning from CG Commercial General and R-1-8 Single-Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow approximately 15,000 square feet for commercial uses on a 0.59 gross acre site
LOCATION:	southwest corner of Alum Rock Avenue and McCreery Avenue
P.W. NUMBER:	3-11612

Public Works received the subject project on 10/03/06 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s): 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**: An in-house traffic distribution has been performed for this project based on 26 net AM and 37 net PM peak hour trips for the increase in building square footage. We conclude that the subject project will be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts.

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. **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) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges.

5. **Flood: Zone AO, Depth 1'**
   a) Elevate the lowest floor more than 1 foot above the highest existing adjacent grade to the structure <u>or</u> floodproof to the same elevation. For insurance rating purposes, the structure's floodproofed design elevation must be at least one foot above the base flood elevation to receive rating credit.
   b) 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, a new Elevation Certificate is required prior to issuance of an occupancy permit.
   c) If the structure is to 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.
   d) 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.

6. **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.

7. **Street Improvements**:
   a) Provide a 10-foot attached sidewalk with tree wells along Alum Rock and McCreery Avenues. A street easement will be required.
   b) Close unused driveway cuts.
   c) Proposed driveway width to be 26' minimum and 32' maximum.
   d) Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.
   e) 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.

8. **Complexity Surcharge (In-Fill)**: This project has been identified as an in-fill project. Based on established criteria, the public improvements associated with this project have been rated high complexity. An additional surcharge of 50% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.

9. **SNI:** This project is located within the Mayfair SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.

10. **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.

11. **Street Trees**:
    a) 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.
    b) Contact the City Arborist at (408) 277-2756 for the designated street tree.

12. **Referrals**:
    a) This project should be referred to the California Department of Transportation (Caltrans). Any public improvement work along Alum Rock Avenue will require an encroachment permit from Caltrans.
    b) This project should also be referred to the Santa Clara County Valley Transportation Authority (VTA). The existing VTA bus stop/pad may need to be relocated away from the proposed driveway, towards the intersection.

Please contact the Project Engineer, Ryan Do, at (408) 535-6897 if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

RTD
ES:~~rd~~:kg
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CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

DATE: 10/03/06

TO: Hadasa Lev
FROM: Nadia Naum-Stoian

REVISED

Re: Plan Review Comments

PLANNING NO:	PDC05-112
DESCRIPTION:	Planned Development Rezoning from CG Commercial General and R-1-8 Single-Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow approximately 15,000 square feet for commercial uses on a 0.59 gross acre site
LOCATION:	southwest corner of Alum Rock Avenue and McCreery Avenue
ADDRESS:	southwest corner of Alum Rock Avenue and McCreery Avenue (1898 ALUM ROCK AV)
FOLDER #:	05 059670 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 by

  Largest building: 15,000 sq. ft.

  Construction Type: V N

  Occupancy Group: S/B

  Number of stories: 2

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 3250GPM 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 advice 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 400 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.

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

Note: Sprinkler system to be in accordance with NFPA 13 1999 Edition for tire rack storage.

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

MAYFAIR
NEIGHBORHOOD ACTION COMMITTEE (NAC)

RECEIVED
OCT 0 3 2006
CITY OF SAN JOSE
PLANNING DEPARTMENT

October 3, 2006

San Jose Planning Commission
Attn: Hadasa Lev, Project Manager, City of San Jose
200 E. Santa Clara Street, 3rd Floor
San Jose, CA 95113

Dear Planning Commission,

The Mayfair Neighborhood Action Committee (NAC) supports the General Plan Amendment (Reference File No. GP05-02-05) and Planned Development Rezoning (Reference File No. PDC05-112) for Calderon's New and Used Tires, located at the southwest corner of McCreery Avenue and Alum Rock Avenue.

The design plan presented to the NAC will make that area of our neighborhood much more attractive. The Calderon family is part of this community and they value the surrounding neighborhood of Mayfair. We hope that they continue to prosper to higher levels once they build their new facility.

Sincerely,

Guadalupe Gonzalez

Guadalupe Gonzalez, President
Mayfair NAC

cc: Councilwoman Nora Campos
Hadasa Lev, Project Manager, City of San Jose
Calderon's New and Used Tires

2039 Kammerer Ave. *San Jose, CA 95116* *408-347-1141*