

**STAFF REPORT**  
**PLANNING COMMISSION**

**FILE NO.:** PDC08-062

**Submitted:** 11/04/2008

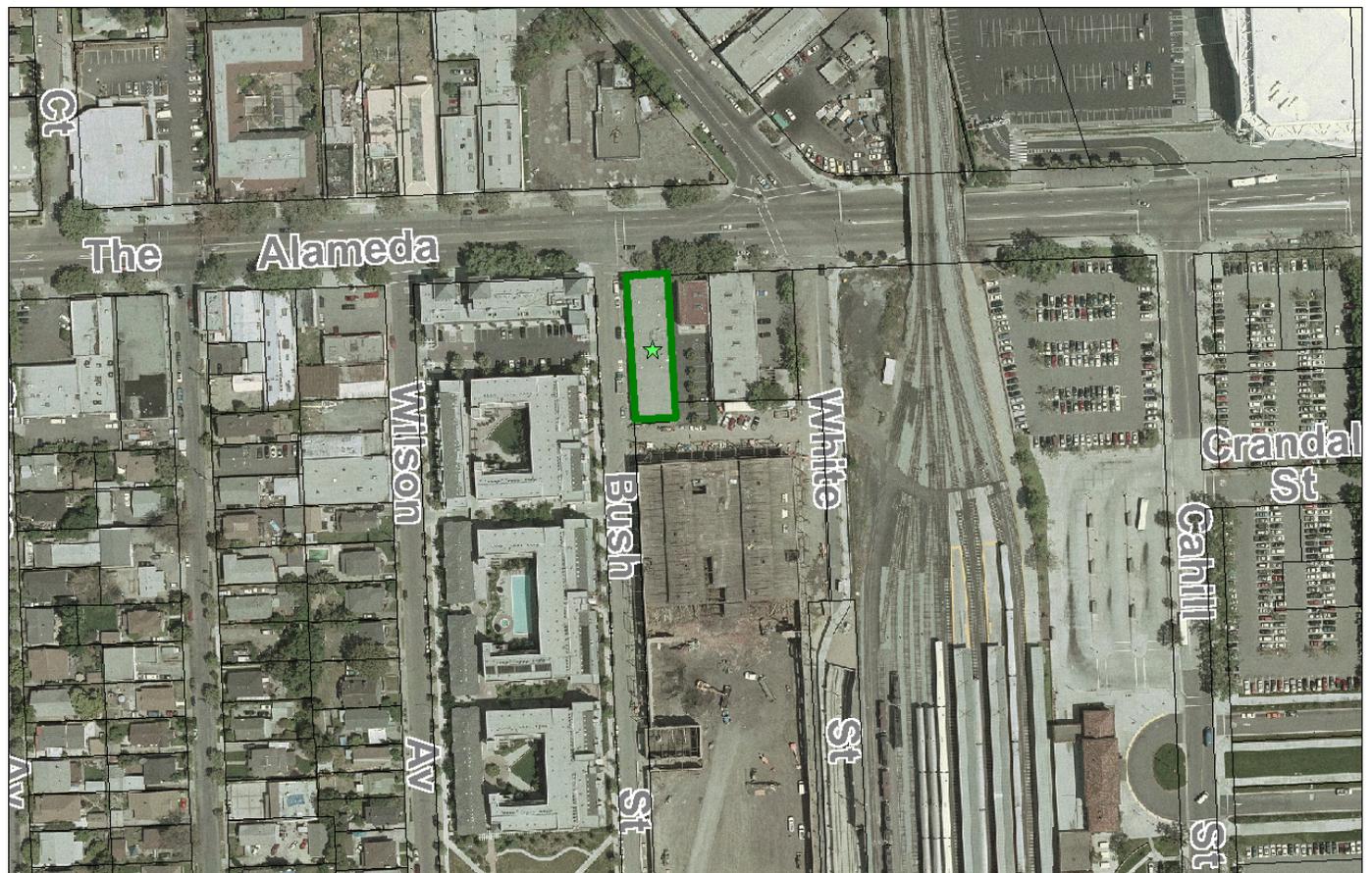
**PROJECT DESCRIPTION:** Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow two development options:

- 1) 2,800 square feet of commercial uses and up to eight residential units in a mixed-use development, or
- 2) Commercial uses in the existing 7,568 square foot building on a 0.24 gross acre site.

Existing Zoning	A(PD) Planned Development
Proposed Zoning	A(PD) Planned Development
General Plan	Residential Support for the Core Area (25+ DU/AC)
Council District	6
Annexation Date	12/8/1925
SNI	N/A
Historic Resource	No
Redevelopment Area	Monterey Corridor
Specific Plan	Midtown

**LOCATION:** Southeast corner of the intersection of The Alameda and Bush Street

**Aerial Map**





## **RECOMMENDATION**

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the proposed Planned Development Rezoning for the following reasons:

1. The mixed-use project option as proposed represents a re-approval of the same project approved by the City Council in 2008 (File No. PDC07-009) which conforms to the San José General Plan Land Use/Transportation Diagram designation of Residential Support for the Core Area (25+ DU/AC) in that the project has commercial uses on the first floor and residential uses on the upper floors, which is permitted by the designation, and the residential portion of the project exceeds the minimum 25 dwelling units per acre.
2. The re-use project, wherein commercial uses would be allowed within the existing 7,568 square-foot building, may be found in conformance to the San José General Plan Land Use/Transportation Diagram designation of Residential Support for the Core Area (25+ DU/AC) in that developed parcels less than two acres in size may be deemed to be in conformance with the General Plan regardless of the General Plan Land Use Diagram designation for the site. For the purpose of the General Plan, a developed parcel is defined as one that has an existing urban land use.
3. The mixed-use project option as proposed conforms to the Midtown Specific Plan and density requirements of 25 to 65 dwelling units per acre in a vertical mixed-use configuration.
4. Either development option, as described above, would strengthen the existing Neighborhood Business District (NBD).
5. The project is not subject to the City's Framework for the Preservation of Employment Lands.
6. The proposed project is compatible with the surrounding land uses.
7. The project is in substantial conformance to the applicable policies of the City's Commercial Design Guidelines and the Residential Design Guidelines.

## **BACKGROUND**

The applicant, CFC Capital Group, is requesting a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow two different development options. The first option represents the re-approval of the Planned Development Rezoning (File No. PDC07-009) approved by the City Council on 9/9/08 for a new mixed-use project consisting of 2,800 square feet of ground floor commercial uses and up to eight attached residential units. Both staff and the Planning Commission had previously recommended this mixed-use proposal for Council approval. The second option would allow the interim re-use of the existing 7,568 square-foot building for retail commercial uses on the existing 0.24 gross acre site.

The applicant/developer, the same as for the approved project, is requesting this rezoning because the previous approval did not provide an option for a re-use of the existing building as described above. Due to the flagging economy and other financial reasons, the applicant indicates development of the new mixed-use option will need to be delayed. This proposed rezoning would allow the applicant to utilize the subject building with commercial uses until such time as they are prepared to move forward with the redevelopment of the site with the mixed-use project as previously approved. Prior to the approval of the current Planned Development zoning, the subject site was zoned LI Light Industrial which allowed light industrial uses only. Most of the site is occupied by an existing approximately 7,500 square-foot one-story building that was constructed in 1966. There is no existing on-site parking.

The subject site is located at the southeast corner of The Alameda and Bush Street and is part of The Alameda Neighborhood Business District (NBD) which is substantially developed with commercial uses at the street level. The site is bordered by high-density residential development to the west and south. Of these, the adjacent development fronting onto The Alameda is also a mixed-use project with ground floor retail. There is a commercial building to the east and a vacant building across The Alameda to the north that is the future site for a Whole Foods Market.

## **PROJECT DESCRIPTION**

The proposed project is a Planned Development Rezoning that would allow two development options:

- 1) *Mixed-Use*. This option would be comprised of a three-story mixed-use development with up to 2,850 square feet of ground floor retail space and up to eight single-family attached residential condominiums units on the upper two floors. This proposal would be unchanged from the previous project approved by the City Council in September, 2008.
- 2) *Re-Use of Existing Building*. This option would allow retail and office uses in the existing 7, 568 square foot building. No expansion of the building is proposed, but minor exterior remodeling would be permitted.

## **GENERAL PLAN CONFORMANCE**

### ***Mixed-Use Option***

The proposal for the mixed-use project is consistent with the San José 2020 General Plan Land Use/Transportation designation of Residential Support for the Core (25+ DU/AC). The proposed project, with a density of 32 DU/AC, conforms to that designation. Under this designation, ground floor commercial uses are also allowed, consistent with this proposal. The project site is also within the General Plan Midtown Planned Community. The proposal is consistent with policies of this plan including the density requirement of 25-65 DU/AC with ground level retail along The Alameda frontage.

The proposal is also consistent with the Neighborhood Business District (NBD) overlay designation which recognizes the variety of commercial and residential uses which contribute to the neighborhood identity of older commercial areas. The proposal will facilitate the revitalization of the NBD by maintaining the established commercial street frontage character of The Alameda. This project is not subject to the City's Framework for the Preservation of Employment Lands since it is part of a rezoning that is consistent with the identified General Plan and Specific Plan designations for the site. Both options preserve commercial/office use on the ground level, supporting the NBD and providing on-site employment.

The proposal is consistent with the Urban Design Policies of the General Plan in that strong architectural and site design controls have been applied for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses with future development of the 3-story mixed use project.

### ***Building Re-Use Option***

The proposed use of the existing building for commercial uses may be found in conformance in that developed parcels less than two acres in size may be deemed to be in conformance with the General Plan regardless of the General Plan Land Use Diagram designation for the site. For the purpose of the General Plan, a developed parcel is defined as one that has an existing urban land use. Allowing commercial uses

in the existing building will strengthen and support the NBD until such time as the mixed-use project is feasible.

## **ENVIRONMENTAL REVIEW**

### ***Mixed-Use Option***

An Initial Study was prepared for the commercial/residential mixed-use project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning on July 28, 2008. The project includes mitigation measures in regards to biological resources, cultural resources, hazards and hazardous materials, and noise that will reduce any potential significant impacts to less than significant level.

In the City of San José, any building more than 45 years old is considered to be of historical interest and is evaluated for potential historical significance. An historic assessment was prepared to determine if there was any historic significance to the existing structure and property. The property was reviewed using the City of San José Historic Evaluation Criteria and it was determined not to be of historic significance and not a contributing structure for purposes of CEQA review.

### ***Building Re-Use Option***

An Addendum to the Mitigated Negative Declaration was completed, and determined that commercial re-use of the existing building will not result in new or more severe impacts

## **PUBLIC OUTREACH**

There was strong community interest in the mixed-use project approved with the previous rezoning proposal (File No. PDC07-009). A summary of those community concerns and the public outreach process is provided in the original staff report (see attached). The option for the re-use of the existing building for commercial/office Business District will allow uses that are generally more compatible with the surrounding neighborhood and the Neighborhood Business District than the original industrial uses allowed under the prior LI Light Industrial Zoning. Given this analysis, staff determined that a community meeting to present the re-use option was not necessary; however, staff did contact leadership members of the Shasta/Hanchett Park Neighborhood Association (SHPNA), which had been an active participant in the previous rezoning. The leadership members of SHPNA indicated that the proposal to use the existing building for commercial/office uses prior to development of the mixed-use project was acceptable as proposed.

A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. This staff report is also posted on the City's Website and staff has been available to respond to questions from the public.

## **ANALYSIS**

This staff report focuses primarily on the building re-use option, since this was not specifically discussed as an option under the previous rezoning. A copy of the previous staff report that addressed the mixed-use project is attached. Again, there are no changes proposed to the previously approved mixed-use project.

## ***Building Re-Use Option***

The key issues analyzed for the proposed re-use project include: 1) relationship to surrounding uses and 2) parking.

### Relationship to Surrounding Uses

The re-use of the existing building with commercial uses will be compatible with surrounding uses. No expansion of the existing building is proposed. Surrounding uses of the subject site include a proposed grocery store to the north across The Alameda, a mixed-use commercial and multi-family residential project to the west, and the historic Del Monte Plant 51 site and a mixed-use commercial and multi-family residential project to the south. Commercial uses in the existing building would activate a storefront which has been vacant for several years and would provide pedestrian-oriented commercial opportunities located within convenient access to alternative transportation (bus and light rail).

Prior to the approval of the previous Planned Development Rezoning, the subject site was zoned LI Light Industrial which allowed light industrial uses only. The existing building has historically held, among other uses, a tire repair shop, a retail fabric shop, and warehouse storage for the Children's Discovery Museum. The building is currently used as a construction site office and for storage of construction equipment for projects at Plant 51. Given that in recent years, new residential uses have been built in close proximity to the site, staff feels that retail and office uses would be more compatible than use of the building with light industrial uses. Further, retail uses would better contribute to the strengthening of the Alameda Business District. Through the Planned Development Permit process, the applicant will be required to fill-in industrial roll-up doors that would no longer be needed, and other minor exterior building to match the paint, materials, and design of the building.

While the developer has indicated that the commercial re-use of the building should be regarded as an "interim" use, there are no timeline requirements imposed for the construction of the mixed-use alternative.

### Parking

The building, constructed in 1966 before Site Development Permits were required, is a legal non-conforming structure. A "legal non-conforming structure" is a structure which was legally built according to the applicable zoning and building laws of the time.

The building occupies the majority of the site and there is no on-site parking. The proposed commercial re-use option would allow retail uses in the building, which has historically been zoned for industrial uses. The site is located in a Neighborhood Business District, wherein ground-floor retail uses, such as that proposed, have a lower parking requirement than would industrial uses in the same building (1 space per 400 square feet as compared to 1 per 350 square feet). The project includes no expansion of the legal non-conforming structure and the proposed use has an equivalent or lower Code parking requirement than previous uses; thus, no new parking would be required for commercial/office use of the building.

Although no new parking is required, the proposed alternative commercial use would include minor building improvements, including elimination of a few roll-up doors facing Bush Street, that would enable additional on-street curbside parking opportunities in front of the site. Unused roll-up doors are proposed to be sealed and filled to match the architecture of the building.

***Mixed-Use Option***

As previously stated, there are no changes to the previously approved commercial/residential mixed-use option approved by the City Council. The key issues that had been analyzed included: 1) relationship to surrounding uses, 2) architecture, 3) parking, 4) conformance with the Midtown Specific Plan, and 5) conformance with the Residential Design Guidelines. Please see original staff report (attached) for PDC07-009 for a detailed description and analysis of the mixed-use proposal.

**CONCLUSION**

The developer has worked cooperatively with the neighborhood and staff and has strived to satisfy all stated concerns. The proposed rezoning would allow the existing building to be marketed for commercial uses and would provide the property owner an alternative for a viable economic use of the structure until such time that the economic conditions improve to move forward with the mixed-use project that was previously approved. Having a viable commercial use on the site instead of a vacant building will better support the NBD and the City's economic goals.

**Project Manager:** Bill Roth**Approved by:***Susan Walton***Date:** 1/30/2009

Owner:	Applicant:	Attachments:
Klifo Family Investment, LLC 500 E. Calaveras Blvd. Unit 329, Milpitas, CA 95035	CFC Capital Group Attn: John Nguyen 1703 Mountaire Lane San José, CA 95138	Draft Development Standards Location Map Copy of Staff Report for PDC07-009 Public Works Memo Addendum to a Mitigated Negative Declaration Plan Set

**PDC08-062**  
**General Development Plan**

**Permitted Uses**

Commercial\*: Use limited to ground floor only. All Permitted uses as allowed in the CP Commercial Pedestrian Zoning District per Title 20 of the San Jose Municipal Code, as amended. Conditional Uses of the CP Commercial Pedestrian Zoning District may be considered through the Planned Development Permit or Amendment process.

Residential: A minimum of 7 and a maximum of 8 attached residential units on the second and third floors.

\*As an interim use, prior to the development of the subject mixed-use project, the developer may use the existing approximately 7,500 square-foot building with uses of the CP Commercial Pedestrian Zoning District. Conditional uses of the CP Commercial Zoning District may be allowed upon approval of a Planned Development Permit or Amendment. No expansion of the existing building is permitted.

**Conditional and Special Uses**

All Conditional and Special uses as allowed in the CP Commercial Pedestrian Zoning District per Title 20 of the San Jose Municipal Code, as amended. All uses require approval through the issuance of a Planned Development Permit at the discretion of the Director of Planning,

**DEVELOPMENT STANDARDS**

Maximum Height: 50 feet / 3 Stories

SETBACKS: Commercial/Residential:

- Front: 0' Minimum building front setback.
- Sides: 0' Minimum building side setbacks.
- Rear: 0' Minimum building rear setback.

PARKING:

- Residential Units:
    - 1.5 One bedroom unit
    - 1.8 Two bedroom unit
    - 2.0 Three bedroom unit
- (2 per unit if parking lifts used)

Commercial: 1:400 (net) or Parking shall be required per Table 20-190, of Title 20 of the San Jose Municipal Code, as amended.

Alternating parking may only be considered through the Planned Development Permit Process.

OPEN SPACE: Comply with City's Residential Design Guidelines

**PDC08-062**  
**General Development Plan**

**ENVIRONMENTAL MITIGATION**

The Environmental issues and Mitigation Measures are as follows:

1. **AESTHETICS – STANDARD MEASURES:** The project shall implement the following standard measure(s):
  - a. Design of the project shall conform to the City’s Residential Design Guidelines.
  - b. Lighting on the site shall conform to the City’s Outdoor Lighting Policy (4-3).
2. **AIR QUALITY – STANDARD MEASURES:** The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site.
  - a. Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
  - c. Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - d. Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; and
  - e. Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
3. **BIOLOGICAL RESOURCES –MITIGATION MEASURE for Bats:** Surveys for roosting bats shall be conducted by a qualified biologist no more than thirty (30) days prior to the building demolition or construction activities. If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony. Buffer zones may include a 200-foot buffer zone from the roost and/or timing of the construction activities outside the maternity roosting season (after July 31 and before March 1). If an active nursery roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats may be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such exclusion shall occur under the direction of a bat biologist, by sealing openings and providing bats with one-way exclusion doors. In order to avoid excluding all potential maternity roosting habitat simultaneously, alternative roosting habitat, as determined by the bat biologist, should be in place at least one summer season prior to the exclusion. Bat roosts

**PDC08-062**  
**General Development Plan**

should be monitored as determined necessary by a qualified bat biologist, and the removal or displacement of bats shall be performed in conformance with the requirements of the CDFG. A biologist's report outlining the results of pre-construction surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading, building, or tree removal permit.

4. CULTURAL RESOURCES – MITIGATION MEASURES for Archaeological 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.
  - a. 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.
  - b. 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.)
  - c. 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:
    - i. 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.
    - ii. 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

**PDC08-062**  
**General Development Plan**

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.

**5. GEOLOGY AND SOILS – STANDARD MEASURES:**

- a. The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.
- b. 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).

**6. HAZARDS AND HAZARDOUS MATERIALS –**

- a. **MITIGATION MEASURES:** Prior to the issuance of Grading Permit, a report shall be submitted to the to the satisfaction of the City's Municipal Compliance Officer and the Director of Planning, Building and Code Enforcement indicating the results of the following: After demolition of the building, a qualified environmental consultant shall be retained to evaluate the underlying soil for potential contamination. The consultant should look for evidence of discolored soil, sumps, drains or other structures where historic hazardous materials release might have occurred due to the sheet metal and automotive business. Additional soil samples shall be collected from the project site and analyzed for solvents and metals as well as petroleum contamination.
- b. **STANDARD MEASURES:**
  - i. In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.
  - ii. All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
  - iii. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees

**PDC08-062**  
**General Development Plan**

training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

c. **HYDROLOGY AND WATER QUALITY – STANDARD MEASURES:**

- i. 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, to the satisfaction of the Director of Public Works, as follows:
  1. 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;
  2. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
  3. 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.
- ii. 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:
  1. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season.
  2. Utilize on-site sediment control BMPs to retain sediment on the project site;
  3. Utilize stabilized construction entrances and/or wash racks;
  4. Implement damp street sweeping;
  5. Provide temporary cover of disturbed surfaces to help control erosion during construction;

**PDC08-062**  
**General Development Plan**

6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
  - iii. 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.
  - iv. The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.
  - v. The project shall comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for all projects and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for numerically sized (or hydraulically sized) TCMs.
- d. NOISE –
- i. MITIGATION MEASURES: –
  - ii. The project shall incorporate building sound insulation to meet the requirements of the California Building Code to reduce interior noise levels to 45 dBA or lower, using standard construction techniques. Prior to issuance of occupancy permits, building plans for all units will be checked by a qualified acoustical consultant to ensure that noise levels are attenuated sufficiently. All units shall have forced air ventilation systems to allow the windows to remain closed so that an interior noise level of 45 dBA can be achieved..
  - iii. The developer shall implement a Construction Management Plan approved by the Director of Planning, Building and Code Enforcement to minimize impacts on the surrounding sensitive land uses to the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:
    1. Early and frequent notification and communication with the neighborhood of the construction activities.
    2. Prohibit unnecessary idling of internal combustion engines.
  - iv. Standard mitigation measure for mechanical ventilation: All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.

**PDC08-062**  
**General Development Plan**

- v. As this project is in an area with a noise level between 60 DNL and 70 DNL, this project will include mechanical ventilation, which will allow the windows to be closed for noise control and will reduce the noise levels inside the units by 25 DNL.
- vi. Install windows and glass doors so that the sliding window and glass door panels form an air-tight seal when in the closed position and the window and glass door frames are caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration.
- vii. STANDARD MEASURES:
- viii. 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.
- ix. The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- x. Post-construction mechanical equipment shall conform to the City’s General Plan limitation of 55DNL at residential property lines and 60DNL at commercial property lines.

**INFRASTRUCTURE REQUIREMENTS**

All private infrastructure shall meet City’s Common Interest Development (CID) standards.

Pursuant to Part 2.75 of Chapter 15.12 of the San Jose 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 makes a determination that the cumulative sewage treatment demand on the San Jose-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 Jose-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. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.



11/04/2008

Noticing Radius: 500 feet

**File No: PDC08-062**

**District: 6**

**Quad No: 83**

**STAFF REPORT**  
**PLANNING COMMISSION**

**FILE NO.: PDC07-009**

**Submitted: 01/19/2007**

**PROJECT DESCRIPTION:** Planned Development Rezoning from LI-Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow a mixed-use development with up to 2,850 square feet of ground floor commercial uses and up to eight residential units on a 0.24 gross acre site.

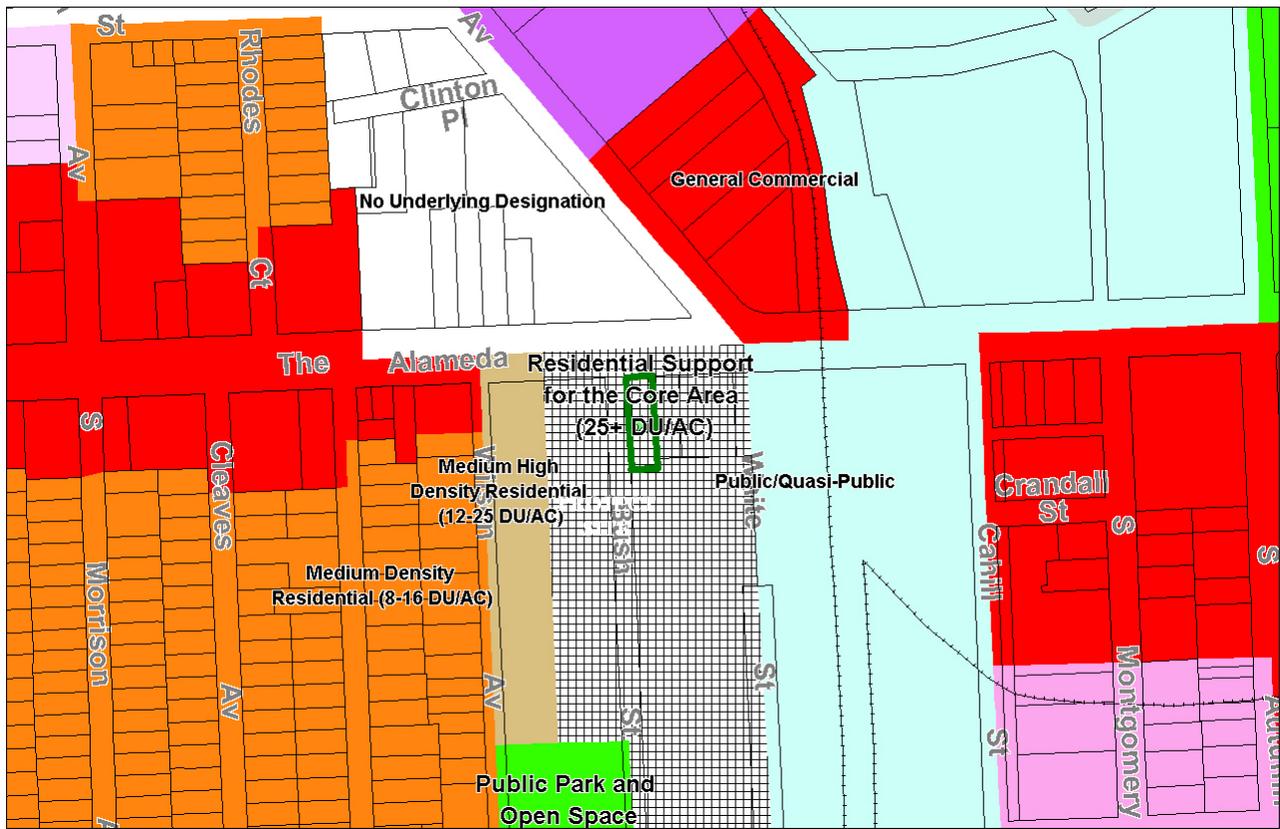
Existing Zoning	LI Light Industrial
Proposed Zoning	A(PD) Planned Development
General Plan	Residential Support for the Core Area (25+ DU/AC)
Council District	6
Annexation Date	12/8/1925
SNI	N/A
Historic Resource	No
Redevelopment Area	Monterey Corridor
Specific Plan	Midtown

**LOCATION:** Southeast corner of the intersection of The Alameda and Bush Street

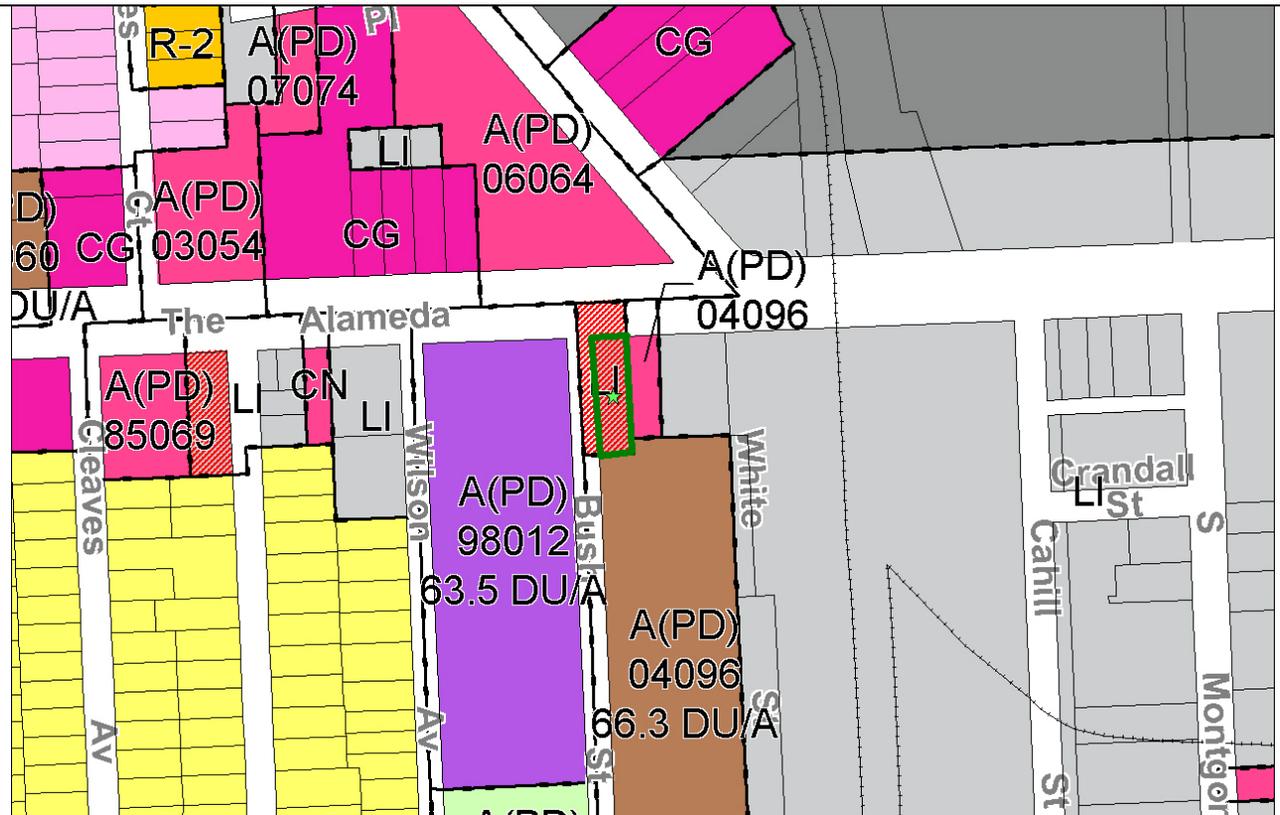
**Aerial Map**



### GENERAL PLAN



### ZONING



## **RECOMMENDATION**

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the proposed Planned Development Rezoning for the following reasons:

1. The project as proposed conforms to the San José General Plan Land Use/Transportation Diagram designation of Residential Support for the Core Area (25+ DU/AC) in that the project has commercial uses on the first floor and residential uses on the upper floors, which is permitted by the designation, and the residential portion of the project exceeds the minimum 25 dwelling units per acre.
2. The project as proposed conforms to the Midtown Specific Plan and density requirements of 25 to 65 dwelling units per acre in a vertical mixed-use configuration.
3. The proposed project will strengthen the existing neighborhood business district.
4. The project is not subject to the City's Framework for the Preservation of Employment Lands.
5. The proposed project is compatible with the surrounding land uses.
6. The project is in substantial conformance to the applicable policies of the City's Residential Design Guidelines.

## **BACKGROUND**

The applicant, CFC Capital Group, is requesting a Planned Development Rezoning from LI Light Industrial to A(PD) to allow up to 2,850 square feet of retail area and up to eight residential condominium units on a 0.24 gross-acre site. The subject site is located at the southeast corner of The Alameda and Bush Street and is part of The Alameda Neighborhood Business District (NBD).

Currently, most of the site is occupied by a 7,500 square-foot one-story commercial building that was constructed in 1966. The site is bordered by high-density residential development to the west and south. Of these, the adjacent development fronting onto The Alameda is also a mixed-use project with ground floor retail. There is a commercial building to the east and a vacant building across The Alameda to the north that is the future site for a Whole Foods Market.

## **PROJECT DESCRIPTION**

The proposed project is a Planned Development Rezoning from LI Light Industrial to the A(PD) Planned Development Zoning District to allow a three-story mixed use development with up to 2,850 square feet of ground floor retail space and up to eight single-family attached residential condominiums units on the upper two floors. Contained within the proposed building, behind the proposed commercial area, is an at-grade parking garage which will serve all of the uses on the site. The parking garage will be accessed from Bush Street and will include seven independent two-car mechanical parking lifts for use by the residents.

## **GENERAL PLAN CONFORMANCE**

The proposal is consistent with the San José 2020 General Plan Land Use/Transportation designation of Residential Support for the Core (25+ DU/AC). The proposed project, with a density of 32 DU/AC, will conform to that designation. Under this designation, ground floor commercial uses are also allowed, consistent with this proposal.

The project site is also within the General Plan Midtown Planned Community. The proposal is consistent with policies of this plan including the density requirement of 25-65 DU/AC with ground level retail along The Alameda frontage.

The proposal is also consistent with the Neighborhood Business District (NBD) overlay designation which recognizes the variety of commercial and residential uses which contribute to the neighborhood identity of older commercial areas. The proposal will facilitate the revitalization of the NBD by maintaining the established commercial street frontage character of The Alameda.

This project is not subject to the City's Framework for the Preservation of Employment Lands since it is part of a rezoning that is consistent with the identified General Plan and Specific Plan designations for the site.

The proposal is consistent with the Urban Design Policies of the General Plan in that strong architectural and site design controls have been applied for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.

### **ENVIRONMENTAL REVIEW**

An Initial Study was prepared for the project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning on July 28, 2008. The project includes mitigation measures in regards to biological resources, cultural resources, hazards and hazardous materials, and noise that will reduce any potential significant impacts to less than significant level.

In the City of San José, any building more than 45 years old is considered to be of historical interest and is evaluated for potential historical significance. An historic assessment was prepared to determine if there was any historic significance to the existing structure and property. The property was reviewed using the City of San José Historic Evaluation Criteria and it was determined not to be of historic significance and not a contributing structure for purposes of CEQA review.

### **PUBLIC OUTREACH**

There has been strong community interest and involvement in this project. To better facilitate and foster the high level of community interest in this project, the public outreach for this project exceeded the standards outlined in the Public Outreach Policy. Neighborhood meetings were held on September 5, 2007 and January 8, 2008. At the first meeting, community members expressed concern about a lack of parking in the area, the viability of mechanical parking and the compatibility of building design with the historic, industrial character of the area, and commented that the number of the residential units should be reduced. It should be noted that this applicant has another very similar proposal on file for a project of about the same size (File no. PDC07-020) located a few blocks to the west at the southwest corner of The Alameda and Sunol Street. Each of the neighborhood meetings addressed both projects, but there were generally less concerns about the subject project since this proposal does not have an interface with a single-family house and neighborhood. It is anticipated that the developer's other project will be brought to the Planning Commission for consideration in September or October, 2008.

After the first community meeting, the applicant revised the project to address community concerns and a second meeting was held. At the second meeting, community members still had many of the same apprehensions about the project, most notably concerns about the functionality and reliability of mechanical parking lifts. There was still concern about the architectural design and massing of the project as redesigned. Each of the meetings included about 30+ attendees.

Following the second community meeting, staff organized two workshop-type meetings on February 21st and May 20th, 2008 to discuss, 1) architecture, and 2) building massing. These were not community-wide meetings, but were held with key leaders of the Shasta-Hanchett Park Neighborhood Association (SHPNA) and The Alameda Business District. Each meeting included 6-8 participants. The developer also organized a tour on April 4, 2008 and provided transportation for the benefit of the community to visit a completed housing development in the Berkeley area that utilizes mechanical parking lifts. Attendees at that most recent meeting acknowledged the progression of the project in terms of the quality of the building design and its suitability to the historic and industrial character of the area. Some attendees expressed varying levels of comfort with the mechanical parking lifts, while some remained skeptical regarding the reliability and functionality of the lifts.

Following the community meetings, the developer prepared a written list of all of the comments raised at the first two community meetings. Listed next to the comments were responses prepared by the developer and Planning staff. These were distributed electronically to the SHPNA leaders and individuals that provided contact information at the first two community meetings.

A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. This staff report is also posted on the City's Website and staff has been available to respond to questions from the public.

## ANALYSIS

The key issues analyzed for the proposed project include: 1) relationship to surrounding uses, 2) architecture, 3) parking, 4) conformance with the Midtown Specific Plan, and 5) conformance with the Residential Design Guidelines.

### Relationship to Surrounding Uses

Surrounding uses of the subject site include a proposed grocery store to the north across The Alameda, a mixed-use commercial and multi-family residential project to the west and the historic Del Monte Plant 51 site, and a mixed-use commercial and multi-family residential project to the south. The proposed project will further enhance the highly urban character which has recently been established for this area albeit with a more modest mixed-use project given the small size of the site. The new proposal will include 2,850 square feet of retail area that will front onto The Alameda with no front or side setback. Two floors of residential above that overlooking Bush Street will be similar to the surroundings but will not be visually overwhelming. The residents of the proposed project will have convenient access to local shopping opportunities, rail and bus transit within easy walking distance.

### Architecture

The building heights, massing and architectural treatments will promote a visually interesting project complementing the historic, previously industrial character of the area to the south.

At three stories, the buildings will be of a scale compatible with the existing mixed-use building to the west across Bush Street. While the conceptual elevations are well articulated, the final architectural design will be further refined as part of the Planned Development Permit review process. Particular attention will be paid to window systems, roofline, entries and treatment of the podium edge, building detailing, and colors.

The Midtown Specific Plan states that parking facilities shall be well integrated within development so as not to detract from the pedestrian environment and area neighborhood character. The 22 parking spaces included in the proposed project will be located within the first floor of the building and are well integrated within the building.

### Parking

Per the Zoning Ordinance, 22 parking spaces are required for both the commercial and residential elements the project. The project includes 22 parking spaces on site contained within the building. While curbside parking will be available, it will not be needed to meet the parking requirements.

The project is located in the Alameda Neighborhood Business District, which allows a reduced parking requirement of one parking space per four hundred square feet of ground floor net retail area (1:400). This equates to 6 parking spaces which will be well identified and differentiated from the residential parking spaces. All parking for the commercial uses will be stand-alone, conventional parking spaces.

The number of parking spaces proposed for the residential component of this project exceeds the minimum parking requirements identified in the Residential Design Guidelines. There are seven independent two-car lift systems which will be used for the residential component of the project. Additionally there are two traditional parking spaces for one of the units and/or guests. The lift systems that are proposed are simpler than some multi-car systems that require the multi-directional maneuvering of parked vehicles with a singular mechanical unit. For this project, each two-car lift is a unit that works independently of the other parking lifts in the building. Each lift (including both parking spaces) will be assigned to one residential household. The system allows full-size car parking spaces that are aligned vertically and can be raised or lowered into a ground well. The operator does not need to shuffle a car by driving (as would be case with a more conventional surface tandem parking arrangements) in order to access one of the household's vehicles. The proposed Klaus lift system has been in use for many years in many locations, primarily in Europe in high-density urban areas, and has shown to be dependable and easy to use.

### Conformance with the Midtown Specific Plan

This project site is located within the Cahill West sub-area of the Midtown Specific Plan (MSP). The MSP was adopted by the City Council in 1992 to guide the transition of a changing industrial area to a mix of high-density residential, commercial, industrial, and public uses within a pedestrian and transit-oriented setting.

The project conforms to a number of the MSP's relevant policies. The mixed-use project will reinforce existing and proposed commercial uses along The Alameda and provide residential units of a density that conforms to the MSP. The project is within close proximity to public transit and retail businesses and will facilitate a symbiosis of residential and commercial uses within the Alameda Neighborhood Business District.

The Cahill West sub-area is proposed as a predominantly high-density residential neighborhood of townhouses, apartments, and condominiums (12-65 DU/AC) oriented around a large neighborhood park. Commercial uses are required along The Alameda and West San Carlos Street to strengthen the Neighborhood Business Districts. The plan calls for the extension of residential uses eastward from the St. Leo's neighborhood into the Cahill West sub-area, with a gradual increase in height and density. Although high-density residential is envisioned as the predominant land use within the Cahill West sub-area, commercial uses oriented toward The Alameda, as part of the neighborhood Business District, can serve

existing and future residents and are encouraged to contribute to the diversity of activities within the new neighborhood.

The MSP established seven (7) key policies to guide the transition of this sub-area:

- 1) Provide a wide diversity of multi-family and alternative housing types, as well as a mixture of rental and ownership housing.
- 2) Provide ground level neighborhood serving commercial uses along The Alameda
- 3) Provide new residential development complementary in scale and character to adjacent single-family houses within the St. Leo's neighborhood.
- 4) Provide a pattern of development that reinforces and extends the block structure and pedestrian character of adjacent areas.
- 5) Provide a rich system of public open spaces as well as on-site common open spaces.
- 6) Provide building types that promote a visually diverse and rich fabric.
- 7) Parking facilities should be well integrated within development so as not to detract from the pedestrian environment and area neighborhood character.

Except for #5 above, which is an area-wide objective beyond the scope of this project, this proposal complies with all of the above key objectives.

#### Conformance with the Residential Design Guidelines

The Residential Design Guidelines establish basic development parameters for mixed-use projects, such as the proposed, intended to help achieve attractive residential environments in conjunction with viable and functional commercial activities. Mixed-use projects should be located in more urbanized areas of the City, in close proximity to transit hubs, where higher density is appropriate. By facilitating easy pedestrian and transit access to jobs and shopping, mixed-use development can help reduce reliance on the automobile and ease local traffic congestion. Typically urban in character, with reduced setbacks, mixed use projects require that particular attention be paid to the orientation of private open space, the relationship to the street, and the interface between the commercial and residential uses both within and adjacent to the building.

This project conforms to the standards set forth for mixed-use development as recommended in the City's Residential Design Guidelines. The private open space allotted to each residential unit exceeds that recommended in the Design Guidelines, providing more than double the required square footage for six of the units. Similarly, the project provides ample internalized common open space, providing nearly double the square footage required in the Design Guidelines. The private open space areas (balconies) for six of the eight residential condominiums are oriented to Bush Street, rather than The Alameda, to provide better insulation from ambient noise. The entries for the residential units are separated from the more intensely used commercial entries and loading areas so as to preclude inappropriate access from non-residential spaces.

The setbacks conform to the Residential Design Guidelines as set forth by the "existing neighborhood" chapter and are compatible with the surrounding development pattern.

**CONCLUSION**

This project has gone through extensive neighborhood outreach and represents a significant improvement as compared to the original submitted. The developer has worked cooperatively with the neighborhood and City Staff and has strived to satisfy all concerns. The project uses a creative solution to provide adequate parking that conforms to the City's design requirements. The project will further the completion of the urban fabric as envisioned with the Midtown Specific Plan and General Plan.

**Project Manager:** Bill Roth      **Approved by:** Andrew Caltree      **Date:** 8-11-08

Owner:	Applicant:	Attachments:
Klifo Family Investment, LLC 500 E. Calaveras Blvd. Unit 329, Milpitas, CA 95035	CFC Capital Group Attn: John Nguyen 1703 Mountaire Ln. San Jose, CA 95138	Plan Set



# Memorandum

**TO:** Bill Roth  
Planning and Building

**FROM:** Ryan Do  
Public Works

**SUBJECT:** FINAL RESPONSE TO  
DEVELOPMENT APPLICATION

**DATE:** 12/03/08

---

**PLANNING NO.:** PDC08-062  
**DESCRIPTION:** Planned Development Rezoning from the A(PD) Zoning District to the A(PD) Zoning District to allow commercial uses in an existing building and to allow the possibility of constructing a mixed used building in the future on a 0.24 gross acre site.  
**LOCATION:** southeast corner of the intersection of The Alameda and Bush Street  
**P.W. NUMBER:** 3-16956

Public Works received the subject project on 11/06/08 and submits the following comments and requirements.

## **Project Conditions (for the commercial use in the existing building):**

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

1. **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:** The projected traffic for this project was reviewed and found to be minimal, therefore no further traffic analysis is required.
3. **Flood: Majority in Zone D, portion in Zone AO, Depth 1'**
  - a) A small portion of the project site has been designated as Flood Zone AO, Depth 1', effective October 25, 2006, by a Letter of Map Revision (LOMR) issued by the Federal Emergency Management Agency (FEMA). The Santa Clara Valley Water District (District) administered the LOMR submittal in conjunction with the Downtown and Lower Guadalupe River Flood Protection Projects.

- b) It appears that a portion of the existing building is within the 100-year floodplain. Since current/future property owners may be required to purchase flood insurance, the project may apply for a Letter of Map Revision (LOMR) to FEMA for removal of this portion from the 100-year floodplain.
  - c) The project must comply with the City's Substantial Improvement Policy for improvements to existing buildings in a Special Flood Hazard Area.
  - d) If the cost of the proposed improvements exceed 50% of the market value of the existing building, it will be considered a substantial improvement and the entire building must fully comply with the following City Floodplain Management requirements:
    - i) Elevate the lowest floor more than 1 foot above the highest existing adjacent grade to the proposed building 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.
      - a) Based on the project's previously submitted Grading and Drainage Plan dated May 29, 2007, the existing building has a finish floor elevation of 86.35' which is one foot above the highest top of curb at the project's The Alameda frontage.
    - 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 building is to be floodproofed, a Floodproofing Certificate (FEMA Form 81-65) for each structure, 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.
    - iv) 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.
4. **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.
5. **Street Improvements:** Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.

**Project Conditions (for the future mixed-use building):**

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

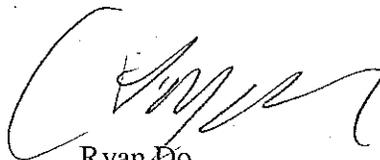
7. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
8. **Transportation:** A Traffic Report may be required prior to planning permit approval.
9. **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.
10. **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. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.
  - a) The project's previously submitted Stormwater Control Plan and numeric sizing calculations have been reviewed. At PD stage, submit a revised Stormwater Control Plan and numeric sizing calculations.
  - b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
  - c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have

been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.

11. **Flood: Majority in Zone D, portion in Zone AO, Depth 1'**
  - a) A small portion of the project site has been designated as Flood Zone AO, Depth 1', effective October 25, 2006, by a Letter of Map Revision (LOMR) issued by the Federal Emergency Management Agency (FEMA). The Santa Clara Valley Water District (District) administered the LOMR submittal in conjunction with the Downtown and Lower Guadalupe River Flood Protection Projects.
  - b) If a portion of the proposed building is within the 100-year floodplain, the building must fully comply with the following City Floodplain Management requirements:
    - i) Elevate the lowest floor more than 1 foot above the highest existing adjacent grade to the proposed building 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, an Elevation Certificate based on finished construction is required prior to issuance of an occupancy permit.
    - iii) If the building is to be floodproofed, a Floodproofing Certificate (FEMA Form 81-65) for each structure, 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.
    - iv) 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.
12. **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.
13. **Parks:** In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.
14. **Street Improvements:**
  - a) Reconstruct half street along Bush Street frontage including curb, gutter, sidewalk, and pavement sections.
  - b) The existing curb alignment south of the property line should be extended towards The Alameda to determine the appropriate curb-to-curb width.
  - c) Provide a minimum 7.5' attached sidewalk with tree wells.
  - d) Provide a street easement to achieve the required sidewalk width.
  - e) Close unused driveway cuts.
  - f) Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.

- g) Repair, overlay, or reconstruction of asphalt pavement will 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.
15. **Complexity Surcharge:** Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.
16. **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.
17. **Street Trees:** 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. The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only. Contact the City Arborist at (408) 277-2756 for the designated street tree.
18. **Referrals:** This project should be referred to the California Department of Transportation (CalTrans). Any improvements in the public right-of-way along The Alameda will require a Caltrans encroachment permit.

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



Ryan Do  
Acting Senior Engineer  
Development Services Division

  
RD:mba:kg  
6000\_32262076047.DOC

## ADDENDUM TO A MITIGATED NEGATIVE DECLARATION

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to a Mitigated Negative Declaration (MND) adopted for a previous project. Because minor changes made to the project described below do not raise important new issues about the effects on the environment, this project is adequately covered by this Addendum to the Mitigated Negative Declaration from the previous project.

### PROJECT DESCRIPTION AND LOCATION

PDC08-062. Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow 2,800 square feet of commercial uses and up to eight residential units in a mixed-use development or commercial uses in an existing 7,568 square-foot building on a 0.24 gross acre site. The project is applying for the following applications: Planned Development rezoning, Planned Development permit, Tentative Map, and subsequent City applications.

Council District 6.

County Assessor's Parcel Number: 261-33-039

### CERTIFICATION

The environmental impacts of this project were addressed by an Initial Study and documented by a Mitigated Negative Declaration for The Alameda (@ Bush) Rezoning, File No. PDC07-009, and certified as final on August 19, 2008. Specifically, the following impacts were reviewed and found to be adequately considered by the MND:

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology      | <input checked="" type="checkbox"/> Noise                   |
| <input checked="" type="checkbox"/> Cultural Resources      | <input checked="" type="checkbox"/> Hazardous Materials    | <input checked="" type="checkbox"/> Land Use                |
| <input type="checkbox"/> Urban Services                     | <input checked="" type="checkbox"/> Biotics                | <input checked="" type="checkbox"/> Air Quality             |
| <input checked="" type="checkbox"/> Aesthetics              | <input checked="" type="checkbox"/> Airport Considerations | <input type="checkbox"/> Microclimate                       |
| <input type="checkbox"/> Energy                             | <input type="checkbox"/> Relocation Issues                 | <input type="checkbox"/> Construction Period Impacts        |
| <input checked="" type="checkbox"/> Transportation          | <input checked="" type="checkbox"/> Utilities              | <input checked="" type="checkbox"/> Facilities and Services |
| <input checked="" type="checkbox"/> Water Quality           | <input type="checkbox"/> Flooding                          | <input checked="" type="checkbox"/> Recreation              |

### ANALYSIS:

The proposed change to the project is a rezoning that would allow either the previously approved mixed-use development or, as an alternative, commercial use of the existing 7,568 square-foot building. The building, constructed in 1966 before site development permits were required, is a legal nonconforming structure. A "legal nonconforming structure" is a structure which was legally built according to the applicable zoning and building laws of the time.

The building occupies the majority of the site and there is no on-site parking. If the proposed alternative is implemented, it would allow retail uses in the building, which has historically had both industrial and commercial/retail uses. The site is located in a recently established Neighborhood Business District, wherein ground-floor retail uses, such as that proposed, have a lower parking requirement than would industrial uses in the same building. As the project includes no expansion of the legal nonconforming structure and the use has an equivalent or lower parking requirement than previous uses, no new parking must be created for the re-use project.

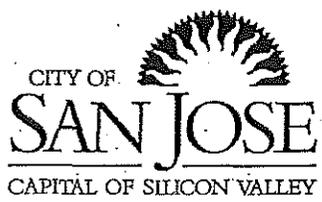
Though no new parking is required, the proposed alternative commercial use would include minor site improvements to restore several existing curb cuts and driveways leading to delivery areas/roll-up doors that are no longer needed; this will create new curbside parking opportunities in front of the site. Unused roll-up doors will be sealed and filled to match the architecture of the building. As commercial re-use of the existing building will not result in new or more severe impacts, an addendum to the Mitigated Negative Declaration may be done.

Bill Roth  
Project Manager

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

1/16/09  
Date  
January 16, 2009

J. Walsh  
Deputy



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

**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:** The Alameda (@ Bush) Rezoning

**PROJECT FILE NUMBER:** PDC07-009, PD07-010, PT07-051 and Subsequent Permits

**PROJECT DESCRIPTION:** Planned Development Rezoning from LI-Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow 2,800 square feet of commercial uses and up to eight residential units in a mixed-use development on a 0.24 gross acre site

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** Southeast corner of the intersection of The Alameda and Bush Street, 261-33-039

**COUNCIL DISTRICT:** 6

**APPLICANT CONTACT INFORMATION:**

Moon Pham, C/O CFC Capital Group, 500 E. Calaveras Blvd. #329, Milpitas, CA 95035  
Phone: 408-934-7888  
Email: mphan@cfccorporation.com

**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 not have a significant impact on this resource, therefore no mitigation is required.
- IV. BIOLOGICAL RESOURCES – MITIGATION MEASURE for Bats:** Surveys for roosting bats shall be conducted by a qualified biologist no more than thirty (30) days prior to the building demolition or construction activities. If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony. Buffer zones may include a 200-foot buffer zone from the roost and/or timing of the construction activities outside the maternity roosting season (after July 31 and before March 1). If an active nursery roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats may be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such exclusion shall occur under the direction of a bat biologist, by sealing openings and providing bats with one-way exclusion doors. In order to avoid excluding all potential maternity roosting habitat simultaneously, alternative roosting habitat, as determined by the bat biologist, should be in place at least one summer season prior to the exclusion. Bat roosts should be monitored as determined necessary by a qualified bat biologist, and the removal or displacement of bats shall be performed in conformance with the requirements of the CDFG. A biologist report outlining the results of pre-construction surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading, building, or tree removal permit.
- V. CULTURAL RESOURCES – MITIGATION MEASURES for Archaeological 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.
- a. 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.
  - b. 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.)
  - c. 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:

- i. 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.
- ii. 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 – MITIGATION MEASURES:**

- a. Prior to the issuance of Grading Permit, a report shall be submitted to the to the satisfaction of the City's Municipal Compliance Officer and the Director of Planning, Building and Code Enforcement indicating the results of the following: After demolition of the building, a qualified environmental consultant shall be retained to evaluate the underlying soil for potential contamination. The consultant should look for evidence of discolored soil, sumps, drains or other structures where historic hazardous materials release might have occurred due to the sheet metal and automotive business. Additional soil samples shall be collected from the project site and analyzed for solvents and metals as well as petroleum contamination.

**VIII. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource; therefore no mitigation is required.

**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 MITIGATION MEASURES: –**

- a. The project shall incorporate building sound insulation to meet the requirements of the California Building Code to reduce interior noise levels to 45 dBA or lower, using

standard construction techniques. Prior to issuance of occupancy permits, building plans for all units will be checked by a qualified acoustical consultant to ensure that noise levels are attenuated sufficiently. All units shall have forced air ventilation systems to allow the windows to remain closed so that an interior noise level of 45 dBA can be achieved.

- b. The developer shall implement a Construction Management Plan approved by the Director of Planning, Building and Code Enforcement to minimize impacts on the surrounding sensitive land uses to the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:
  - i. Early and frequent notification and communication with the neighborhood of the construction activities.
  - ii. Prohibit unnecessary idling of internal combustion engines.
- c. Standard mitigation measure for mechanical ventilation: All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.
- d. As this project is in an area with a noise level between 60 DNL and 70 DNL, this project will include mechanical ventilation, which will allow the windows to be closed for noise control and will reduce the noise levels inside the units by 25 DNL.
- e. Install windows and glass doors so that the sliding window and glass door panels form an air-tight seal when in the closed position and the window and glass door frames are caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration.

**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 **August 19, 2008**, 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.

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

Circulated on: 7-29-08  
Deputy

SB Waldh

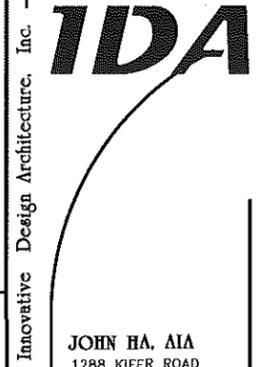
Adopted on: 8-19-08  
Deputy

SB Waldh

MND/JAC 8/26/05

# THE ALAMEDA RETAIL CONVERSION

746 THE ALAMEDA  
SAN JOSE, CALIFORNIA 95126



**JOHN HA, AIA**  
1288 KIFER ROAD  
SUITE # 207  
SUNNYVALE, CA 94085  
TEL: (408) 245-0991  
TEL: (408) 245-0319

OWNER:  
**MOON PHAM**  
7041 KOLL CEN. PARKWAY #150  
PLEASANTON, CA 94566  
(510) 697-5849

OWNER:  
**746 THE ALAMEDA LLC**  
C/O MOON PHAM  
7041 KOLL CENTER PARKWAY #150  
PLEASANTON, CA 94566  
TEL: (510) 697-5849

ARCHITECT:  
**JOHN HA, AIA**  
1288 KIFER ROAD, #207  
SUNNYVALE, CA 94086  
TEL: (408) 245-0991  
FAX: (408) 245-0319

## SYMBOL

- DOOR NUMBER  
DOOR SCHEDULE  
HARDWARE GROUP
- WINDOW TYPE
- REVISION NUMBER
- WORK POINT, DATUM POINT  
OR CONTROL POINT
- ELEVATION IDENTIFICATION  
SHEET WHERE ELEVATION IS DRAWN
- SECTION IDENTIFICATION  
SHEET WHERE SECTION IS DRAWN
- DETAIL IDENTIFICATION  
SHEET WHERE DETAIL IS DRAWN
- INTERIOR ELEVATION IDENTIFICATION  
SHEET WHERE INTERIOR ELEVATION IS DRAWN.
- ROOM NAME  
ROOM NO.  
FLOOR SCHEDULE  
BASE SCHEDULE  
CEILING SCHEDULE  
WALL SCHEDULE

## VICINITY MAP



SCALE: 1"=500'



## TABULATION

ASSESSOR PARCEL NUMBER:	261-33-039
TOTAL PROPERTY AREA	0.24 ACRE (10525 SQ FT)
EXISTING BUILDING AREA	9,495 SQ FT
PARKING	-
SIDEWALKS, PATIOS, PATHS ETC.	100 SQ FT
LANDSCAPING	330 SQ FT

## PROJECT DESCRIPTIONS

THIS PROJECT IS TO USE THE EXISTING BUILDING FOR COMMERCIAL USE WITH NO CHANGE ON THE EXTERIOR OF THE BUILDING.

## TABLE OF CONTENT

ARCHITECTURAL	
A-1	TITLE SHEET
A-2(A)	LAND USE PLAN OPTION-A
A-3(A)	CONCEPTUAL SITE PLAN OPTION-A
A-5.2(A)	CONCEPTUAL ELEVATIONS OPTION-A
A-2(B)	LAND USE PLAN OPTION-B
A-3(B)	EXISTING CONCEPTUAL SITE PLAN AND SECTION OPTION-B
A-5.1(B)	EXISTING CONCEPTUAL FIRST FLOOR AND ELEVATIONS

## SCHEDULE

PLANNING PERMIT:	JAN. 2009
BUILDING PERMIT:	JAN. 2009
START CONSTRUCTION:	JAN. 2009
FINISH CONSTRUCTION:	JAN. 2009
DATE OF OCCUPANCY:	JAN. 2009

THE ALAMEDA RETAIL CONVERSION  
GENERAL DEVELOPMENT PLAN-  
EXHIBIT-C

746 THE ALAMEDA  
SAN JOSE, CALIFORNIA 95126

REVISIONS:

SHEET TITLE:  
**TITLE SHEET**

DATE: AUG 04, 2008 PROJECT NO.: 08-151

SCALE: AS SHOWN DRAWN: J-HVG

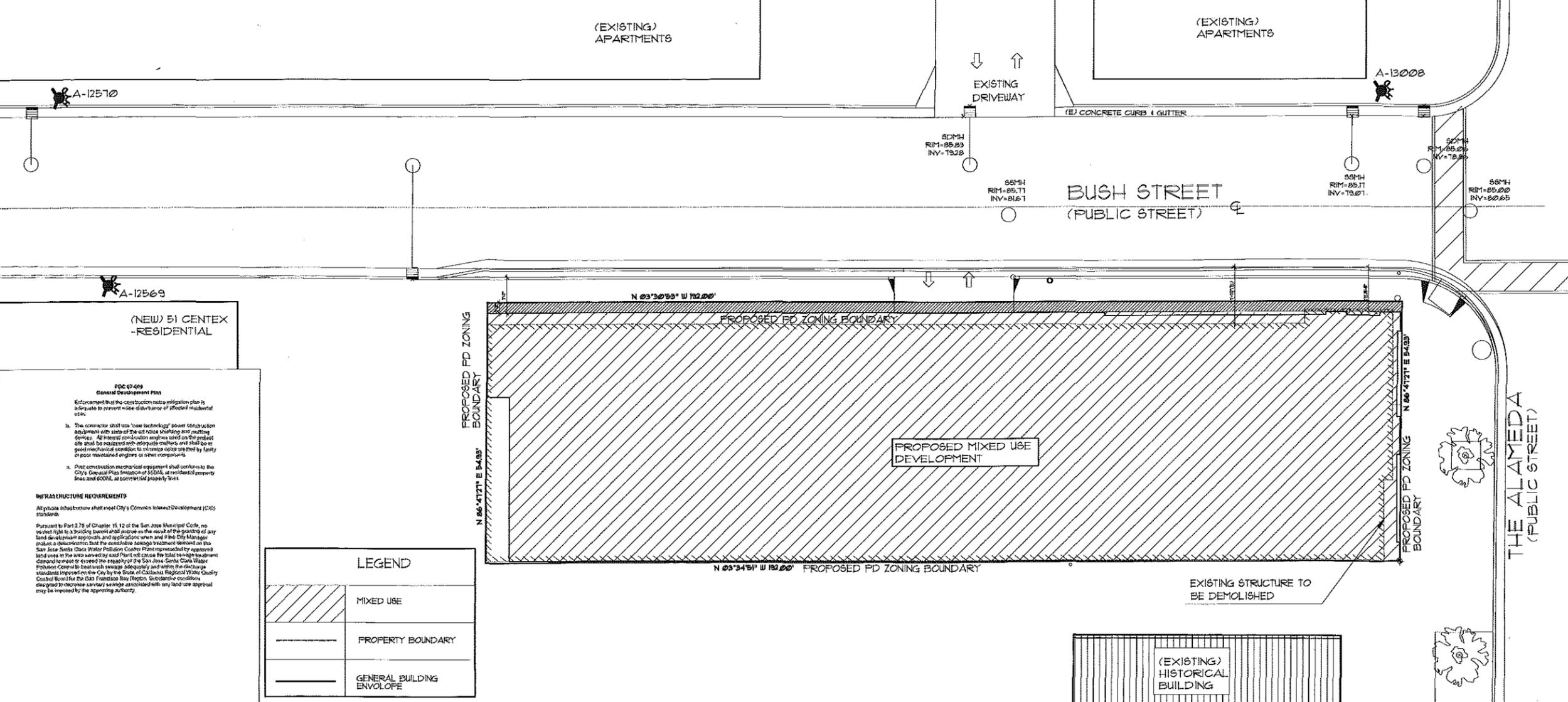
SHEET

**A-1**

OF SHEETS

# 746 THE ALAMEDA - DEVELOPMENT OPTION A

FDC 07-009 General Development Plan	FDC 07-009 General Development Plan	FDC 07-009 General Development Plan	FDC 07-009 General Development Plan	FDC 07-009 General Development Plan	FDC 07-009 General Development Plan	FDC 07-009 General Development Plan
<p><b>Permitted Uses</b></p> <p>Commercial: Use limited to ground floor only. All permitted uses are approved by the City of San Jose Municipal Code, as amended. All uses require approval through the Planning Department and are subject to the Planning Department's review process.</p> <p>Residential: A maximum of 7 units is permitted on the site. All units must be attached to the ground floor.</p> <p><b>Conditional and Special Uses</b></p> <p>All Conditional and Special Uses are allowed as per the City of San Jose Municipal Code, as amended. All uses require approval through the Planning Department and are subject to the Planning Department's review process.</p> <p><b>DEVELOPMENT STANDARDS</b></p> <p>Maximum Height: 30 feet - 3 stories</p> <p><b>SETBACKS</b></p> <p>Front: 10 feet minimum building front setback. Side: 5 feet minimum building side setback. Rear: 5 feet minimum building rear setback.</p> <p><b>PARKING</b></p> <p>Residential Unit: 1.5 Car Spaces per unit 1.5 Theatrical Unit: 2.0 Car Spaces per unit 1.5 Office/Professional Unit: 1.5 Car Spaces per unit</p> <p>Commercial: 4.0 Car Spaces per 100 sq. ft. of floor area. All parking shall be provided on-site.</p> <p>Alternative parking may be considered through the Planning Department's review process.</p> <p><b>OPEN SPACE</b></p> <p>Comply with City's Residential Design Guidelines.</p> <p><b>ENVIRONMENTAL SENSITIVITY</b></p> <p>The Environmental Review and Mitigation Measures are as follows:</p>	<p><b>1. AIR QUALITY - STANDARD MEASURES</b></p> <p>The project shall implement the following standard measures:</p> <ol style="list-style-type: none"> <li>1.1. The project shall comply with the City's Outdoor Air Quality Ordinance.</li> <li>1.2. The project shall implement the following measures to reduce dust emissions:                     <ul style="list-style-type: none"> <li>a. Water application to active construction areas at least twice daily and more often during windy periods to prevent dust from being carried by the wind.</li> <li>b. Cover all trucks, haulers, and other heavy machinery or equipment with tarps.</li> <li>c. Apply water to dirt roads, parking areas, and other areas of active construction.</li> <li>d. Avoid idling of heavy machinery or equipment.</li> <li>e. Control idling of heavy machinery or equipment.</li> </ul> </li> <li>1.3. The project shall implement the following measures to reduce noise emissions:                     <ul style="list-style-type: none"> <li>a. Use noise-reducing equipment.</li> <li>b. Limit construction hours to 7:00 a.m. to 7:00 p.m., Monday through Friday, for any on-site or off-site work.</li> <li>c. Use sound barriers or other noise-reducing measures.</li> </ul> </li> </ol>	<p><b>2. GEOTECHNICAL AND SOILS - STANDARD MEASURES</b></p> <p>The project shall implement the following standard measures:</p> <ol style="list-style-type: none"> <li>2.1. The project shall comply with the City's Geotechnical Ordinance.</li> <li>2.2. The project shall implement the following measures to ensure soil stability:                     <ul style="list-style-type: none"> <li>a. Conduct a geotechnical investigation of the site.</li> <li>b. Implement soil stabilization measures as required.</li> </ul> </li> </ol>	<p><b>3. HAZARDOUS WASTE - STANDARD MEASURES</b></p> <p>The project shall implement the following standard measures:</p> <ol style="list-style-type: none"> <li>3.1. The project shall comply with the City's Hazardous Waste Ordinance.</li> <li>3.2. The project shall implement the following measures to ensure hazardous waste management:                     <ul style="list-style-type: none"> <li>a. Conduct a hazardous waste assessment of the site.</li> <li>b. Implement hazardous waste management measures as required.</li> </ul> </li> </ol>	<p><b>4. SEISMICITY - STANDARD MEASURES</b></p> <p>The project shall implement the following standard measures:</p> <ol style="list-style-type: none"> <li>4.1. The project shall comply with the City's Seismicity Ordinance.</li> <li>4.2. The project shall implement the following measures to ensure seismic safety:                     <ul style="list-style-type: none"> <li>a. Conduct a seismic hazard assessment of the site.</li> <li>b. Implement seismic safety measures as required.</li> </ul> </li> </ol>	<p><b>5. FLOODING - STANDARD MEASURES</b></p> <p>The project shall implement the following standard measures:</p> <ol style="list-style-type: none"> <li>5.1. The project shall comply with the City's Flooding Ordinance.</li> <li>5.2. The project shall implement the following measures to ensure flood safety:                     <ul style="list-style-type: none"> <li>a. Conduct a flood hazard assessment of the site.</li> <li>b. Implement flood safety measures as required.</li> </ul> </li> </ol>	<p><b>6. STANDARD MEASURES</b></p> <p>The project shall implement the following standard measures:</p> <ol style="list-style-type: none"> <li>6.1. The project shall comply with the City's Standard Measures Ordinance.</li> <li>6.2. The project shall implement the following measures to ensure compliance:                     <ul style="list-style-type: none"> <li>a. Conduct a compliance assessment of the site.</li> <li>b. Implement compliance measures as required.</li> </ul> </li> </ol>



Innovative Design Architecture, Inc.

# IDA

JOHN HA, AIA  
510 LAWRENCE EXP.  
SUITE # 105  
SUNNYVALE, CA 94085  
TEL: (408) 245-0991  
TEL: (408) 245-0319

OWNER:  
JOHN NGUYEN  
500 E. CALAVERAS BLVD.  
MILPITAS, CA  
(408) 934-7888

THE ALAMEDA DEVELOPMENT  
GENERAL DEVELOPMENT PLAN-  
EXHIBIT-C

746 THE ALAMEDA  
SAN JOSE, CALIFORNIA 95126

REVISIONS:

NO.	DATE	DESCRIPTION
1	DEC 11, 2008	ISSUED FOR PERMITTING

SHEET TITLE:  
LANDUSE PLAN  
OPTION A

DATE:  
DEC 11, 2008

PROJECT NO.:  
06-991

SCALE:  
AS SHOWN

DRAWN:  
J-H/VG

SHEET (1 OF 2)

A-2(A)

OF SHEETS

# 746 THE ALAMEDA - DEVELOPMENT OPTION B

**IDA**

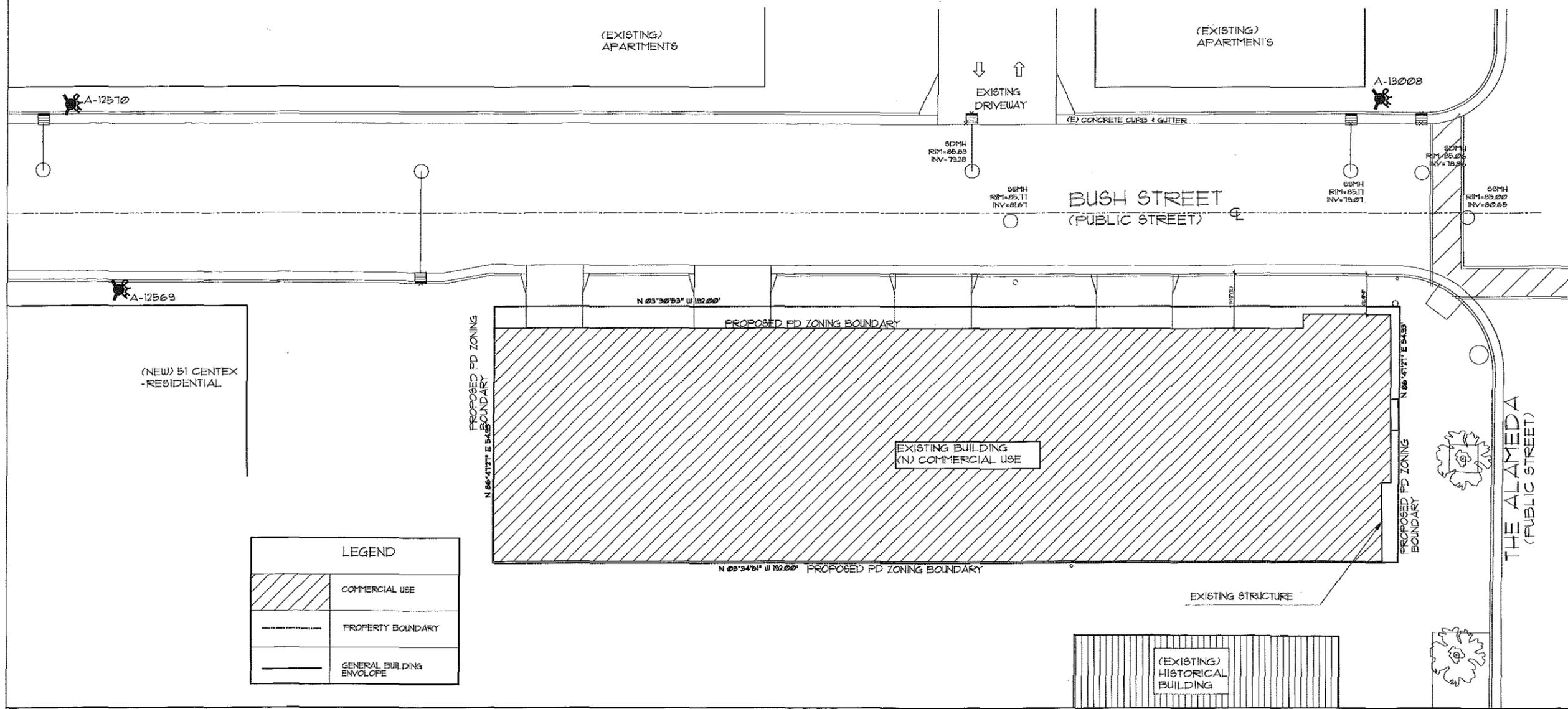
Innovative Design Architecture, Inc.

JOHN HA, AIA  
 1288 KIFER ROAD  
 SUITE # 207  
 SUNNYVALE, CA 94085  
 TEL: (408) 245-0991  
 TEL: (408) 245-0319

OWNER:  
 MOON PHAM  
 7041 KOLL CEN. PARKWY. # 50  
 PLEASANTON, CA 94566  
 (510) 697-5849

THE ALAMEDA RETAIL CONVERSION  
 GENERAL DEVELOPMENT PLAN-  
 EXHIBIT-C

746 THE ALAMEDA  
 SAN JOSE, CALIFORNIA 95126



LEGEND	
	COMMERCIAL USE
	PROPERTY BOUNDARY
	GENERAL BUILDING ENVELOPE

REVISIONS:


SHEET TITLE:  
**LANDUSE PLAN  
 OPTION B**

DATE: AUG 24, 2008 PROJECT NO. 08-1051  
 SCALE: AS SHOWN DRAWN: JH/VG  
 SHEET: (2 OF 2)  
**A-2(B)**

**PROPOSED MIXED USE TABULATION**

OCCUPANCY:	R-3 OVER R-3, EX OFFICE RETAIL	
TYPE OF CONSTRUCTION:	V-ONE HOUR	
NUMBER OF STORY:	3	
SETBACKS	FRONT(NORTH)	0'-0"
	REAR(SOUTH)	0'-0"
	EAST SIDE	0'-0"
	WEST SIDE	0'-0"
BUILDING HEIGHT	TO ROOF TOP	50'-1"

**USE TABLE**

EXISTING PROPERTY AREA GROSS	(@ 24 ACRES) 10,575 SQ FT
PROPOSED BUILDING AREA	9,816 SQ FT
NUMBER OF CONDOMINIUM FLATS:	8
RETAIL FLOOR SPACE	2,812 SF

**PARKING RATIOS**

REQUIRED PARKING SPACE:	PARKING RATIO	PARKING STALLS
RETAIL (ALAMEDA NEIGHBORHOOD BUSINESS DISTRICT)	2,812 SF / 1 / 400 SF	2812/400 = 7 STALLS
CONDOMINIUM FLATS:		
2 BEDROOM UNIT	x 8 UNITS	18 / UNIT
		8 x 18 = 144
<b>TOTAL PROPOSED PARKING SPACE:</b>		<b>144 STALLS</b>

**OPEN SPACE CALCULATION**

<b>REQUIRED COMMON OPEN SPACE:</b>	8 UNITS x 100 SF = 800 SF
<b>PROPOSED COMMON OPEN SPACE:</b>	COMMON OPEN SPACE @ SECOND FLOOR: 1512 SF
<b>REQUIRED PRIVATE OPEN SPACE:</b>	60 SF / UNIT = 60 x 8 = 480 SF
<b>PROPOSED PRIVATE OPEN SPACE:</b>	6 UNITS x 122 SF = 732 SF 2 UNITS x 68 SF = 136 SF TOTAL = 868 SF

**GROUND/FIRST LEVEL**

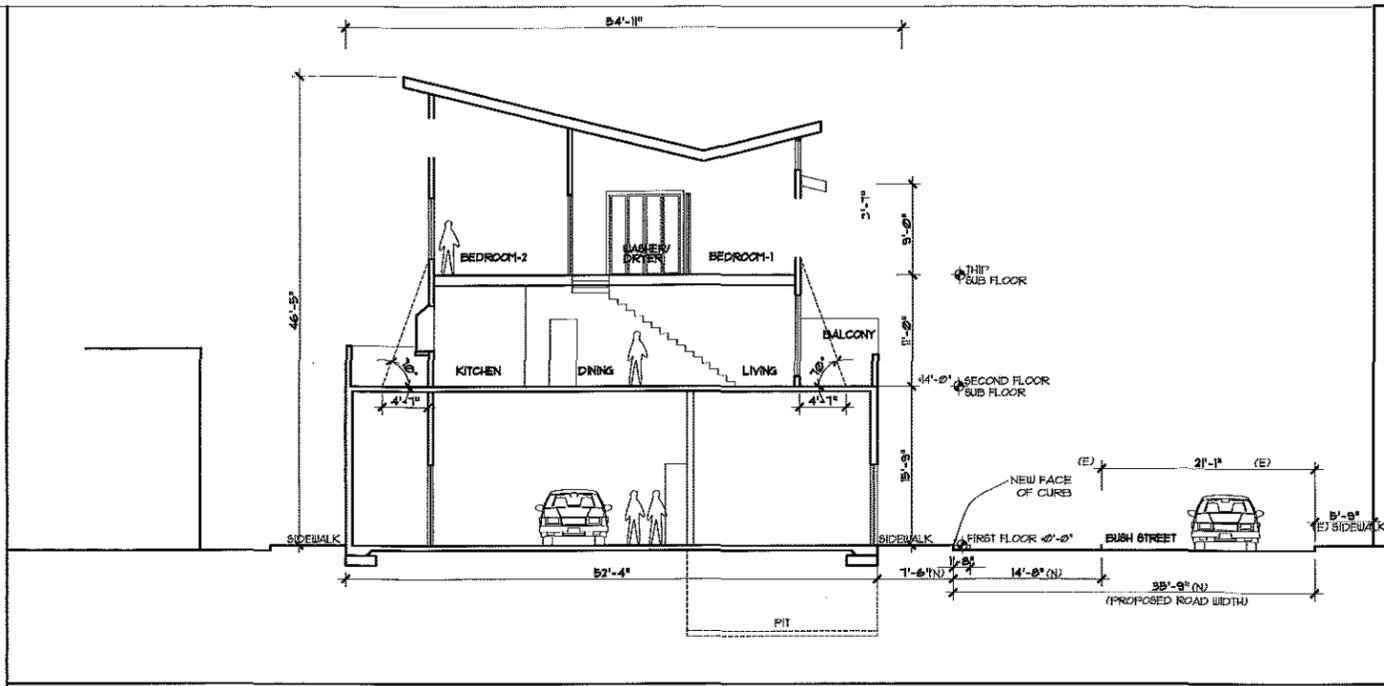
RETAIL FLOOR SPACE	2812 SF
SITE COVERAGE:	26.1%
PARKING AND DRIVEWAY AREA	5880 SF
SITE COVERAGE:	56.2%
UTILITY AREA	124 SF
SITE COVERAGE:	12.6%
LANDSCAPE + HARDSCAPE	293 SF
SITE COVERAGE:	2.1%
STREET DEDICATION	416 SF
SITE COVERAGE:	3.9%

**SECOND LEVEL**

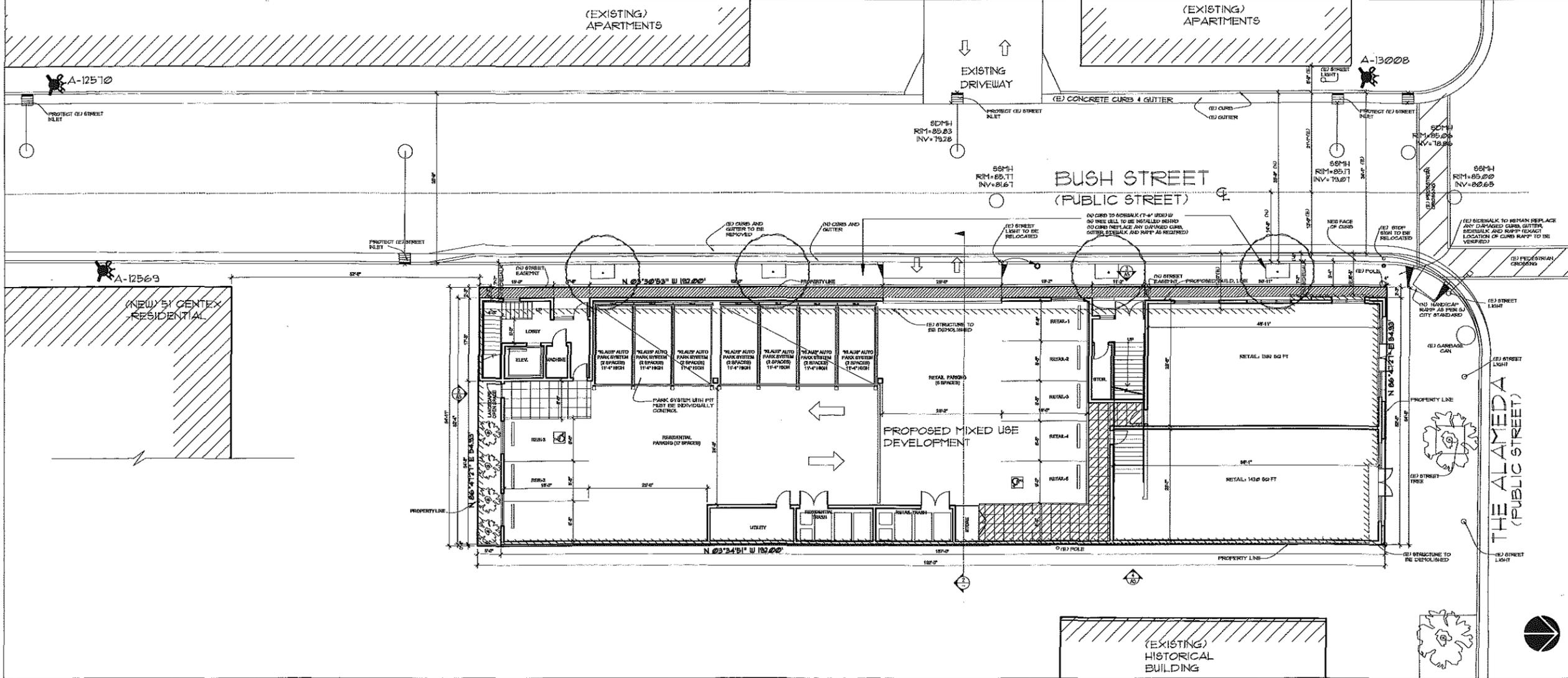
COMMON OPEN SPACE	1512 SF
BALCONY (PRIVATE OPEN SPACE)	868 SF
CONDOMINIUM AREA	6110 SF
RESIDENTS' CIRCULATION/ UTILITY AREA	551 SF

**THIRD LEVEL**

CONDOMINIUM AREA	5610 SF
------------------	---------



**SITE CROSS-SECTION**



**CONCEPTUAL SITE PLAN- OPTION A**

1/8" 2

3/32" 1

**IDA**  
Innovative Design Architecture, Inc.

**JOHN HA, AIA**  
510 LAWRENCE EXP.  
SUITE # 105  
SUNNYVALE, CA 94085  
TEL: (408) 245-0991  
TEL: (408) 245-0319

OWNER:  
**JOHN NGUYEN**  
500 E. CALAVERAS BLVD.  
MILPITAS, CA  
(408) 934-7888

**THE ALAMEDA DEVELOPMENT  
GENERAL DEVELOPMENT PLAN-  
EXHIBIT - C**

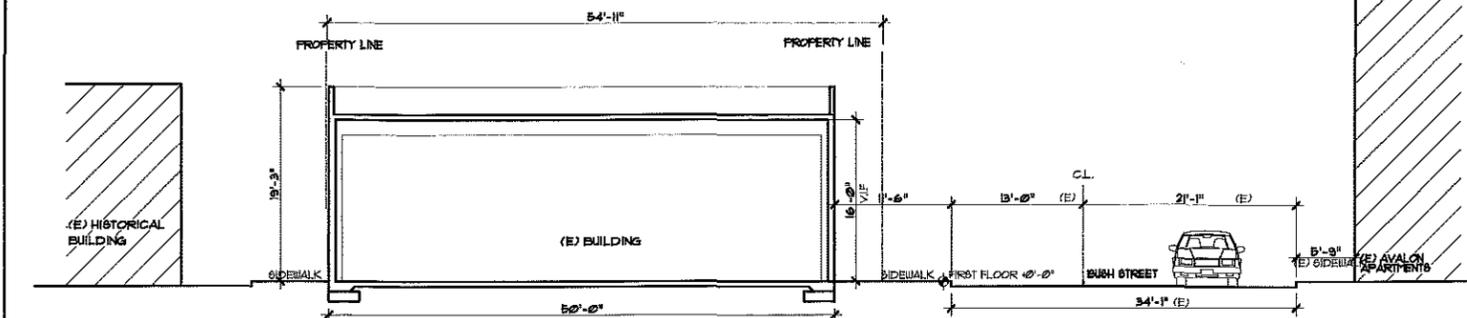
746 THE ALAMEDA  
SAN JOSE, CALIFORNIA 95126

REVISIONS:

SHEET TITLE:  
**CONCEPTUAL SITE PLAN  
OPTION A**

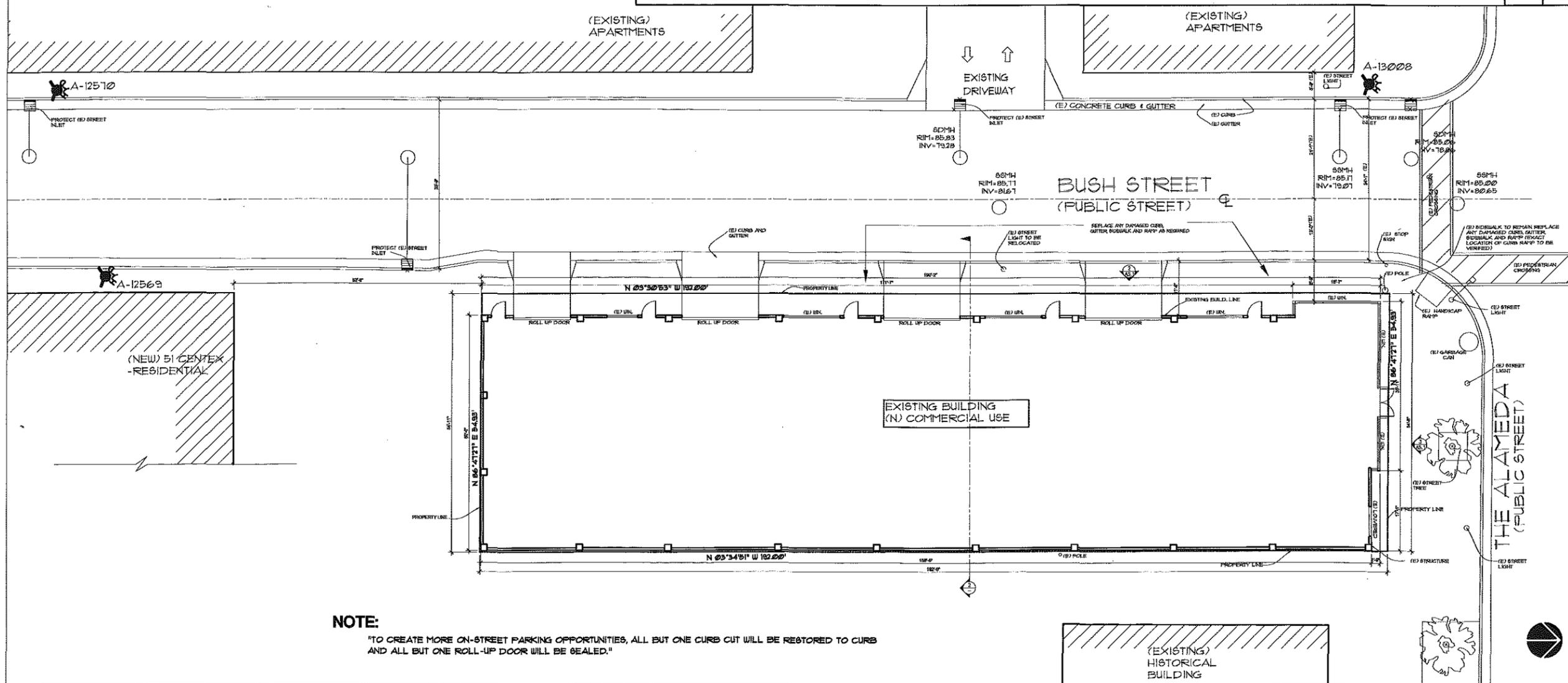
DATE: DEC 11, 2008 PROJECT NO: 06-991  
SCALE: AS SHOWN DRAWN: JHYG  
SHEET: **A-3(A)**  
OF SHEETS

USE TABLE	
EXISTING PROPERTY AREA GROSS	(0.24 ACRE) 10,525 SQ FT
EXISTING BUILDING AREA	9,495 SQ FT
PARKING	-
SIDEWALKS, PATIOS, PATHS ETC.	1,100 SQ FT
LANDSCAPING	330 SQ FT



**SITE CROSS-SECTION**

1/8" 2



**NOTE:**  
"TO CREATE MORE ON-STREET PARKING OPPORTUNITIES, ALL BUT ONE CURB CUT WILL BE RESTORED TO CURB AND ALL BUT ONE ROLL-UP DOOR WILL BE SEALED."

**SITE PLAN**

3/32" 1

Innovative Design Architecture, Inc. **IDA**

JOHN HA, AIA  
1288 KIFER ROAD  
SUITE # 207  
SUNNYVALE, CA 94085  
TEL: (408) 245-0991  
TEL: (408) 245-0319

OWNER:  
MOON PHAM  
7041 KOLL CEN. PARKWY. # 50  
PLEASANTON, CA 94566  
(510) 697-5849

**THE ALAMEDA RETAIL CONVERSION  
GENERAL DEVELOPMENT PLAN-  
EXHIBIT - C**

746 THE ALAMEDA  
SAN JOSE, CALIFORNIA 95126

REVISIONS:

SHEET TITLE:  
**CONCEPTUAL SITE PLAN  
OPTION B**

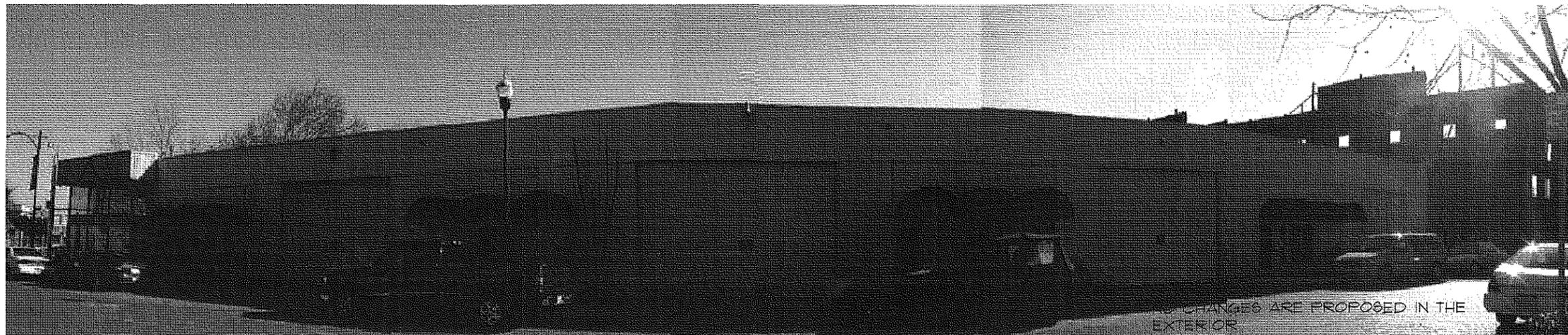
DATE: AUG 04, 2008 PROJECT NO. 08-151  
SCALE: AS SHOWN DRAWN: JH/VG  
SHEET: **A-3(B)**  
OF SHEETS



NO CHANGES ARE PROPOSED IN THE EXTERIOR

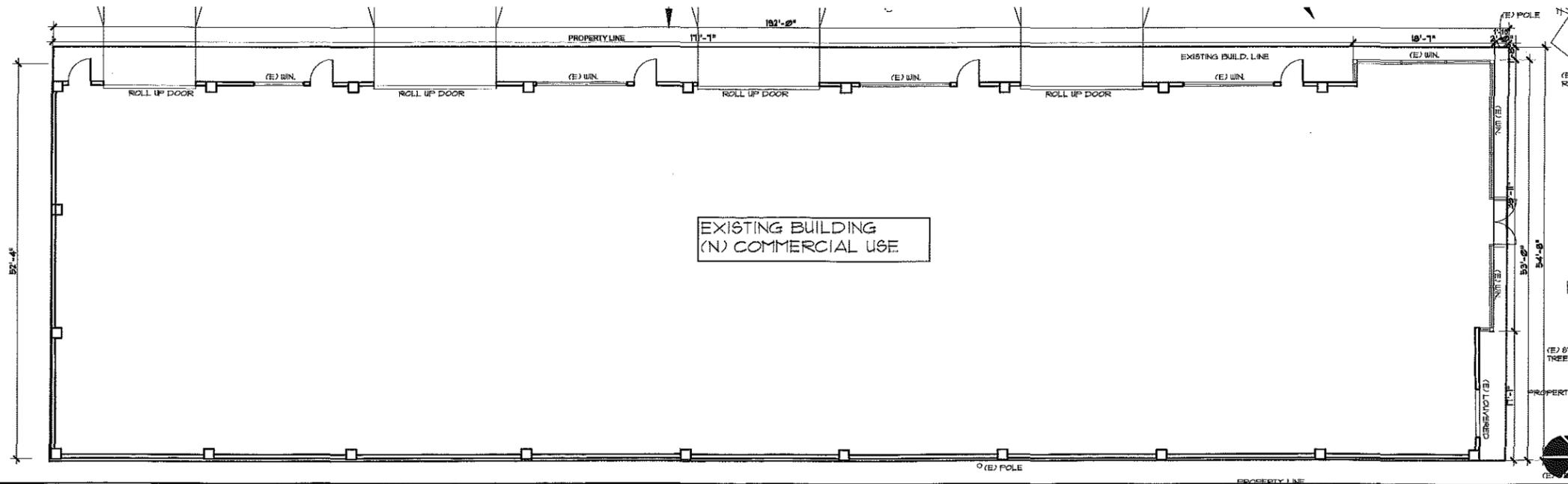
EXISTING THE ALAMEDA FRONT ELEVATION- NO CHANGE

1/4" 3



EXISTING BUSH STREET WEST ELEVATION- NO CHANGE

1/8" 2



FIRST FLOOR PLAN

1/8" 1

Innovative Design Architecture, Inc. **IDA**

JOHN HA, AIA  
 1288 KIFER ROAD  
 SUITE # 207  
 SUNNYVALE, CA 94085  
 TEL: (408) 245-0991  
 TEL: (408) 245-0319

OWNER:  
 MOON PHAM  
 7041 KOLL CEN. PARKWAY # 50  
 PLEASANTON, CA 94566  
 (510) 697-5849

THE ALAMEDA RETAIL CONVERSION  
 GENERAL DEVELOPMENT PLAN-  
 EXHIBIT-C  
 746 THE ALAMEDA  
 SAN JOSE, CALIFORNIA 95126

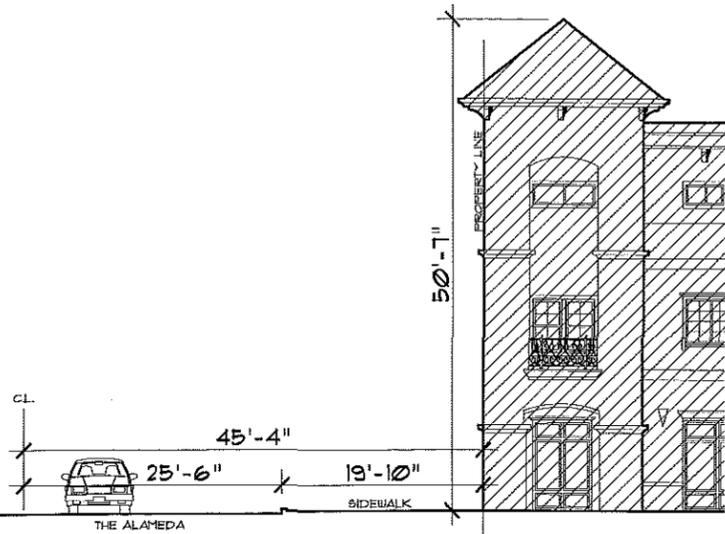
REVISIONS:

DATE	PROJECT NO.
AUG 24, 2006	06-1151

SHEET TITLE:  
 CONCEPTUAL (E) FLOOR PLAN  
 AND CONCEPTUAL ELEVATIONS  
 OPTION B

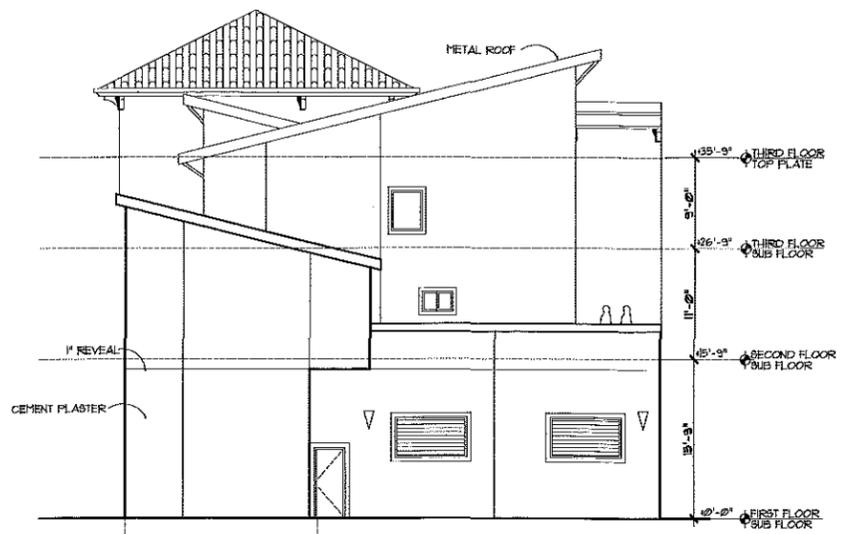
SCALE AS SHOWN DRAWN JH/VG

SHEET **A-5.1(B)**  
 OF SHEETS



**SITE CROSS-SECTION**

1/8" 3



**CONCEPTUAL REAR ELEVATION**

1/8" 2



**THE ALAMEDA CONCEPTUAL FRONT ELEVATION**

1/8" 1

**IDA**

Innovative Design Architecture, Inc.

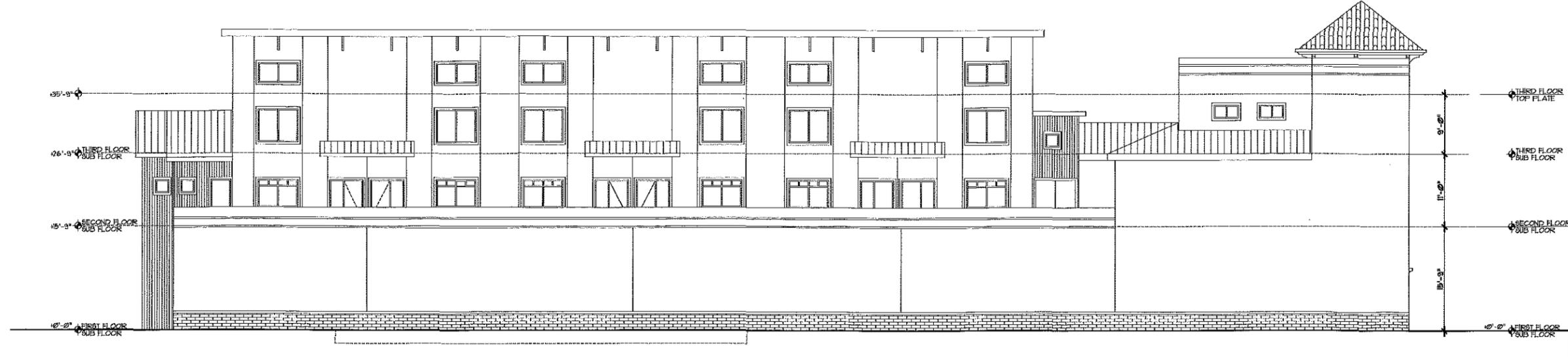
JOHN HA, AIA  
510 LAWRENCE EXP.  
SUITE # 105  
SUNNYVALE, CA 94085  
TEL: (408) 245-0991  
TEL: (408) 245-0319

OWNER:  
JOHN NGUYEN  
500 E. CALAVERAS BLVD.  
MILPITAS, CA  
(408) 934-7888



**BUSH STREET WEST ELEVATION**

1/8" 4



**EAST ELEVATION**

1/8" 5

**THE ALAMEDA DEVELOPMENT  
GENERAL DEVELOPMENT PLAN-  
EXHIBIT-C**

746 THE ALAMEDA  
SAN JOSE, CALIFORNIA 95126

REVISIONS:


SHEET TITLE:  
**CONCEPTUAL ELEVATIONS  
OPTION A**

DATE: DEC. 11, 2008  
SCALE: AS SHOWN  
PROJECT NO.: 06-091  
DRAWN: JH/VG

SHEET

**A-5.2(A)**

OF SHEETS