

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

Hearing Date/Agenda Number
P.C. 5/28/03 Item 3.d.

File Number
CP03-012

Application Type
Conditional Use Permit

Council District
2

Planning Area
Edenvale

Assessor's Parcel Number(s)
706-01-049

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Alison Hicks

Location: North side of Realm Drive approximately 550 feet easterly of Santa Teresa Boulevard

Gross Acreage: 0.76 Net Acreage: 0.76 Net Density: n/a

Existing Zoning: IP Industrial Park with
Mixed Industrial
Overlay Existing Use: Office

Proposed Zoning: IP Industrial Park Proposed Use: Ambulance service

GENERAL PLAN

Completed by: AH

Land Use/Transportation Diagram Designation
Industrial Park

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: AH

North: Industrial/ Manufacturing IP, Industrial Park

East: Health Club IP, Industrial Park

South: Industrial/ Manufacturing IP, Industrial Park

West: Department of Motor Vehicles IP, Industrial Park

ENVIRONMENTAL STATUS

Completed by: AH

Environmental Impact Report found complete
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: AH

Annexation Title: Oak Grove No. 25

Date: July 17, 1968

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: _____

Approved by: _____
 Action
 Recommendation

OWNER

Steve Sawochka
NWT Corporation
7015 Realm Drive
San José, CA 95119

APPLICANT/DEVELOPER

Randy Hooks
Silicon Valley Ambulance
P.O. Box 1150

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: AH

Department of Public Works

See attached memo dated 5/16/03.

Other Departments and Agencies

See attached memo from Fire Department dated March 13, 2003.

GENERAL CORRESPONDENCE

See attached informational flyer from Randy Hooks entitled Vehicle Inspection and Upkeep.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Randy Hooks of Silicon Valley Ambulance Service, is requesting a Conditional Use Permit (CUP) to allow conversion of one of three tenant spaces within an existing industrial building to an ambulance service with sleeping accommodations for drivers and attendants on duty during the night shift. This lounge area would not be permitted as a full time, on-site residence. The tenant space is approximately 2,800 square feet, the building is approximately 9,920 square feet and the site is approximately 0.76 acres. The building is located on the north side of Realm Drive approximately 550 feet easterly of Santa Teresa Boulevard.

An emergency ambulance service is allowed in the IP Zoning District with a Mixed Industrial overlay with a CUP. Staff has determined that the proposed ambulance facility falls within this category despite the limited nature of its emergency operation.

Currently, a drapery manufacturer occupies one tenant space in the building, one tenant space is vacant and the third space is occupied by Silicon Valley Ambulance offices. The site is entirely surrounded by the IP Industrial Park Zoning District. Manufacturers are located to the north and south of the site. The Department of Motor Vehicles is located to the west and a health club is located to the east of the site.

ENVIRONMENTAL REVIEW

The Director of Planning has determined that this project is exempt from environmental review under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act.

GENERAL PLAN CONFORMANCE

The proposed use is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Industrial Park with the Mixed Industrial overlay.

ANALYSIS

The issues analyzed for the project are 1) Noise/Land Use Compatibility and, 2) Building and Site Issues.

Noise/Land Use Compatibility

The primary issue associated with an ambulance service is siren noise from emergency ambulance response and daily siren testing. In this case the applicant is proposing an ambulance service that will not respond to code three (emergency) calls. Instead the facility will transport people from care services to doctor and

hospital appointments.

The ambulances serving this facility will have operable sirens, but these sirens will be used only in cases when a client's condition deteriorates on the way to the hospital. Silicon Valley Ambulance vehicles are equipped with silent testing devices allowing sirens to be tested and kept in good repair without disturbing neighboring businesses. The applicant has submitted an informational sheet describing the use of silent testing devices (see attached). Staff has included a condition in the Draft Permit limiting use of sirens in the vicinity of the project.

Building and Site Issues

The applicant proposes no internal or external building or site changes for this use. The existing building is in good condition and the site landscaping has been well maintained. Based on the Zoning Code requirement of one space per employee, one space per on-site staff and one space per vehicle, the total parking requirement for the proposed use is seven spaces. The existing parking on site is more than adequate for this use.

Based on this analysis, staff concludes that the proposed ambulance service is compatible with surrounding uses and appropriate for the proposed site.

RECOMMENDATION

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following findings and conditions in its Resolution.

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. The project site is located on the north side of Realm Drive approximately 550 feet easterly of Santa Teresa Boulevard.
2. The site has a designation of Industrial Park with a Mixed Industrial overlay on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
3. The project site is located in the IP Industrial Park Zoning District.
4. Under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.
5. The site is entirely surrounded by the IP Industrial Park Zoning District. Specifically, the subject site is surrounded by a health club, manufacturing and office uses.
6. The project proposes conversion of one of three tenant spaces within an existing building to non-emergency ambulance service with sleeping accommodations for attendants on duty during the night shift.
7. The Zoning Ordinance allows an ambulance service in the IP Industrial Park Zoning District with a Conditional Use Permit.
8. Currently, a drapery manufacturer occupies one tenant space in the building, one tenant space is vacant and the third space is occupied by Silicon Valley Ambulance offices.

9. The applicant is proposing an ambulance service that will not respond to code three (emergency) calls. Instead the facility will transport people from care services to doctor and hospital appointments.
10. The ambulances serving this facility will have operable sirens, but these sirens will be used only in cases when a client's condition deteriorates on the way to the hospital.
11. Silicon Valley Ambulance vehicles are equipped with silent testing devices allowing sirens to be tested and kept in good repair without disturbing neighboring businesses.
12. The applicant proposes no internal or external building or site changes for this use.
13. The existing building is in good condition and the site landscaping has been well maintained.
14. Based on the Zoning Code requirement of one space per employee, one space per on-site staff and one space per vehicle, the total parking requirement for the proposed use is seven spaces.
15. The existing parking on site is more than adequate for this use.

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project is consistent with the adopted San José 2020 General Plan Land Use/Transportation Diagram of the City of San José.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.
4. The proposed use is compatible with the surrounding neighborhood.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not:
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and

- b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth are hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.

CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant 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 approval authority.
2. **Conformance with Plans.** Implementation of this use shall conform to approved development plans entitled Silicone (sic) Valley Ambulance dated received April 23, 2003, on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code except as amended pursuant to other conditions of this permit. (San José Municipal Code, Title 17, Chapter 17.04).
3. **Revocation.** This Conditional Use Permit is subject to revocation for violation of any of its provisions or conditions.
4. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a

violation of any part of the San José Municipal Code.

5. **Discretionary Review.** The Director of Planning maintains the right of discretionary review of requests to alter or amend conditions or restrictions of this Conditional Use Permit incorporated by reference in this Permit in accordance with Section 20.44.200 of the San José Municipal Code.
6. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
7. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
8. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.
9. **Operational Limitations.** No emergency ambulance response shall be provided from the site. Ambulances shall not use sirens when exiting or entering the site. No audible siren tests are allowed on the project site.
10. **Compliance with Other Permits.** The developer shall comply with all terms and conditions of the previously approved Site Development Permit (File No. H82-188).
11. **Noise Limits.** Noise generated by proposed use shall not be subject to the Title 20 noise performance standards. Noise generated by the use shall not exceed 55 dB DNL, at the nearest residential property line, 60dB DNL at the nearest commercial property line and 70 dB DNL at the nearest industrial property line.

CONDITIONS SUBSEQUENT

1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or

- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.