

STAFF REPORT
PLANNING COMMISSION

FILE NO.: CP08-015

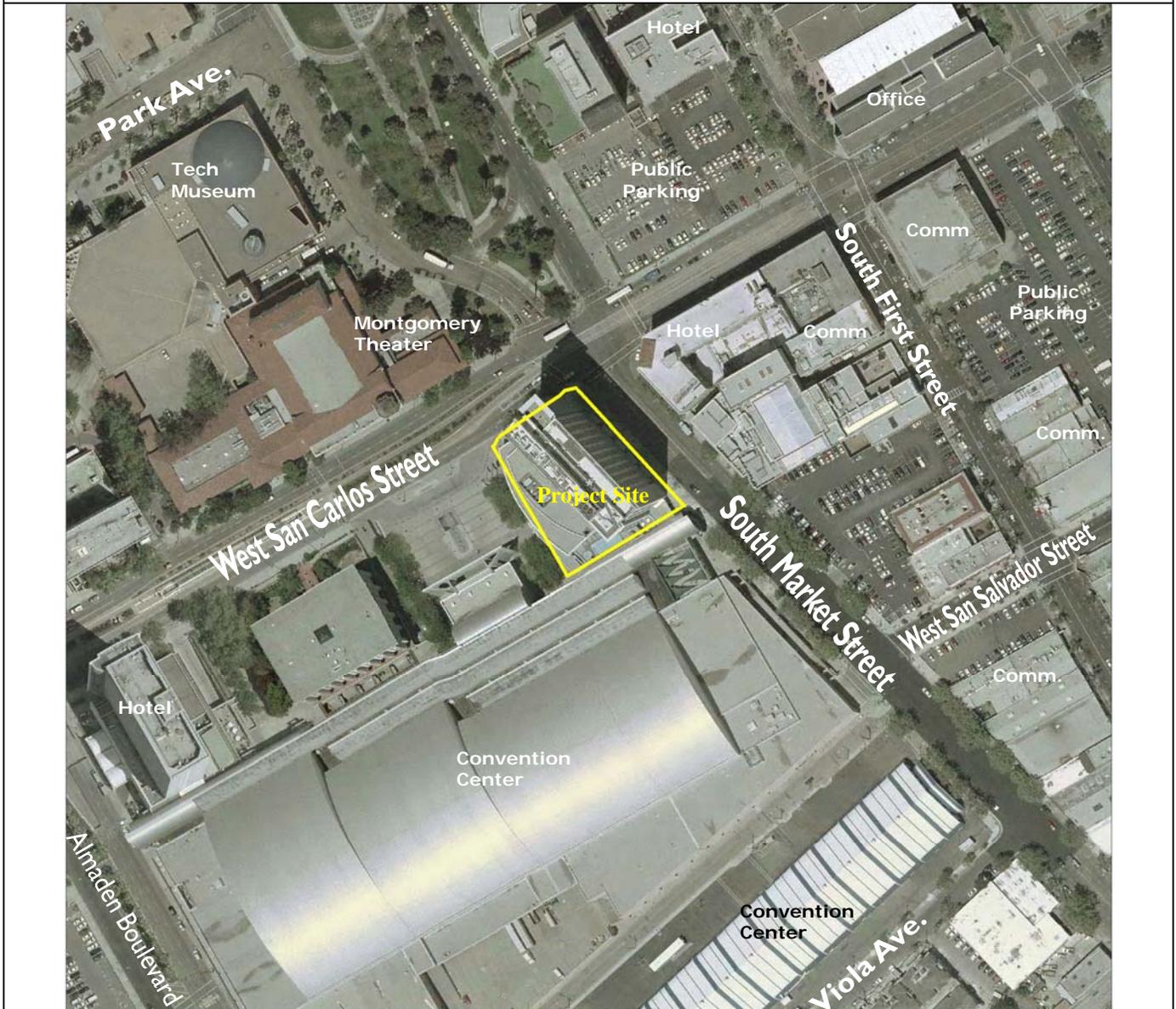
Submitted: 2/15/08

PROJECT DESCRIPTION: Conditional Use Permit to allow a second eating and drinking establishment and late night use until 2:00 a.m. at an existing hotel on a 0.96 gross acre site.

LOCATION: Southwest corner of South Market Street and West San Carlos Street.

Existing Zoning	DC Downtown Primary Commercial
General Plan	Public/Quasi-Public
Council District	3
Annexation Date	Original City
SNI	N/A
Historic Resource	N/A
Redevelopment Area	Guadalupe Auzeais
Specific Plan	N/A

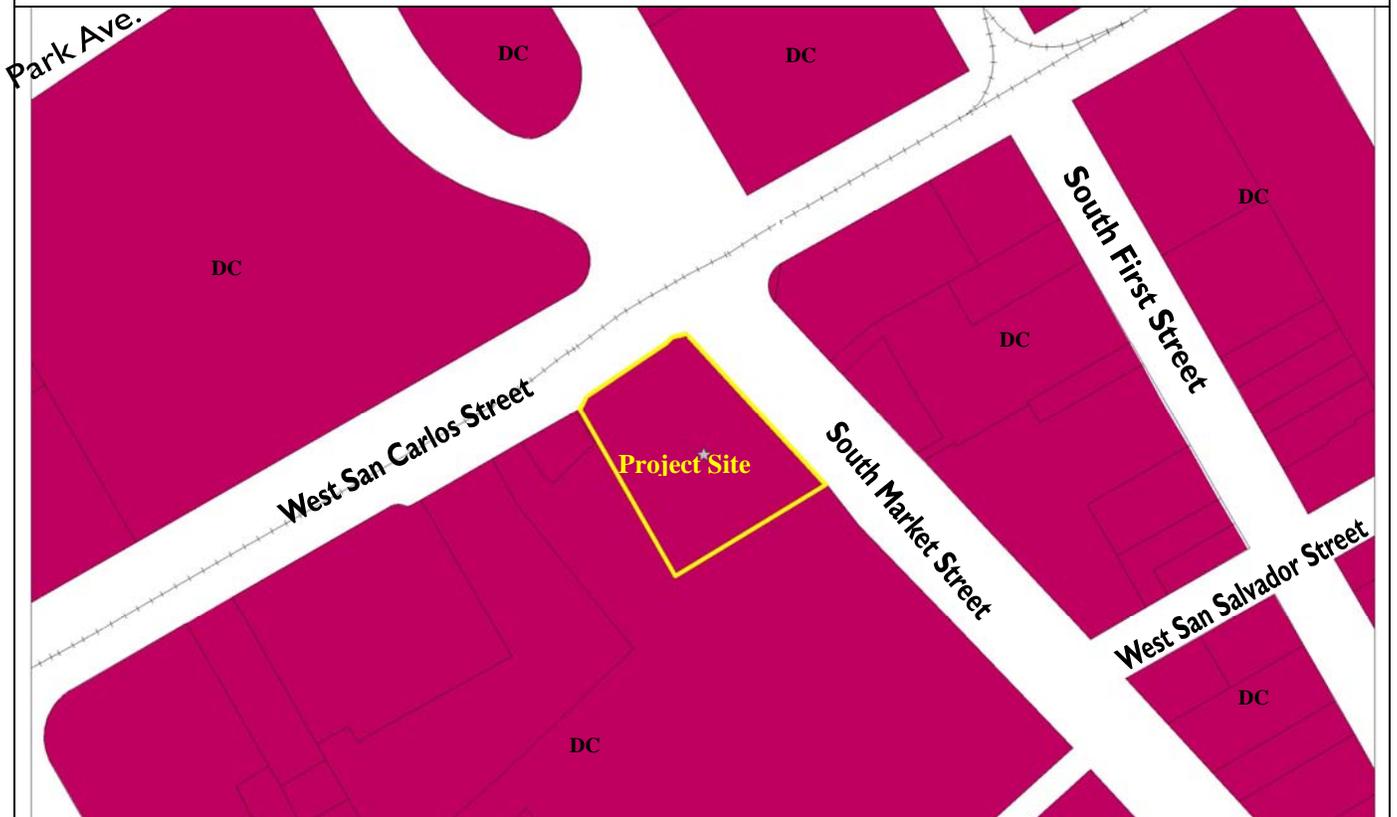
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends the Planning Commission approve the proposed Conditional Use Permit for the following reasons:

1. The project conforms to the San José 2020 General Plan land use designation of Public/Quasi-Public in that the project is part of a large public/private development around the convention center.
2. The project conforms to the General Plan in that it furthers the Downtown Revitalization Major Strategy because it contributes to the mix of uses and vitality of the Downtown Core.
3. The project, as conditioned, conforms to Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars and City Council Policy 6-27: Evaluation of 24-Hour Uses.

BACKGROUND

On February 15, 2008, the applicant, Hotel Marriott San José, filed a Conditional Use Permit (CUP) application to allow a second eating and drinking establishment and late night use until 2:00 a.m. daily in an existing hotel. The Hotel Marriott San José has an existing Conditional Use Permit, File No. RCP03-017, for a public eating and drinking establishment, entertainment establishment, late night use until 2:00 a.m., and the operations of banquet facilities. This application is to allow the addition of a second eating and drinking establishment, Tanq Bar, within the premises of the Hotel Marriott San José.

The project site is zoned Downtown Primary Commercial. This zoning district intends for a mix of retail, commercial, office, residential and entertainment uses. Per Table 20-140 of the San José Zoning Ordinance, a drinking establishment may be allowed only upon issuance of, and in compliance with, a Conditional Use Permit. In addition, no drinking establishment shall be open between the hours of 12:00 midnight and 6:00 a.m. without the issuance of a Conditional Use Permit. The Zoning Ordinance does not require parking for a public eating or drinking establishment in the DC Downtown Primary Commercial District.

Project Description

The proposed project is a Conditional Use Permit to allow a second eating and drinking establishment and late night use until 2:00 a.m. at an existing hotel on a 0.96 gross acre site located at the southwest corner of South Market Street and West San Carlos Street. Currently the Hotel Marriott San José operates a bar within the Arcadia Restaurant. The current application for a Conditional Use Permit would allow a second eating and drinking establishment, Tanq Bar, to be opened in the hotel. Tanq Bar would be opened in the space on the ground floor at the corner of West San Carlos and South Market Streets, which is currently used as a secondary lobby area. The bar would be 1,500 square feet in size and seat 36 persons. The hours of operation of Tanq Bar would be from 11:00 a.m. to 2:00 a.m. daily. Alcohol would be served from 11:00 a.m. to 1:30 a.m. daily. Sandwiches, pastries, and light luncheon fare would be offered from 11:00 a.m. to 4:00 p.m., with appetizers being offered after 4:00 p.m. No entertainment would be provided in the bar.

GENERAL PLAN CONFORMANCE

The project site is designated Public/Quasi-Public on the City of San José's 2020 General Plan Land Use/Transportation Diagram. This designation is intended for the public uses such as libraries, schools, and auditoriums. It also intends for joint public and private development projects, such as a convention

center, hotel, and restaurant complex. The project conforms to the General Plan in that the project is an eating and drinking establishment in a hotel that is part of a larger public/private development containing the McEnergy Convention Center. The proposed use also furthers the General Plan Downtown Revitalization Major Strategy, which encourages new investment in, and around, the Downtown to create a prominent and attractive place with a vibrant mix of uses. Tanq Bar, like Arcadia Restraunt and Bar would be part of the Hotel Marriott's amenities that are convenient to visitors and conventioners in Downtown San José.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15301, Existing Facilities, of the State Guidelines for Implementation of the California Environmental Quality Act, this project was found to be 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, in that the project is considered to involve negligible or no expansion of an existing use because it is for the permitting of the sale of alcohol in a portion of an existing hotel containing an existing restaurant and bar.

ANALYSIS

The primary policies applicable for the review and analysis of this project are City Council Policy 6-27 for the Evaluation of 24-Hour Uses, and City Council Policy 6-23 Guidelines for the Evaluation of Nightclubs and Bars. Planning staff has reviewed this proposal for consistency with the relevant sections of these policies.

City Council Policy 6-27: Evaluation of 24-Hour Uses

The City Council Policy, Evaluation of 24-Hour Uses, is intended to assure compatibility of uses operating between 12:00 midnight and 6:00 a.m. with surrounding land uses. In regard to nightclubs/bars, the Policy states that uses under this category should meet the City Council Policy on the Guidelines for Evaluation of Nightclubs and Bars, which is discussed below.

City Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars

The City Council Policy, Guidelines for Evaluation of Nightclubs and Bars, is intended to facilitate the evaluation process for individual permit applications by identifying the needed project characteristics that are necessary for approval. Below are the applicable policy element followed by an analysis of how the proposed project conforms to the policy element.

Land Use Compatibility

Nightclubs should be encouraged throughout the Downtown Core to promote a diversity of uses provided that they do not adversely impact existing or planned residential uses, or conflict with other General Plan Goals and Policies.

The project site is within the Downtown Core as outlined in the General Plan. It is located in the Convention and Cultural District of the Downtown. It is surrounded by commercial, hotel and entertainment uses. To the south and west of the project is the McEvery Convention Center. On the corners across South Market Street is the Saint Claire Hotel, which contains the Il Forino Restaurant, and a public parking lot. Across west San Carlos Street are the Montgomery Theater and the Civic

Auditorium. One block away on South First Street are various restaurants, bars, nightclubs and entertainment. Just within 500 feet, on Market Street, is the Casa De Pueblo (Retail Store Employees Building) which is a multiple dwelling residential building. The nearest residential neighborhood is south of the Convention Center on Balbach Street, which is over 500 feet away in distance. The proposed eating and drinking establishment is therefore generally compatible with the surrounding uses, as it is similar to many of the surrounding commercial uses and would be a supportive amenity to the hotel, convention center and entertainment uses.

It is the responsibility of the Chief of Police to evaluate all bar and nightclub proposals to ensure the safety and security of both patrons and citizens. Conditions may be imposed to monitor bars and nightclubs and to discourage nuisance activities. These conditions may include such requirements as interior or exterior security guards, additional lighting, limited occupancy, and modifications or controls or procedures to increase effective law enforcement.

The Police Department indicates it is neutral to this Conditional Use Permit application for a drinking establishment and late night use until 2:00 a.m.

Parking

All nightclubs and bars should be required to identify and publicize the location and availability of parking for its patrons.

The Zoning Ordinance does not require parking for a public eating and drinking establishment in the DC Downtown Primary Commercial District, so Tanq Bar will not be required to provide additional parking. There are, however, multiple public parking garages Downtown, and so the Draft Resolution contains a condition that the bar be required to identify and publicize the location and availability of parking for its patrons.

Garbage and Litter

Nightclub and bar operators should provide daily cleaning of the public right-of-way up to 200 feet from the property lines of the site of the facility. This cleaning should occur before 8:00 a.m. each day.

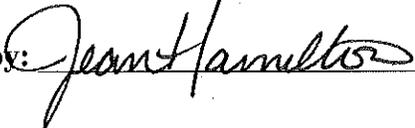
The Draft Resolution contains a condition of approval that requires the operator of the proposed use to clean the public right-of-way immediately adjacent to the subject site before 8:00 a.m. each day. The Property Business Improvement District (PBID) now in effect downtown provides sidewalk cleaning services for the neighborhood in the vicinity of the project site, so cleaning of the public right-of-way other than immediately adjacent frontage is no longer required.

Mechanical equipment used for outside maintenance, including blowers and street sweepers, etc., should not be used between 10:00 p.m. and 6:00 a.m. if the clean up occurs within 500 feet of existing residential uses.

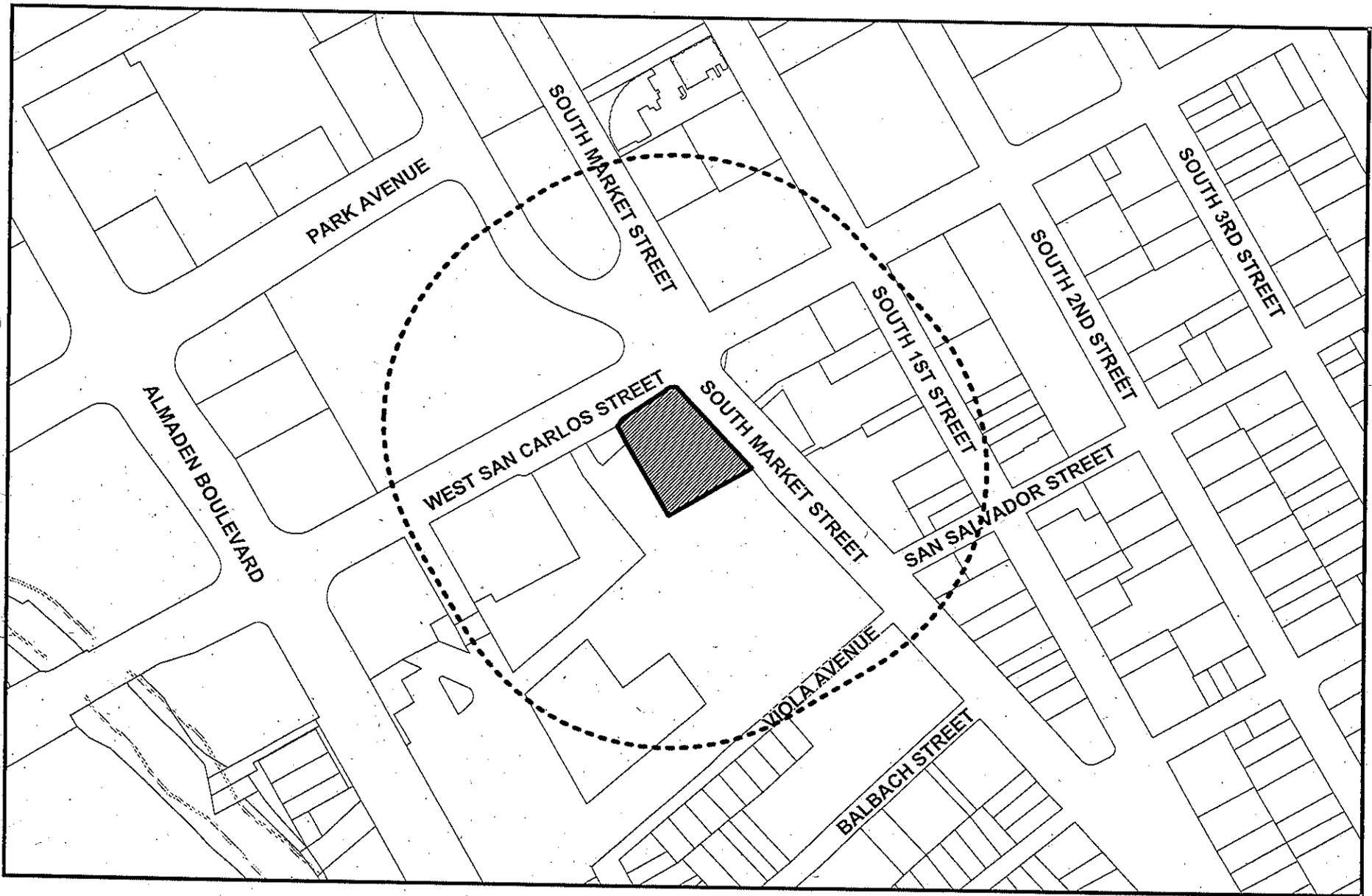
Just within 500 feet, on Market Street, is Casa De Pueblo (Retail Store Employees Building) which is a multiple dwelling residential building. The Draft Resolution contains a condition of approval that restricts the operator of the proposed use from using mechanical equipment for maintenance between the hours of 10:00 p.m. and 6:00 a.m. daily.

PUBLIC OUTREACH

A sign was posted on-site to notify neighbors of the proposed development. A notice of this Planning Commission public 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. Staff has been available to respond to questions from the public.

Project Manager: Ella Samonsky **Approved by:**  **Date:** 5-16-08

Owner/Applicant: Walton San Jose Investors III L.L.C. 900 N. Michigan Ave., Suite 1900 Chicago, IL 60611 Gilbert Puzon Hotel Marriott San Jose 301 S. Market Street. San Jose ,CA 95113	Attachments: Statement of Exemption Police Department Memorandum Draft Resolution Legal Description Plans Operations and Management Plan
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Approx. Scale: 1" = 300'

Map Created On: 02/11/2008

Noticing Radius: 500 feet

File No: CP08-015

District: 3

Quad No: 83

RESOLUTION NO.

Resolution of the Planning Commission of the City of San José granting, subject to conditions, a Conditional Use Permit to use certain real property described herein for the purpose of a second eating and drinking establishment and late night use between 12:00 midnight and 2:00 a.m. seven days a week on a 0.96 gross acre site located at 301 South Market Street.

FILE NO. CP08-015

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSÉ:

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on February 15, 2008, an application (File No. **CP08-015**) was filed for a Conditional Use Permit for the purpose of allowing a second public eating and drinking establishment and late night use until 2:00 a.m. seven days a week, on that certain real property (hereinafter referred to as "subject property"), situate in the DC Downtown Primary Commercial Zoning District, located at 301 South Market Street, San José, and

WHEREAS, the subject property is all that real property described in Exhibit "A", which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a development plan for the subject property entitled, "Marriott Hotel Conditional Use Permit" dated December 20, 2007. Said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said hearing was conducted in all respects as required by the San José Municipal Code and the rules of this Planning Commission;

NOW, THEREFORE:

After considering evidence presented at the Public Hearing, the Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. The applicant, Glibert Puzon of Hotel Marriott San José, is requesting a Conditional Use Permit (CUP) to allow a second eating, and drinking establishment, and late-night use from midnight to 2:00 a.m. daily in an existing hotel on a 0.96 gross acre site located at 301 South Market Street.
2. The Hotel Marriott San José has an existing bar operating under the Conditional Use Permit, File No. RCP03-017, for a public eating and drinking establishment, entertainment establishment, late night use until 2:00 a.m., and the operations of banquet facilities. This application is to allow the addition of a second eating and drinking establishment within the premises of the Hotel Marriott San José.
3. The subject site is located within the DC Downtown Primary Commercial Zoning District. A Conditional Use Permit is required for a drinking establishment, and late night use between the hours of 12:00 midnight and 6:00 am in this zoning district. The Zoning Ordinance requires no parking for a public eating, and drinking establishment in the DC Downtown Primary Commercial District.
4. Tanq Bar would be located in the space on the ground floor of the hotel at the corner of West San Carlos and South Market Streets, which is currently used as a secondary lobby area. The bar would be 1,500 square feet in size and seat 36 persons.
5. The hours of operation of Tanq Bar would be from 11:00 a.m. to 2:00 a.m. daily. Alcohol would be served from 11:00 a.m. to 1:30 a.m. daily. Sandwiches, pastries, and light luncheon fare would be offered from 11:00 a.m. to 4:00 p.m., with appetizers being offered after 4:00 p.m. No entertainment would be provided in the drinking establishment.
6. The project site is designated Public/Quasi-Public on the City of San José's 2020 General Plan Land Use/Transportation Diagram. This designation is intended for the public uses such as libraries, schools, and auditoriums. It also intends for joint public and private development projects, such as a convention center, hotel, and restaurant complex. The project conforms to the General Plan in that the project is an eating and drinking establishment in a hotel that is part of a larger public/private development containing the McEnery Convention Center. The proposed use also furthers the General Plan Downtown Revitalization Major Strategy which encourages new investment in, and around, the Downtown to create a prominent and attractive place with a vibrant mix of uses. Tanq Bar, like Arcadia Restraunt and Bar would be part of the Hotel Marriott's amenities that are convenient to visitors and conventioners in Downtown San José.
7. Under the provisions of Section 15301 Existing Facilities of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found by the Director of Planning to be 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, in that the project is considered to involve negligible or no expansion of an existing use because it is for the permitting of the sale of alcohol in a portion of an existing hotel containing an existing restaurant and bar.

8. The primary policies applicable for the review and analysis of this project are City Council Policy 6-27 for the Evaluation of 24-Hour Uses, and City Council Policy 6-23 Guidelines for the Evaluation of Nightclubs and Bars. Planning staff has reviewed this proposal for consistency with the relevant sections of these policies.
9. The project site is within the Downtown Core as outlined in the General Plan. It is located in the Convention and Cultural District of the Downtown. It is surrounded by commercial, hotel and entertainment uses. To the south and west of the project is the McEvery Convention Center. On the corners across South Market Street is the Saint Claire Hotel, which contains the Il Forino Restaurant, and a public parking lot. Across west San Carlos Street are the Montgomery Theater and the Civic Auditorium. One block away on South First Street are various restaurants, bars, nightclubs and entertainment. Just within 500 feet is Casa de Pueblo (Retail Store Employees Building) which is a multiple-unit residential building. The nearest residential neighborhood is south of the Convention Center on Balbach Street, which is over 500 feet away in distance. The proposed eating and drinking establishment is therefore generally compatible with the surrounding uses, as it is similar to many of the surrounding commercial uses and would be a supportive amenity to the hotel, convention center, and entertainment uses.
10. The Police Department indicates it is neutral to this Conditional Use Permit application for a drinking establishment and late night use until 2:00 a.m.
11. The Draft Resolution contains a condition that the bar be required to identify and publicize the location and availability of parking for its patrons.
12. The Draft Resolution contains a condition of approval that requires the operator of the proposed use to clean the public right-of-way immediately adjacent to the subject site before 8:00 a.m. each day. The Property Business Improvement District (PBID) now in effect downtown provides sidewalk cleaning services for the neighborhood in the vicinity of the project site, so cleaning of the public right-of-way other than immediately adjacent frontage is no longer required.
13. Just within 500 feet, on Market Street, is the Retail Store Employees Building "De Pueblo Casa" which is a multiple dwelling residential building. The Draft Resolution contains a condition of approval that restricts the operator of the proposed use from using mechanical equipment for maintenance between the hours of 10:00 p.m. and 6:00 a.m. daily.
14. A sign was posted on-site to notify neighbors of the proposed development. Notices of the public hearing for this project were sent to all tenants and property owners within 500 feet of the subject property.
15. The Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has been available to discuss the project with members of the public.

Planning staff recommends the Planning Commission approve the requested Conditional Use Permit and include the following facts, findings, and conditions in its resolution.

1. This Planning Commission concludes and finds, based upon an analysis of the above facts that:
 - a. The proposed project conforms to the City's General Plan.
 - b. The proposed project complies with all applicable provisions of the Zoning Ordinance.
 - c. The proposed project is in compliance with the California Environmental Quality Act.
 - d. The proposed project conforms to the intent of Council Policy 6-23 Guidelines for Evaluation of Nightclubs and Bars and Council Policy 6-27 Evaluation of 24-Hour Uses.

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 in this title, or as 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 for facilities as are requested.

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 is 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 of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **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 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 in accordance with Title 20. The Permit Adjustment must be approved prior to the expiration of this Permit.
3. **Cessation of Use.** Per Section 20.100.730 (b) of the San José Municipal Code, if the use authorized by the Conditional Use Permit is discontinued for a period of 12 months, the Conditional Use Permit will expire and the Conditional Use Permit will no longer be in effect.
4. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
5. **Conformance with Plans.** Construction and development shall conform to approve development plans entitled, "Marriott Hotel Conditional Use Permit" dated December 20, 2008, on file with the Department of Planning, Building and Code Enforcement.

CONCURRENT CONDITIONS

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

1. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
2. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings, fences, and wall surfaces within 48 hours of defacement.
3. **Anti Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris.

- a. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage and shall include daily damp washing of all exterior walls and sidewalks along the project's frontage.
 - b. The operators of the nightclub and bar shall provide daily cleaning of the public right-of-way adjacent to the property lines of the site of the facility before 8:00 a.m.
 - c. Mechanical equipment used for outside maintenance, including blowers and street sweepers may not be used between 10:00 p.m. and 6:00 a.m. daily.
 - d. The facility operator shall provide adequate ashtrays along the business frontage to accommodate patrons who wish to smoke outdoors. Patrons smoking outdoors shall not impede pedestrian traffic along the adjacent rights-of-way, nor create a nuisance for adjoining businesses or residents.
4. **Noise and Acoustics:**
- a. During the hours of operation, amplified sound shall be carefully regulated to ensure compatibility with adjacent uses.
 - b. Windows and doors for the facility shall remain shut, during periods in which amplified music is played, to insure compatibility and conformance with the General Plan noise policies.
5. **Hours of Operation.** Hours of operation are 11:00 a.m. to 2:00 a.m. seven days a week.
6. **Entertainment.** No entertainment shall be allowed within the drinking establishment.
7. **Alcohol Service.** Alcohol service shall comply at all times with the license issued by the Department of Alcohol and Beverage Control.
8. **ABC License:** The project operator shall obtain and maintain the appropriate permit, based on the use of the facility from the State of California Department of Alcoholic Beverage Control (ABC) and shall maintain that license according to the use operated.
9. **Patron Parking.** The project operator shall identify and publicize to its patrons the location and availability of parking facilities within the vicinity of the project site.

CONDITIONS SUBSEQUENT

1. **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

ADOPTED and issued this 28th of May 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson

ATTEST:

Joseph Horwedel, Secretary

Deputy

NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.

LEGAL DESCRIPTION

The land referred to in this policy is described as real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

Parcel One:

Being all of Parcel 3 and a portion of Parcel 4 as said parcels on that certain Parcel Map filed February 7, 1991 in Book 624 at pages 2 and 3, Santa Clara County Records, more particularly described as follows:

Beginning at the Easterly most corner of said Parcel 3, said corner being a point on the Southwesterly right of way line of Market Street, 100 feet in width, as said street is shown on said map:

Thence along the Southeasterly line of said Parcel 3, South $59^{\circ} 21' 40''$ West, 208.23 feet to the Southerly most corner of said Parcel 3;

Thence along the Southwesterly line of said Parcel 3, and along the Northwesterly prolongation thereof, North $30^{\circ} 30' 33''$ West 217.81 feet to the Northwesterly line of said Parcel 4, said line being also the Southeasterly right of way line of West San Carlos Street as said street is shown on said Parcel Map;

Thence along the Southeasterly right of way line, the following four courses:

1. North $59^{\circ} 21' 40''$ East 5.66 feet;

2. North $14^{\circ} 21' 40''$ East 8.44 feet;

3. Northerly and Northeasterly along the arc of a 20.00 foot radius, tangent curve to the right, through a central angle of $39^{\circ} 19' 40''$, an arc distance of 13.73 feet; and

4. North $53^{\circ} 41' 20''$ East 109.28 feet;

Thence Northeasterly and Southeasterly along the arc of a 20.00 foot radius, tangent curve to the right, through a central angle of $82^{\circ} 14' 09''$, an arc distance of 23.71 feet to a point in the aforementioned Southwesterly right of way line of Market Street;

Thence along said Southwesterly right of way line, South $44^{\circ} 04' 51''$ East, 231.42 feet to the point of beginning.

Parcel Two:

Those easements granted in the Reciprocal Easement Agreement, Covenants, Conditions and Restrictions for the Marriott Hotel City Center by and among Walton San Jose Investors III, L.L.C., a Delaware limited liability company and The Redevelopment Agency of the City of San Jose and the City of San Jose recorded October 30, 2000 as Instrument No. 15439851, Official Records.

Schedule C-Continued

Parcel Three:

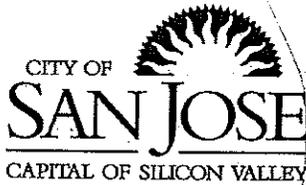
Those parking rights granted in the Parking Premises Agreement between the City of San Jose and Walton San Jose Investors III, LLC, as disclosed by a Memorandum of Agreement recorded October 30, 2000 as Instrument No. 15439852, Official Records.

Parcel Four:

Those easements granted in the Easement Agreement Marriott Hotel by and among Walton San Jose Investors III, LLC., a Delaware limited liability company, The Redevelopment Agency of the City of San Jose and the City of San Jose recorded August 14, 2001 as Instrument No. 15824815, Official Records, as amended by Amendment to Easement Agreement (Marriott Hotel) by and among Walton San Jose Investors III, LLC., a Delaware limited liability company, The Redevelopment Agency of the City of San Jose and the City of San Jose recorded July 19, 2002 as Instrument No. 16374770, Official Records.

APN: 264-29-111

ARB: 264-29-13, 13.01, 14, X68



STATEMENT OF EXEMPTION

FILE NO. CP08-015
LOCATION OF PROPERTY Southwest corner of South Market Street and West San Carlos Street (MARRIOTT HOTEL)
PROJECT DESCRIPTION Conditional Use Permit Amendment to a previously approved permit file no. RCP03-017 to expand a bar lounge for an existing eating and drinking establishment at an existing hotel on a 0.96 gross acre site.
ASSESSOR'S PARCEL NUMBER 264-29-111

CERTIFICATION

Under the provisions of Section **15301 Existing Facilities** of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be 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.

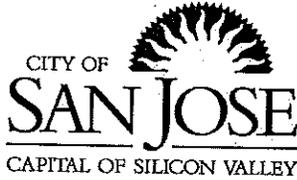
15301: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed project is considered to involve negligible or no expansion of an existing use because it is for the permitting of the sale of alcohol in a portion of an existing hotel with an existing restaurant and bar.

Joseph Horweddel, Director
Planning, Building and Code Enforcement

Deputy

Date March 24, 2008

Project Manager: Ella Samonsky



Memorandum

TO: Ella Samonsky
Planning Department

FROM: Ofc. Jeff Enslen #3408
San Jose Police Vice Unit

SUBJECT: Tanq Bar (Marriott Hotel)
301 S. Market St.

DATE: March 11, 2008

Approved

Date

I have received your request for input regarding the Tanq Bar, located inside the Marriot Hotel at 301 S. Market St., San Jose, Ca. 95113. This will be a new bar in an existing hotel lobby area. The Tanq Bar is seeking a Conditional Use Permit for a drinking establishment. The Tanq Bar has food service and does not intend on having any entertainment use. The hours of operation are going to be 0800 am to 0100 am, daily.

Per Business and Professions (B&P) Code Section 23958, the State of California Department of Alcohol Beverage Control shall deny an ABC Application for an ABC License if the issuance of that license would tend to create a law enforcement problem or if it would result in or add to an undue concentration of ABC Licenses, as described in B&P Sections 23958.4 (a)(1) and 23958.4(a)(2). A location can be unduly concentrated because of its criminal statistics and/or it's proximity to other ABC Licenses. ABC can issue the license per B&P Sections 23958.4 (b)(1), and 23958.4 (b)(2) if the local governing body determines that the public convenience or necessity would be served. The City of San Jose Planning Department or the Planning Commission are the delegated authorities to grant these exceptions.

The location is not currently in a Strong Neighborhood Initiative area or a Neighborhood Revitalization area.

The 301 S. Market Street. is located in San Jose Police Beat E4. The reported crime statistics as defined by B&P Section 23958.4(c) are over the 20% crime index thus the location is considered unduly concentrated per B&P Section 23958.4 (a)(1).

Police Beat Crime Statistics

Beat	Index Crimes	Arrests	Total	20% Above Average
E4 (2006)	186	585	771	Yes
City Average	335	307	642	

Department of Alcohol Beverage Control (ABC) records indicate that 301 S. Market Street is in census tract 5009.01. Pursuant to B&P Section 23958.4 (a)(2), the ratio of on-sale retail licenses population in census tract 5009.01 does exceed the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

Authorized and Current ABC Licenses in Census Tract 5009.01

Census Tract	Authorized ABC Licenses as of August 2005		Current ABC Licenses as of December 5, 2006		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off - Sale	On - Sale	Off - Sale
5009.01	4	2	55	4	Yes	Yes

The San Jose Police Department is **neutral** to the issuance of a Conditional Use Permit to allow a drinking establishment at this location.

Please feel free to contact me at 277-4322 if you have any questions.

Ofc. Jeff Enslin #3408
Administrative Officer
Special Investigations/Vice

GENERAL NOTES

Regulatory Requirements:

- All work and materials shall comply with all requirements of all applicable federal, state, and local codes, laws and regulations governing construction, building access, and the use of facilities. This includes the 2001 California Building Code, all codes, ordinances and laws adopted by the City of San Jose in the County of Santa Clara, California.
- The "General Conditions of the Contract for Construction" AIA document A191 (1997 edition, covers this work) U.O.N.
- The Contractor is responsible for examining all contract documents and field conditions and shall base his bid on existing conditions. Such written exceptions or objections, with analysis and recommendations to the Architect prior to submitting bid costs.
- All mechanical construction shall be in accordance with the 2001 California Mechanical Code or overruling local mechanical codes. All plumbing construction shall be in accordance with the 2001 California Plumbing Code or overruling local plumbing codes.
- All electrical construction shall be in accordance with the 2001 California Electrical Code or overruling local electrical codes.
- All sheet metal work and flashing shall conform to S.M.A.C.S.A. standards.
- All building standard construction, materials and products shall conform to the most current standards and details as outlined in the Specifications, except as explicitly superseded herein.
- All work shall comply with all requirements of the health department.

Substitutions:

- Request for substitution will be received from the General Contractor only.
- Products in the Construction Documents identified by name, brand or model of a manufacturer's article shall be provided unless a written request for substitution is accepted by the Architect. In the event that the Contractor makes a substitution without prior approval from the Architect, the Contractor shall remain responsible for the substitution and replace a per specifications without any adjustment to the contract amount or time.
- The products described in the Construction Documents establish a standard of required function, dimension, appearance and quality to be met by any proposed substitution. The burden of proof of the merit of the proposed substitution is upon the proposer. The Architect's decision of the approval or disapproval shall be final.
- The request shall include any change required in other elements of the work due to the substitution.

Submittals:

- Schedule submittals to expedite project, as to cause no delay in the work or in the work of the General Contractor or any separate contractor. Submittals not specifically requested shall be returned without review.
- Shop drawings shall be drawn at a scale sufficient for clarity and coordination and shall show necessary working and erection dimensions.
- Circle all deviations from the Construction Documents and provide a brief written explanation to clarify and support reasons for proposed deviation.
- The Contractor shall post the Owner and the Architect approval schedule outlining the work to occur, and the materials being ordered on a weekly basis prior to beginning the project.

Protections:

- By accepting these drawings the Contractor agrees that he shall assume sole and complete responsibility for job site safety conditions for all persons and property, continuously during construction of this project, and not limited to normal working hours.
- The Contractor shall protect new and existing work, equipment, materials and finishes. Damaged items shall be repaired or replaced at the expense of the General Contractor.
- The Contractor shall at all times during the course of the Contract keep the building, the owner's premises, and the adjoining premises, including streets and other areas assigned to, or used by the Contractor from accumulating or storing waste materials and rubbish caused by his employees, subcontractors or their work.
- Contractor shall verify location of utilities with acceptable utility companies.
- Contractor shall protect from damage and keep clean all common areas of the building.

Performance Requirements:

- All dimensions shall take precedence over scaled dimensions. Do Not Scale Drawings.
- All dimensions and conditions shall be verified and checked by the General Contractor and the subcontractors prior to beginning work and prior to ordering any materials. Any errors, omissions or discrepancies shall be brought to the attention of the Architect and the General Contractor. Should there be any discrepancies, errors or omissions in these drawings or specifications, the Contractor shall notify the Architect and wait to receive written instructions before proceeding with any work.
- These drawings and specifications are divided into sections for convenience only. Contractors, subcontractors, and material suppliers shall refer to all relevant sections in bidding and performing their work, and shall be responsible for all aspects of their work regardless of where the information occurs on the drawings.
- Subcontractors shall be responsible for coordination of their work with the work of others. Subcontractors shall verify that any work related to them, which must be provided by others, has been completed and is adequate prior to commencing their work.
- Provide structural backing for all wall mounted equipment.
- Contractor shall be responsible for the design, coordination, and erection of construction methods and procedures.
- Patch and repair all detailed areas to match adjacent systems, materials, and finishes, unless otherwise noted.
- Install all materials and equipment as per manufacturers written recommendations.
- All dimensions shown in plan are face of framing, unless otherwise noted.
- Details shown are typical. Similar details apply in similar conditions.
- All glazing subject to human impact shall be 3/8" tempered glass unless otherwise noted.
- Contractor shall furnish and install all doors complete with all hardware as required by code and/or specific instruction.
- Fire extinguishers shall be located according to code requirements and meet all applicable codes.
- Where new walls align with existing walls, resultant wall surfaces shall form a smooth and continuous plane.
- At the completion of the work the contractor shall remove from the building and the premises all surplus materials and debris, and clean all new work to the Tenant's satisfaction, including but not limited to cleaning interior glass, clearing all millwork, inside and outside of cabinetry, and cleaning and waxing all millwork flooring.
- All building materials shall be the most non-toxic and the lowest polluting available. The building shall be ventilated during construction and thoroughly aired out before occupancy.
- Verify all locations of power outlets, phone jacks, TV, light fixtures and switches w/ Architect and Owners prior to wiring. (Final up flows for review prior to wiring).
- Contractor shall provide samples of all materials (including but not limited to tile, bitum, paint, roofing, siding, wood trim, wood base, countertops and hardware) to the Architect for approval prior to ordering materials.
- The Contractor shall verify with the Architect minimally three weeks prior to cover-up of the special wiring requirements such as alarms and stereo systems.
- All new plumbing waste lines shall be iron.
- All plumbing supply lines shall be copper.
- All electrical, HVAC, and plumbing shall be design built based on information provided by the construction documents.

Definitions:

- "Typical" means identical for all similar conditions, U.O.N.
- "Similar" means comparable characteristics for the conditions noted.
- "Align" means to accurately locate finishes in the same plane.

HEALTH DEPARTMENT NOTES

- EQUIPMENT AND INSTALLATION SHALL MEET ALL REQUIREMENTS AS LISTED IN SENATE BILL #775 CHAPTER 256 AS STATED IN CHAPTER 4 OF CALIF. UNIFORM RETAIL FOOD FACILITIES LAW WHICH WILL BE IN EFFECT ON JANUARY 1, 1985 FOR CALIFORNIA PROJECTS IN ADDITION TO LOCAL AND COUNTY CODES.
- ALL FOOD SERVICE AND RELATED EQUIPMENT SHALL BE NATIONAL SANITATION FOUNDATION (NSF) APPROVED AND IN CONFORMITY WITH LOCAL HEALTH REGULATIONS. INSTALLATION OF EQUIPMENT SHALL MEET SAME REQUIREMENTS. ALTHOUGH HEALTH REQUIREMENTS WILL BE REVIEWED DURING BUILDING DEPT. APPLICATION, THE OWNER WILL HAVE TO TAKE OUT SEPARATE HEALTH PERMIT.
- ALL ADJOINING EQUIPMENT AND COUNTERS SHALL BE SEALED TOGETHER TO PREVENT THE ENTRANCE OF MOISTURE. ALL EQUIPMENT, INCLUDING SHELVING, SHALL BE SMOOTHLY SEALED TO THE WALL TO PREVENT THE ENTRANCE OF SPLASH AND DEBRIS. ALL PORTABLE OR FREE STANDING UNITS SHALL BE REMOVABLE AND EASILY ACCESSIBLE FOR CLEANING.
- ALL WORKING SURFACES SHALL BE SMOOTH AND IMPERVIOUS.
- ALL CUTTING BOARDS SHALL BE OF NON-WOOD CONSTRUCTION AND N.S.F. APPROVED.
- ALL REFRIGERATION EQUIPMENT SHALL HAVE THERMOMETERS WHICH ARE EASILY READABLE AND IN PROPER WORKING CONDITION AND ACCURATE TO WITHIN RANGE OF PLUS OR MINUS TWO DEGREES.
- STORAGE SHELVING MUST BE SPECIFIED AS HAVING A SMOOTH, NONABSORBENT FINISH. THE LOWEST SHELF SHOULD BE 6" ABOVE FLOOR.
- ATMOSPHERIC VACUUM BREAKERS OR OTHER APPROVED BACKFLOW PREVENTION DEVICES ARE REQUIRED AT WATER SUPPLY LINES TO SINKS WITH THREE-DRIP SPOUTS, DISHWASHER, GARBAGE DISPOSAL FLUSH LINES, STEAM EQUIPMENT, URINALS, TOILETS, BEVERAGE DISPENSERS, ICE MACHINE, LANDSCAPE IRRIGATION SYSTEM, AND OTHER FIXTURES WHERE REQUIRED.
- A SEPARATE WALL-MOUNTED, HAND WASH BASIN IS REQUIRED. PROVIDE PERMANENTLY MOUNTED SINGLE-SERVICE SOAP AND PAPER TOWEL DISPENSERS.
- ALL SINKS TO BE PROVIDED WITH ADEQUATE HOT AND COLD WATER FROM FOUNTAIN FAUCETS.

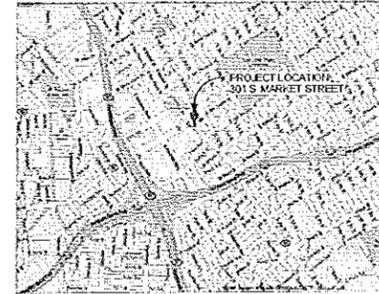
ARCHITECTURAL SYMBOLS

	NEW CONSTRUCTION
	NEW LOW PARTIAL HEIGHT CONSTRUCTION
	EXISTING CONSTRUCTION
	CONCRETE
	FURRED CEILING SOFFIT - HEIGHT AS NOTED
	DETAIL NUMBER SHEET NUMBER
	SECTION NUMBER SHEET NUMBER
	WINDOW TYPE NUMBER
	DOOR NUMBER
	COLUMN LINE OR STRUCTURAL GRID
	REVISION AREA AND NUMBER
	PROPERTY LINE
	TOP OF CURB ELEVATION
	TOP OF WALL ELEVATION
	TOP OF CONCRETE ELEVATION
	FINISH GRADE CONTOUR
	EXISTING GRADE CONTOUR
	BATT INSULATION
	RIGID OR BLOWN IN INSULATION

DEMOLITION NOTES

- COMPLETE ALL DEMOLITION WORK INDICATED OR NECESSARY FOR COMPLETION OF THE NEW WORK INCLUDING LABOR, SUPERVISION, TOOLS, MATERIALS, PERMITS, ETC. REQUIRED FOR REMOVAL OF FLOORS, WALLS, CEILING, FIXTURES AND DUCTWORK.
- ALL WORK MUST COMPLY WITH APPLICABLE LOCAL, STATE, AND FEDERAL CODES, STANDARDS, ETC.
- WORKMANSHIP SHALL BE FIRST CLASS, FINISHED, SAFE, NEAT THROUGHOUT AND PERFORMED BY COMPETENT AND EXPERIENCED WORKMAN. CONSTANT SUPERVISION OF WORK BY CONTRACTOR SHALL BE MAINTAINED.
- UPON TERMINATION OF WORK, PROMPTLY REMOVE ALL TOOLS, SCAFFOLDS, SURPLUS MATERIALS, DEBRIS, RUBBISH AND OTHER ITEMS RESULTING FROM DEMOLITION OF WORK.
- THE OWNER, ARCHITECT, DESIGNER ASSUME NO RESPONSIBILITY FOR ACTUAL CONDITION OF STRUCTURES, EQUIPMENT, ETC. TO BE DEMOLISHED.
- OWNER RESERVES THE RIGHT TO REMOVE AND SALVAGE ITEMS PRIOR TO THE START OF THE WORK SUCH AS DOORS, WINDOWS, HARDWARE, LIGHT FIXTURES, PLUMBING FIXTURES, LUMBER, ETC. UNLESS OTHERWISE NOTED OR SPECIFIED.
- REMOVE ITEMS WITH CARE AND STACK NEATLY. NO SPECIAL CLEANING AND STRIPPING OF SALVAGE ITEMS IS REQUIRED UNLESS THEY ARE TO BE REINSTALLED.
- REMOVE ITEMS FROM PREMISES AS WORK PROGRESSES. STORAGE OR SALE OF ITEMS ON SITE IS NOT PERMITTED WITHOUT PERMISSION BY OWNER.
- CONDUCT DEMOLITION AND REMOVAL OF DEBRIS TO INSURE MINIMUM INTERFERENCE WITH ROADS, STREETS, WALKS, AND OTHER ADJACENT OCCUPIED OR USED FACILITIES.
- PROVIDE PROTECTIVE DEVICES TO INSURE THE SAFE PASSAGE OF PERSONS AROUND THE DEMOLITION AREA. CONDUCT OPERATIONS TO PREVENT DAMAGE BY FALLING DEBRIS TO ADJACENT BUILDINGS, TREES, STRUCTURES, PERSONS, ETC. PROVIDE INTERIOR AND EXTERIOR SHORING, BRACING, ETC. TO PREVENT MOVEMENT, SETTLEMENT OR COLLAPSE OF STRUCTURES TO BE DEMOLISHED AND FACILITIES TO REMAIN. IF REQUIRED ERECT A 2 X 4 FRAME WITH MINIMUM 3/8" EXT. PLYWOOD SHEATHING CONSTRUCTION BARRIER ON THE SIDEWALK AROUND PERIMETER OF BUILDING. THE BARRIER SHALL BE 8'-0" HIGH AND HAVE A LOCKED DOOR FOR ACCESS. THE TOP PLATE SHALL BE BRACED BACK TO BUILDING STRUCTURE. MINIMIZE AMOUNT OF POWER SHOOTS INTO SIDEWALK (MAKE ANY REQUIRED REPAIRS TO SIDEWALK WHEN BARRIER IS REMOVED). LOCATE BARRIER NO MORE THAN 4'-0" FROM BUILDING LINE (LESS IF REQUIRED BY BUILDING DEPARTMENT).
- PROVIDE ADEQUATE FIRE PROTECTION DURING DEMOLITION WORK. PLACE FIRE EXTINGUISHERS AT JOB SITE (TYPE AND LOCATION AS DIRECTED BY FIRE INSPECTOR). ALSO, ANY EXISTING SPRINKLER SYSTEM SHALL BE MAINTAINED AND NOT SHUT DOWN (WHERE NECESSARY, PROVIDE TEMPORARY SUPPORT UNTIL NEW PIPING LAYOUT IS COMPLETED).
- PROMPTLY REPAIR DAMAGES CAUSED TO ADJACENT FACILITIES BY DEMOLITION OPERATIONS OR AS DIRECTED AND AT NO COST TO THE OWNER.
- SHUT OFF AND/OR DISCONNECT UTILITIES SERVICING THE PROJECT AS REQUIRED BY WORK. IF POSSIBLE REMOVE UTILITY LINES BACK TO MAIN SWITCHES, SHUT-OFF VALVES OR METERS. PROVIDE TEMPORARY POWER OUTLETS, LIGHTS (AS REQUIRED), HOSE BIBB WITH WATER TO ALLOW FOR DEMOLITION WORK.
- USE SUITABLE METHODS AS NECESSARY TO LIMIT THE AMOUNT OF DUST AND DIRT RISING AND SCATTERING IN THE AIR TO THE LOWEST LEVEL OF AIR POLLUTION PRACTICAL FOR THE CONDITION OF WORK; COMPLY WITH GOVERNING REGULATIONS.
- G.C. SHALL INSPECT ALL WALLS OR PORTIONS OF WALLS, COLUMNS, BEAMS OR CEILING THAT ARE BEING REMOVED TO DETERMINE IF THESE ELEMENTS BEING REMOVED ARE PROVIDING SUPPORT TO ANY CEILING, FLOORS, ROOF OR OTHER ELEMENTS. UPON INSPECTION, IF SUCH REMOVAL MAY CAUSE COLLAPSE OR MAY CREATE A POTENTIALLY UNSAFE CONDITION, THE DEMOLITION IS TO BE HALTED AND THE UNSAFE CONDITION(S) IS TO BE IMMEDIATELY REPORTED TO THE DESIGNER.
- UPON REMOVAL OF EXISTING FINISH FROM WALLS THAT ARE BEING REMOVED, THE G.C. SHALL INSPECT FOR ANY EXISTING BEAMS, POSTS, CROSS-BRACING OR PLYWOOD ON OR WITHIN ANY PORTION OF THE WALL. SHOULD THERE BE ANY SUCH ELEMENTS, THE G.C. SHALL HALT THE DEMOLITION AND IMMEDIATELY REPORT THE CONDITION(S) TO THE DESIGNER.
- ALL EXISTING FIREPROOFING SHALL BE PROTECTED FROM DAMAGE OR REMOVAL IN THE COURSE OF THE WORK. IN THE EVENT OF ANY DAMAGE OR REMOVAL, CONTRACTOR SHALL REPLACE BY IN-KIND PROTECTION. ANY NEW FURRING OVER EXISTING FIRE PROTECTED ELEMENTS SHALL NOT CAUSE REMOVAL OF, OR DAMAGE TO, THE FIRE PROTECTION.

LOCATION MAP



PROJECT DESCRIPTION

THE SCOPE OF WORK DEFINED BY THIS SET OF DOCUMENTS DESCRIBES THE PLANS FOR THE TENANT IMPROVEMENT OF AN EXISTING LOBBY OF AN EXISTING HOTEL INTO A BAR AND PRIVATE DINING ROOM AND TO ACoustically INSULATE THE ADJACENT GUEST ROOM WALLS WITH A MINIMUM STC + 45. THE PROJECT IS LOCATED IN THE CITY CENTER OF DOWNTOWN SAN JOSE IN THE COUNTY OF SANTA CLARA, CALIFORNIA.

THIS SET INCORPORATES BY REFERENCE THE PERMIT DOCUMENTS FOR THE EXISTING BUILDING ORIGINAL PLAN CHECK # 0005105, ORIGINAL PLANNING DEPT # RCP5H 09-04-04

PROJECT ADDRESS

301 S. MARKET STREET, SAN JOSE CA 95110

PARCEL INFORMATION

APN: 304-23-110 (PARCEL 3)
 ASSEA: 41,121 SQ. FT. (944 ACRES)
 SIZE: APPROX. 150 X 255'
 ZONING: DOWNTOWN CORE-C-3

CONSTRUCTION TYPE

TYPE I - FR., FULLY SPRINKLED

OCCUPANCY:

A-21

AFFECTED AREA OF WORK

1550 SQ. FT. AT THE NORTH-EAST CORNER OF PARCEL AT THE CORNER OF SAN CARLOS AND MARKET

CHANGES TO EXISTING STORE FRONT:

NONE

SIGNAGE:

UNDER SEPARATE PERMIT

JURISDICTION:

CITY OF SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA

FIRE SPRINKLER:

YES - DEFERRED SUBMITTAL

APPLICABLE CODES

2001 CALIFORNIA BUILDING CODE BASED ON 1997 EDITION OF UBC

- 2001 CALIFORNIA FIRE CODE
- 2001 CALIFORNIA PLUMBING CODE BASED ON 2000 UPC
- 2001 CALIFORNIA MECHANICAL CODE BASE ON 2000 UMC
- 2004 CALIFORNIA ELECTRIC CODE BASED ON 2002 NEC
- 2001 CALIFORNIA CODE FOR BUILDING CONSERVATION (Title, Chapter 5 and Appendix 1, 5 & 6 Adapted)
- 2005 BUILDING ENERGY EFFICIENCY STANDARDS

SEISMIC ZONE

IV

DESIGN WIND SPEED

70 MPH, EXPOSURE 'C'

CLIMATE ZONE

4

ADDITIONAL PROVISIONS

- SHOP DRAWINGS FOR ALL CABINETS ARE REQUIRED TO BE SUBMITTED BY THE CONTRACTOR AND APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION. SUBMIT 10 DAYS MINIMUM PRIOR TO REQUIRED APPROVAL DATE.
- PAINTING SUBCONTRACTOR SHALL PREP AND STAIN OR PAINT A 1/2" X 1/2" SAMPLE OF WOOD OR TRIM OF THE CHOSEN FINISH REQUIRED TO BE SUBMITTED BY THE CONTRACTOR AND APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION. SUBMIT 10 DAYS MINIMUM PRIOR TO REQUIRED APPROVAL DATE.
- ALL AREAS WHICH ARE SUBJECT TO MOISTURE, SHALL HAVE WATER RESISTANT GYPSON BOARD UNDER THE DESIGNATED WALL SURFACE AT THE INTERIOR OF THE BAR DEE. GEORGIA PACIFIC "DENSHELD TILE BACKER" OR EQ. 10 EXTEND TO 3" ABOVE THE DRAIN PILET OR TO TOP OF TIE, WHICHEVER IS HIGHER.
- ALL DOORS WITH GLASS SURFACES SHALL BE TEMPERED GLASS.
- ALL EXPOSED GYPSUM BOARD TO BE LEVEL 4 SMOOTH FINISH, OR VENEER PLASTER AS NOTED ON THE FINISH SCHEDULE.
- ALL EXTERIOR DIMENSIONS ARE TO FACE OF STUD OR FACE OF CONCRETE, TYP. U.O.N. ALL INTERIOR DIMENSIONS ARE TO FACE OF STUD, TYP. U.O.N.
- RECYCLE ALL WOOD WHERE POSSIBLE.
- ALL WORK IS IN TYPE I FIRE RATED BUILDING AND MUST MEET ALL REQUIRED TESTS OF FLAME SPREAD IN A COMMERCIAL INSTALLATION.
- WHERE NEW FLOORING IS INSTALLED, ALL FLOORING SHALL APPEAR TO BE INSTALLED AT THE SAME TIME WITH NO SEAMS OR LINES BETWEEN PORTIONS OF THE WORK.
- PROVIDE FIRE BLOC KING AT ALL NEW CEILING, FLOORS, FURRED-OUT CEILING, SOFFITS AND AT CONCEALED DRAFT OPENINGS.

SHEET INDEX

- A0.1 DATA SHEET
- A0.2 SITE PLAN
- A0.3 PARCEL MAP
- A2.1 FLOOR PLAN
- A4.0 DINING ROOM ELEVATIONS
- A4.1 BAR ELEVATIONS
- A4.2 EXTERIOR ELEVATIONS

PROJECT TEAM

OWNER

SCS ADVISORS, INC.
 Seril H. Sahni
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 San Rafael, CA 94901
 TEL: 415-458-2825
 FAX: 415-459-2528
 serh@scsadv.com

TENANT

MARRIOTT HOTEL
 Clinton Clark, General Manager
 301 S. Market Street
 San Jose, CA 95113
 TEL: 415-293-1300
 FAX: 415-278-4534
 clark@marriott.com

INTERIOR DESIGN

THE PUCCHINI GROUP
 Jessica MacDougal
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 TEL: 415-618-2716
 CELL: 415-618-2711
 jmacdougal@pucchini.com

ARCHITECT

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MECHANICAL/PLUMB

A. MANI & PARTNERS, INC.
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 101 California Street
 San Francisco, CA 94111
 TEL: 415-543-8344 X 122
 FAX: 415-543-0670
 Leela@amani.com

STRUCTURAL

MKA, STRUCTURAL ENGINEERS
 Kevin Rodriguez
 1501 Fifth Ave., Suite 3200
 Seattle, WA 98101-2029
 TEL: (206) 292-1200
 kar@mkak.com

FOOD SERVICE EQUIP.

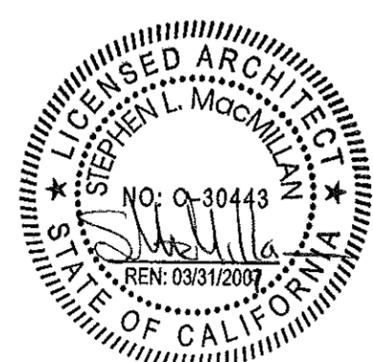
BALINGER, INC.
 Leona Balinger
 105 Morris Street, Ste. 125
 Sebastopol, CA 95472
 TEL: 707-824-2012
 FAX: 707-824-2015
 Leona@balinger.com

FIRE PROTECTION NOTES

- IF A FIRE SPRINKLER SYSTEM THROUGHOUT THE STRUCTURE IS REQUIRED FOR ALL NEW CONSTRUCTION.
- DEFERRED SUBMITTAL PLANS FOR FIRE SPRINKLER SYSTEM DESIGN AND HYDRAULIC CALCULATIONS SHALL BE COMPLETED BY A LICENSED FIRE SPRINKLER CONTRACTOR AND SUBMITTED TO THE SAN JOSE FIRE PROTECTION DISTRICT FOR APPROVAL PRIOR TO INSTALLATION OR MODIFICATION OF (E) SERVICE.
- FIRE SPRINKLER SYSTEM DESIGN AND INSTALLATION SHALL CONFORM TO THE PROVISIONS OF THE LOCAL AUTHORITIES AND I.F.P.A. IS STANDARD.

STATEMENT OF RESPONSIBILITY

I, THE RESPONSIBLE ARCHITECT OF RECORD ON THIS PROJECT AND WILL BE RESPONSIBLE FOR REVIEWING AND COORDINATING ALL SUBMITTAL DOCUMENTS PREPARED BY OTHERS, INCLUDING DEFERRED SUBMITTALS, FOR COMPATIBILITY WITH THE OVERALL DESIGN OF THE BUILDING.



SLM-AIA

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MARRIOTT HOTEL

CONDITIONAL USE PERMIT
 301 S. MARKET STREET
 SAN JOSE CA 95113

Date: 05/15/08
 JOB #: SJ-034

REVISIONS
 01/15/08 COND. USE REVIEW
 05/20/08 COND. USE REVIEW #1

DATA SHEET

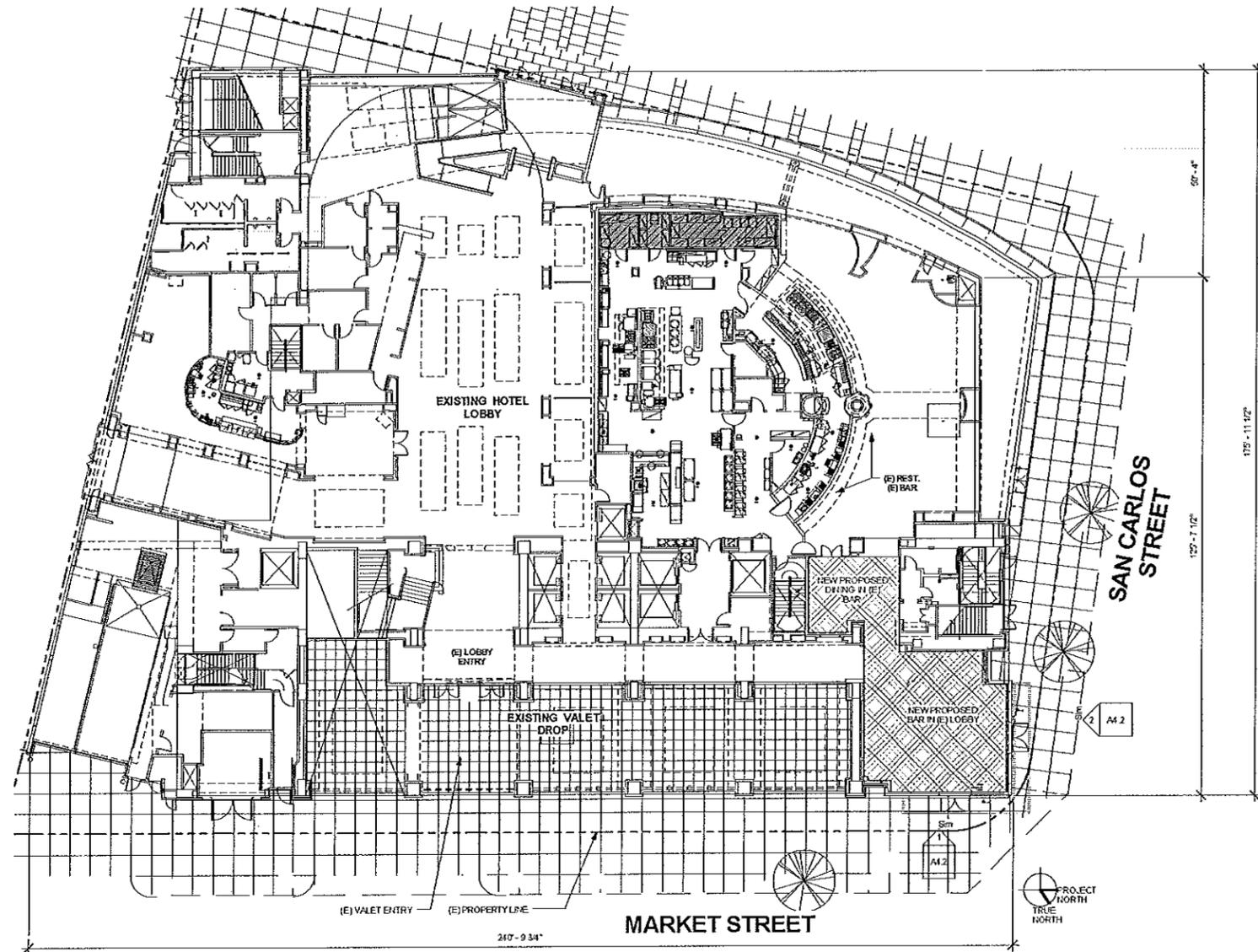
Scale: As Indicated

A0.1

File No. CP08-015

The area that is being reviewed is that portion of the existing Marriott Hotel at the corner of San Carlos and Market streets. The proposed work is limited to tenant improvements of the existing space for the addition of a bar in an existing lobby space and the conversion of a lounge space within the existing Acadia Restaurant into a private dining room.

- o Total Acres of Subject Property:
 - Note: this information taken from a record set, approved building set dated 07/31/01 "Issued for construction" of the Marriott Hotel:
 - 41,121 SQ. FT. (.944 acres)
 - 423290 gross square
- o Total number of dwelling Units:
 - Hotel has 506 guestrooms and suites
 - No new dwelling units proposed
- o Total number of existing and proposed off street parking and loading spaces
 - 175 parking spaces required for hotel
 - 289 Parking Spaces provided
 - 75 on site Valet spaces in Level B, Van accessible and ADA accessible parking
 - 214 off site Valet parking spaces at adjacent convention center
 - No additional parking is proposed
- o Total Gross Floor area of Tenant Improvement::
 - 1500 SQ. FT.
- o Entertainment:
 - Entertainment in the Tanq bar is not anticipated.
- o Entrances:
 - There are three entrances to the Tanq Bar: Double doors from San Carlos Street, double doors from Market Street and the interior corridor connecting the proposed bar to the Hotel Lobby and adjacent restaurant.
- o Garbage/Trash/recycling:
 - Garbage trash and recycling will be processed along with the trash and recycling for the rest of the Hotel. This is all processed in the lower level of the hotel and is accessed and removed through the existing garage.
- o Parking and Loading:
 - Advertised parking is available in the Hotel garago and in the Convention Center parking garage as well as available metered street parking in the vicinity. Valet service is also available for customers at the Market street lobby entrance of the Hotel.



① SITE PLAN / GROUND FLOOR
1/16" = 1'-0"

SCOPE OF WORK:
TENANT IMPROVEMENT:
- ADD PRIVATE DINING ROOM AND ACCESSORY BAR
- OCCUPANCY: A3
- AREA:
EXISTING RESTAURANT 5,493 SQ. FT.: (15 SQ. FT. PER PERSON) = 366 persons
EXISTING KITCHEN 3,711 SQ. FT.: (200 SQ.FT. PER PERSON) = 18 persons
EXISTING LOBBY 1,212 SQ. FT.: (15 SQ. FT. PER PERSON) = 80 persons
- TOTAL OCCUPANT LOAD: 464 PERSONS
- EXIT WIDTH REQUIRED: 464 * .15 = 69.6"
- EXIT WIDTH PROVIDED: MULTIPLE EXITS >500"

SLM-AIA

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MARRIOTT HOTEL
CONDITIONAL USE PERMIT

301 S. MARKET STREET
SAN JOSE CA 95113

Date: 05/15/08
JOB #: SJ-034

REVISIONS:
01/15/08 COND. USE REVIEW
05/30/08 COND. USE REVIEW II

SITE PLAN

Scale: 1/16" = 1'-0"

A0.2

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MARRIOTT HOTEL
CONDITIONAL USE PERMIT

301 S. MARKET STREET
 SAN JOSE CA 95113

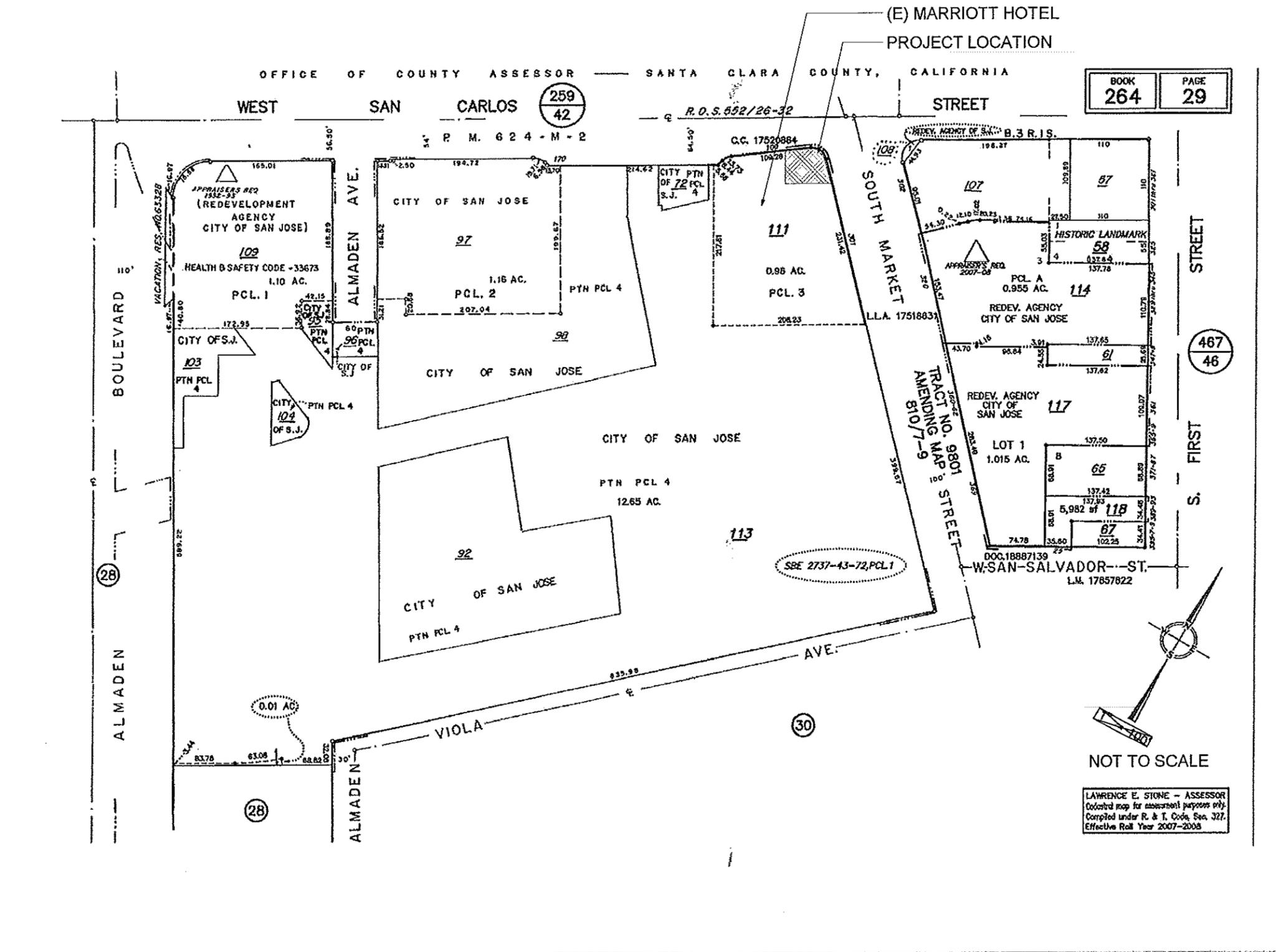
Date: 05/15/08
 Job #: SJ-034

REVISIONS
 01/15/08 COND. USE REVIEW
 05/06/08 COND. USE REVIEW

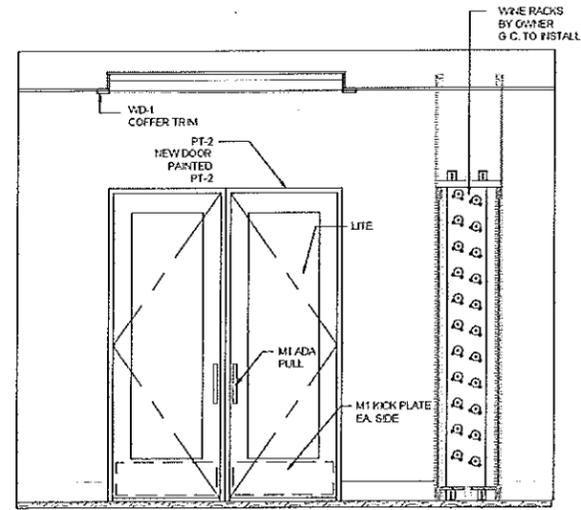
PARCEL MAP

Scale: 1" = 10'-0"

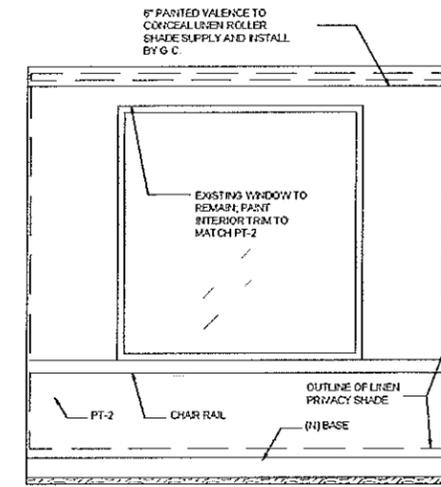
A0.3



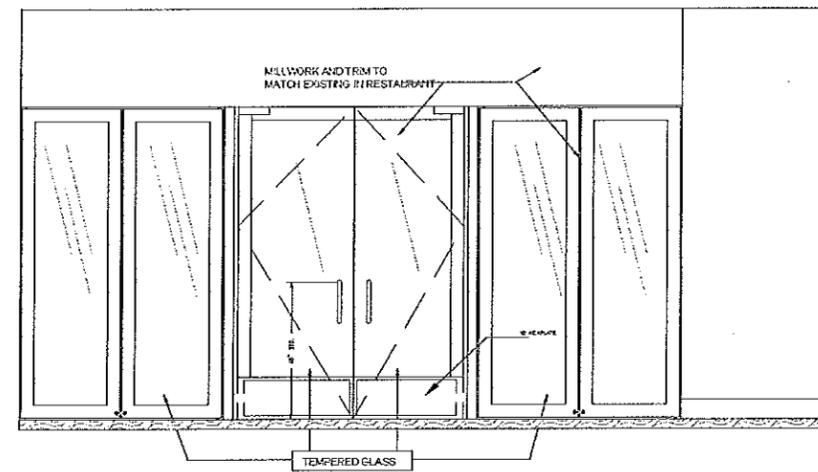
② PARCEL MAP
 1" = 10'-0"



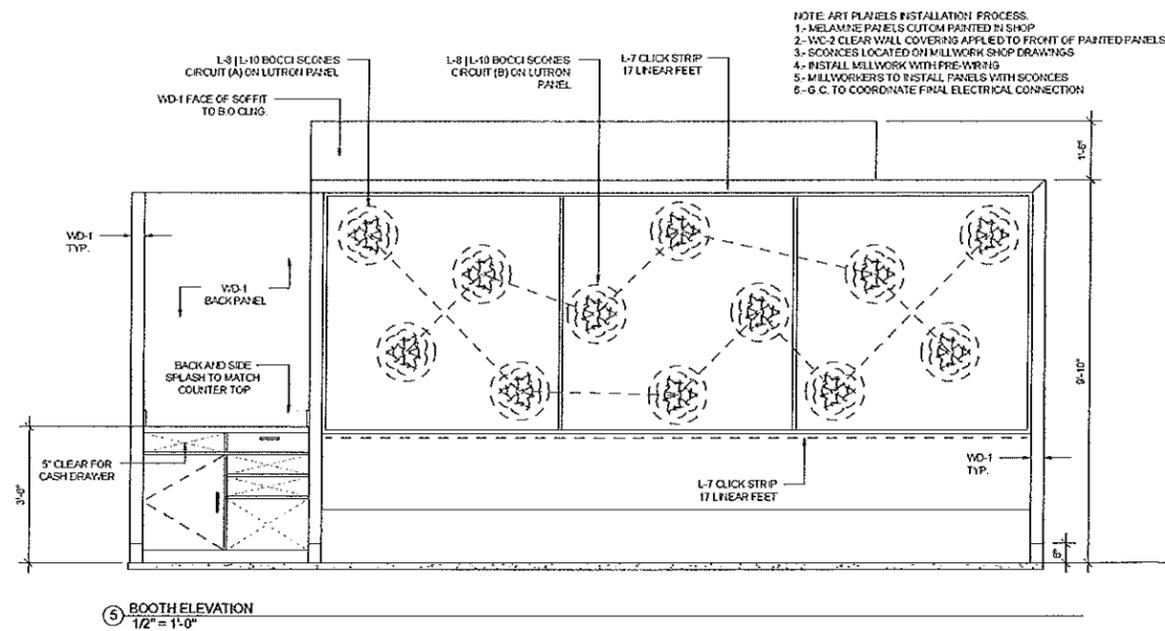
2 DINING ROOM WEST ELEVATION
 1/2" = 1'-0"



1 DINING ROOM EAST ELEVATION
 1/2" = 1'-0"

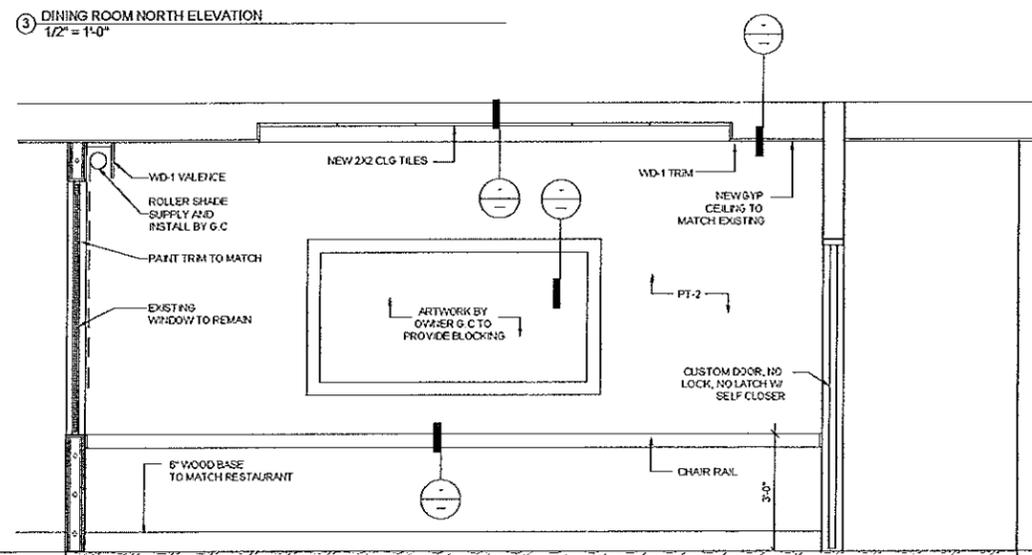


3 DINING ROOM NORTH ELEVATION
 1/2" = 1'-0"



5 BOOTH ELEVATION
 1/2" = 1'-0"

NOTE ART PANELS INSTALLATION PROCESS.
 1- MELANNE PANELS CUSTOM PAINTED IN SHOP
 2- WD-2 CLEAR WALL COVERINGS APPLIED TO FRONT OF PAINTED PANELS.
 3- SCONES LOCATED ON MILLWORK SHOP DRAWINGS
 4- INSTALL MILLWORK WITH PRE-WIRING
 5- MILLWORKERS TO INSTALL PANELS WITH SCONES
 6- G.C. TO COORDINATE FINAL ELECTRICAL CONNECTION



4 DINING ROOM SOUTH ELEVATION
 1/2" = 1'-0"

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MARRIOTT HOTEL
 CONDITIONAL USE PERMIT
 301 S. MARKET STREET
 SAN JOSE CA 95113

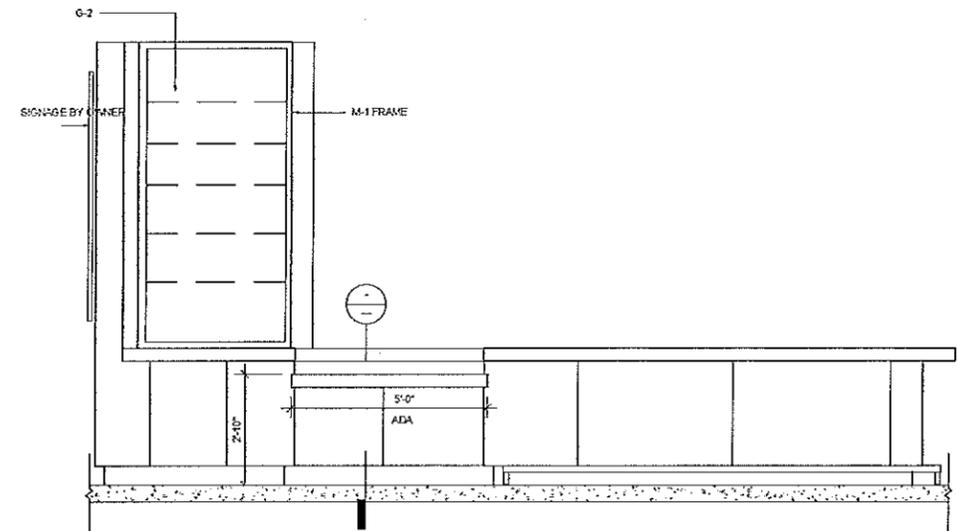
Date: 05/15/08
 Job #: SJ-034

REVISIONS	
04/15/08	COND. USE REVIEW
05/30/08	COND. USE REVIEW#

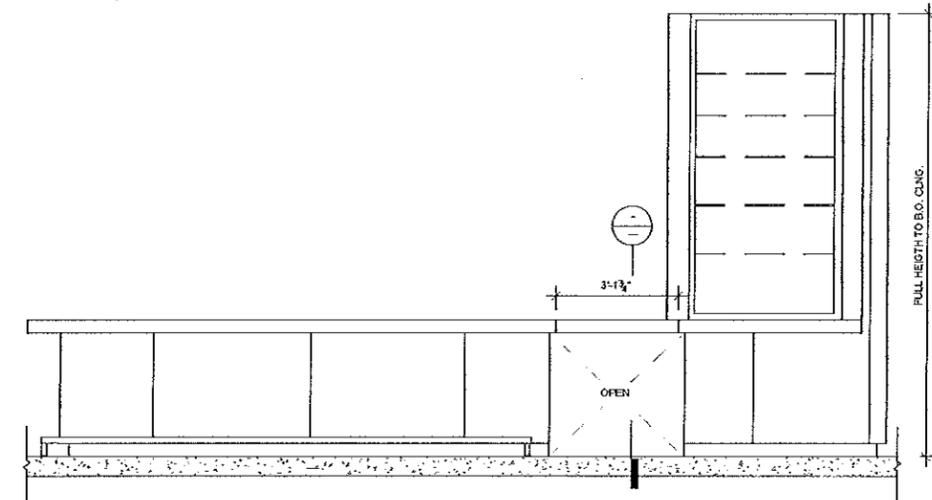
BAR ELEVATIONS

Scale: 1/2" = 1'-0"

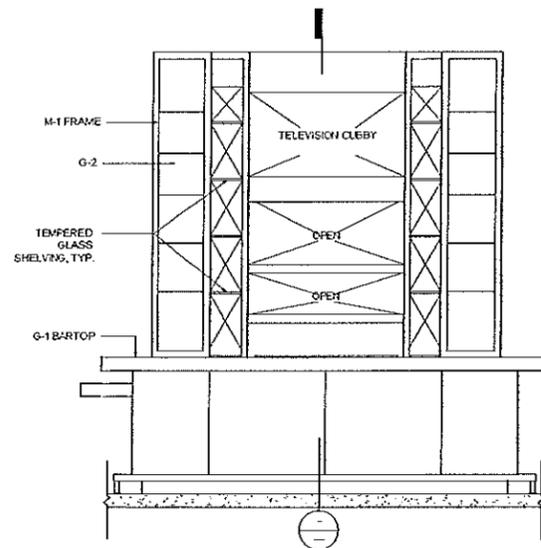
A4.1



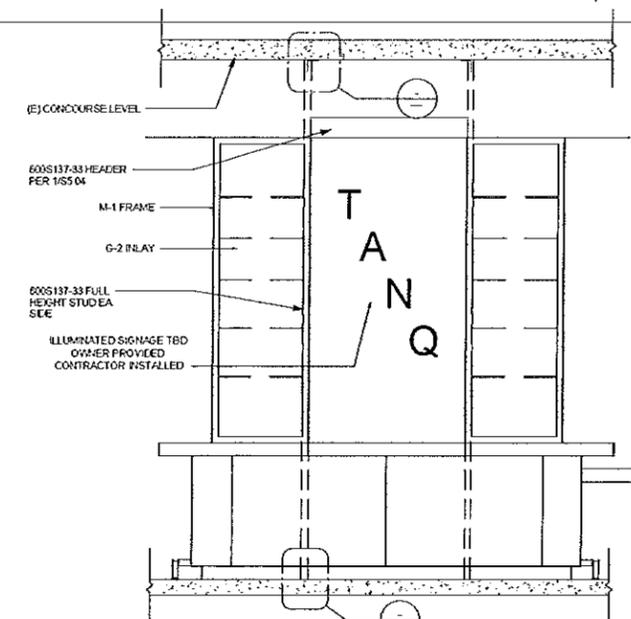
1 BAR SOUTH ELEVATION
 1/2" = 1'-0"



2 BAR NORTH ELEVATION
 1/2" = 1'-0"



4 BAR WEST ELEVATION
 1/2" = 1'-0"



3 BAR EAST ELEVATION
 1/2" = 1'-0"

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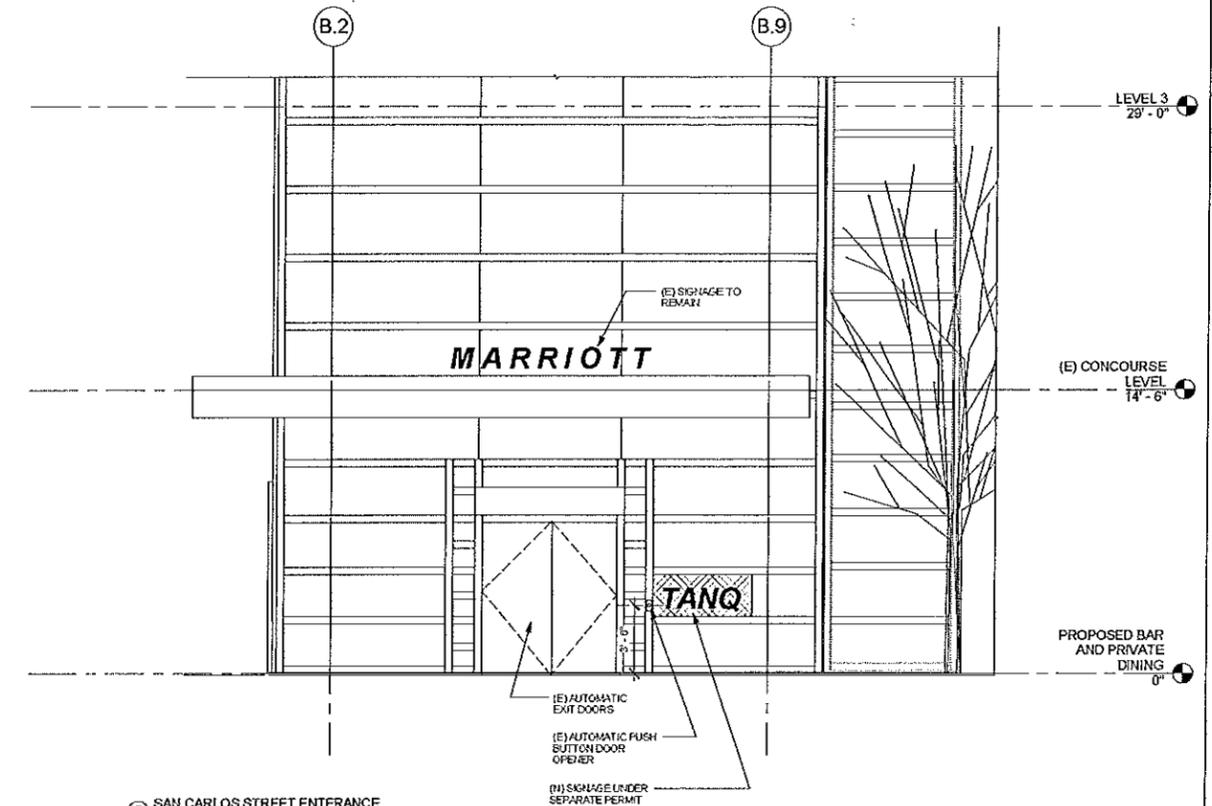
Date: 05/15/08
 Job #: SJ-034

REVISIONS
 01/15/08 COND. USE REVIEW
 05/20/08 COND. USE REVIEW II

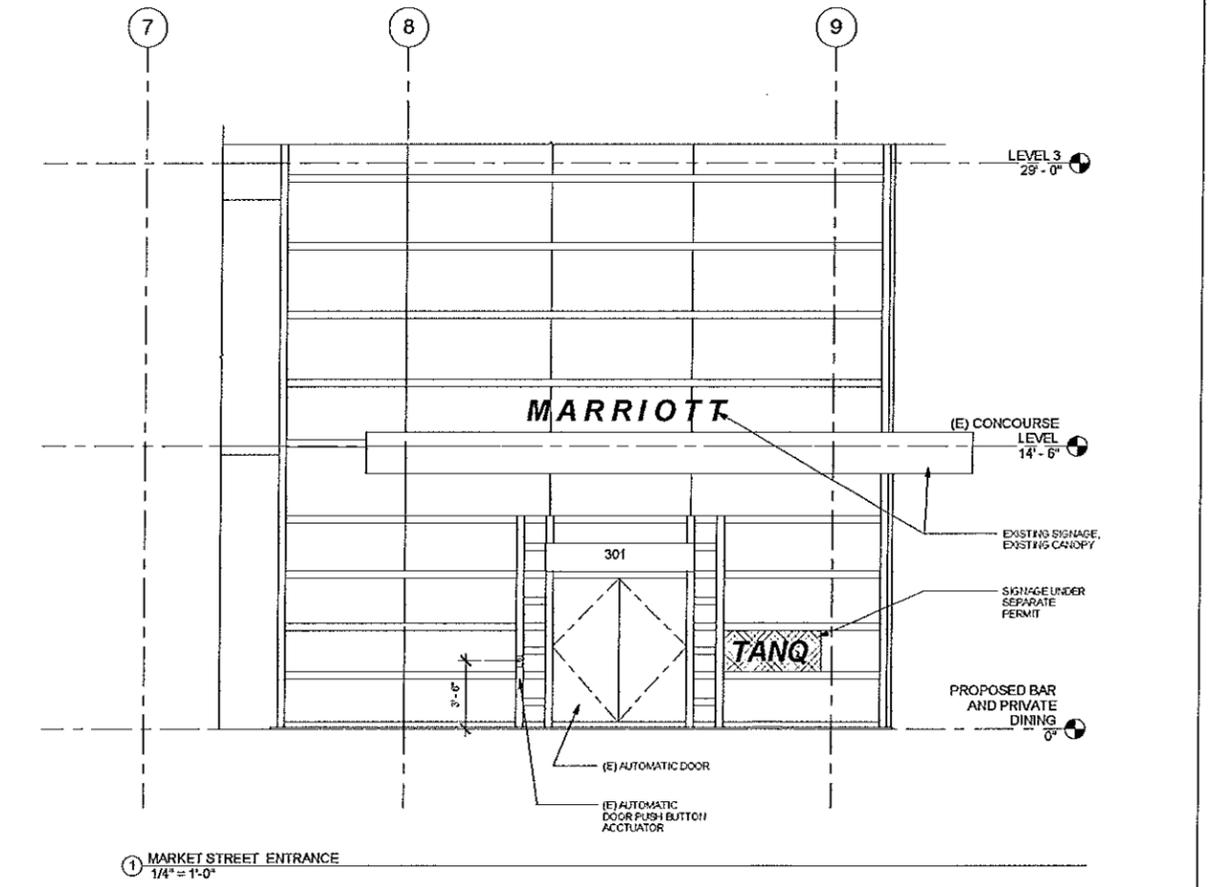
EXTERIOR ELEVATIONS

Scale: 1/4" = 1'-0"

A4.2



2 SAN CARLOS STREET ENTRANCE
 1/4" = 1'-0"



1 MARKET STREET ENTRANCE
 1/4" = 1'-0"