

STAFF REPORT
PLANNING COMMISSION

FILE NO.: CP11-033

Submitted: April 18, 2011

PROJECT DESCRIPTION:

Renewal of a Conditional Use Permit to allow the continued operation of an existing public eating and drinking establishment (Myth Taverna & Lounge) with late night use until 2:00 a.m. including an existing outdoor patio on a 0.11-gross-acre site.

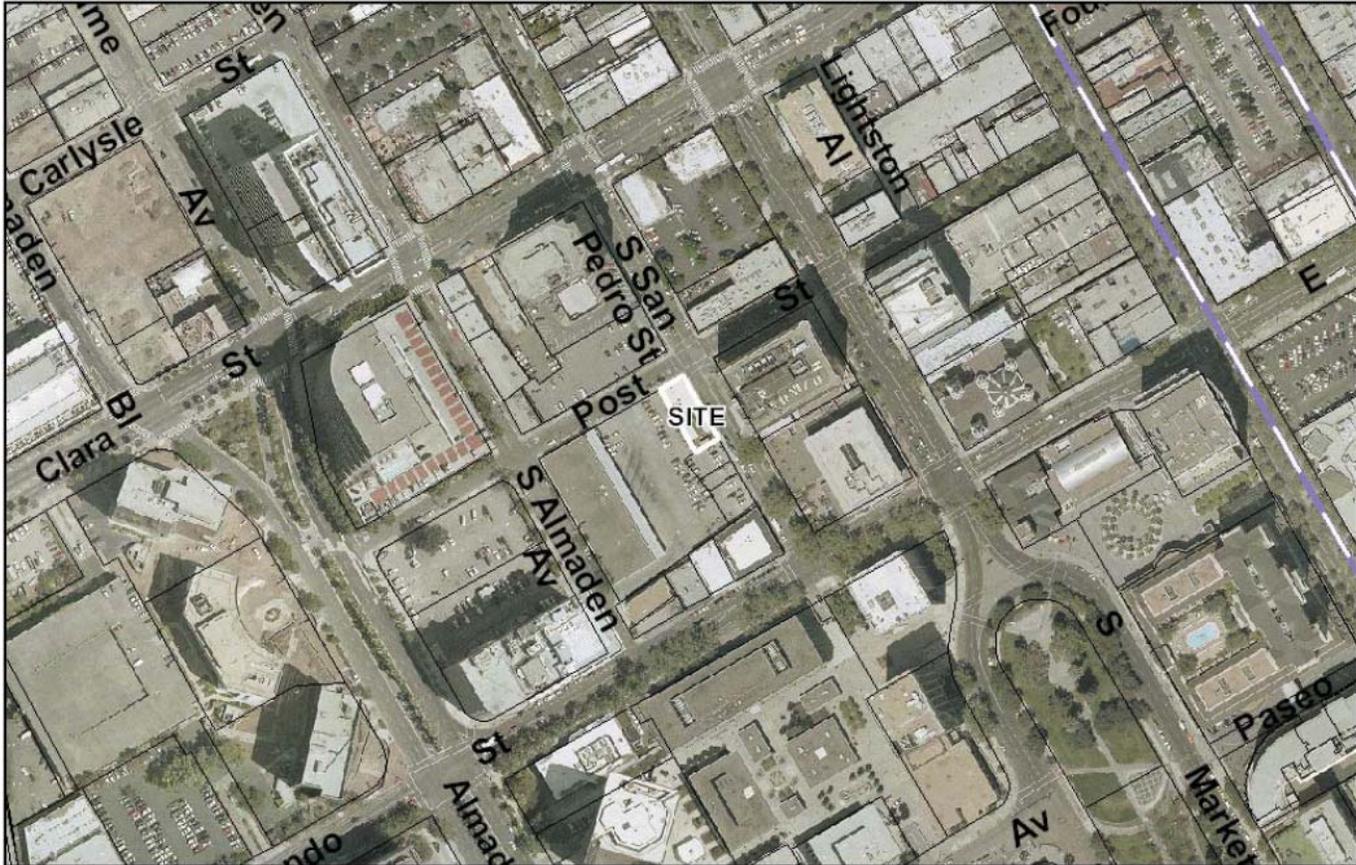
Zoning	DC-Downtown Primary Commercial
2020 General Plan	Core Area
2040 General Plan	Downtown
Council District	3
Annexation Date	March 27, 1850 (Original City)
SNI	N/A
Historic Resource	No
Redevelopment Area	Yes
Specific Plan	No

LOCATION:

Southwest corner of South San Pedro and Post Streets (152 Post Street)

Aerial Map

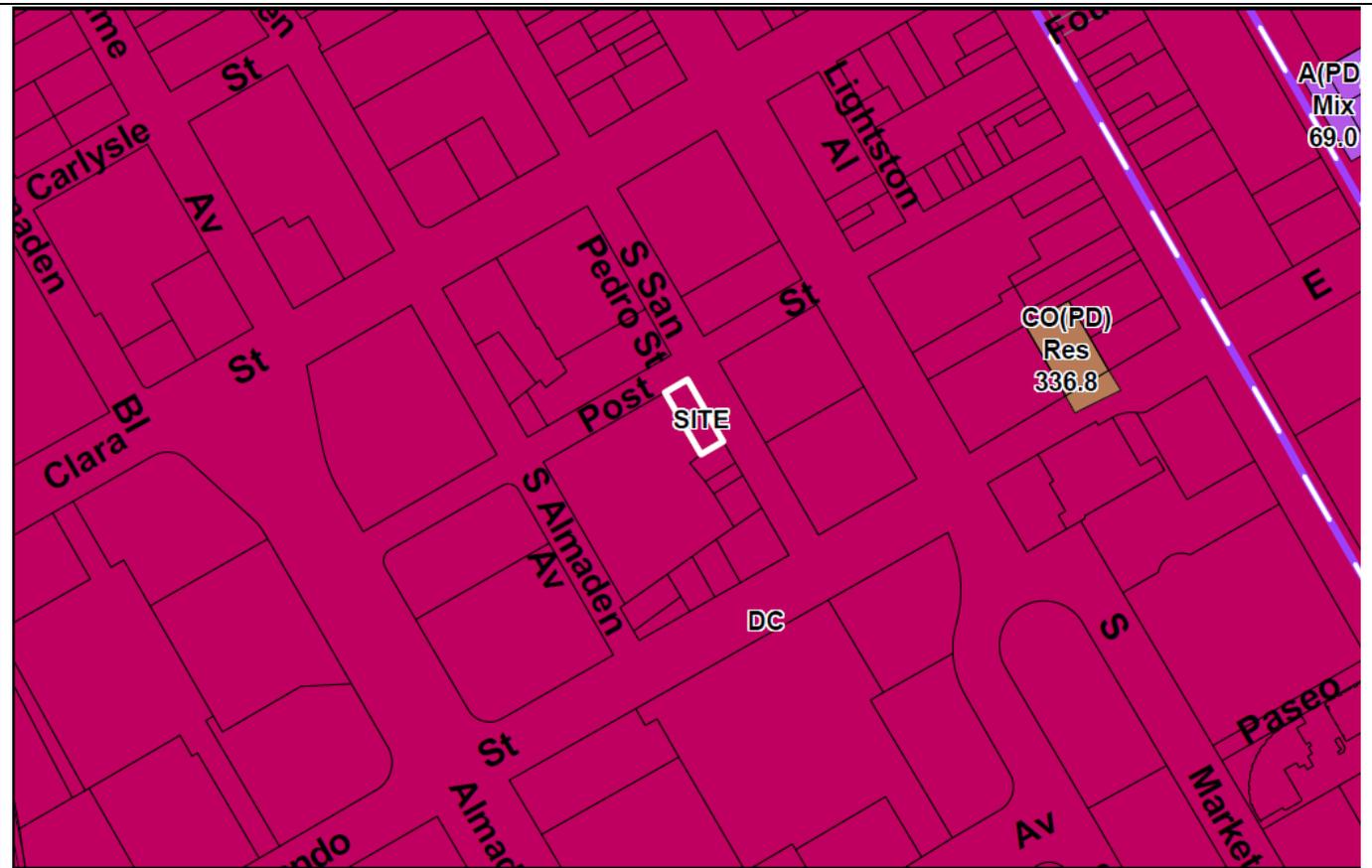
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SAN JOSE 2020 GENERAL PLAN



ZONING



RECOMMENDATION

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

1. The subject Conditional Use Permit renewal is consistent with the San José 2020 General Plan and its goals and policies, specifically:
 - a. The use is consistent with the site's General Plan Land Use/Transportation Diagram designation of Core Area in that commercial uses, such as eating and drinking establishments, are intended uses under this designation.
 - b. The project furthers the Downtown Revitalization Major Strategy by promoting a mix of uses and attracting visitors to the downtown.
2. The subject Conditional Use Permit renewal is consistent with the Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Downtown in that commercial uses, such as eating and drinking establishments, are intended uses under this designation and the project supports the function of Downtown as a primary jobs center.
3. The project conforms to Council Policy 6-23, Guidelines for Evaluation of Nightclubs and Bars.
4. The project conforms to City Council Policy, Evaluation of 24-Hour Uses.

BACKGROUND & DESCRIPTION

On April 18, 2011, Ray Shafazand applied for renewal of a Conditional Use Permit on the subject site to allow for the continued operation of a public-eating establishment and drinking establishment (Myth Taverna & Lounge) including an outdoor patio with late-night use until 2:00 a.m., seven days a week. The site is located in the DC-Downtown Primary Commercial Zoning District. This District requires a Conditional Use Permit for a drinking establishment and for late night use between 12:00 midnight and 6:00 a.m. The DC-Downtown Primary Commercial Zoning District does not require parking for the said use.

The Planning Commission approved a Conditional Use Permit File No. CP04-045 and Conditional Use Permit Amendment File No. CPA04-045-01, each for a term of five years. As a result of the Permit Amendment approved in 2006, the original Conditional Use Permit was set to expire on July 27, 2011. This application is a timely application for renewal, as defined by the Zoning Ordinance, which is more than 90 days, and no greater than 180 days, prior to the date of expiration. The applicant is not proposing any change in uses from those previously approved by Conditional Use Permit CP04-045 as amended by CPA04-045-01. Since approval of File No. CPA04-045-01, the applicant has developed a trellis with cover over the existing patio. The trellis structure and cover was approved with a Permit Adjustment (File No. AD05-341).

Myth Taverna & Lounge is located in an existing 3,328-square-foot building which is a single-story, unreinforced masonry structure originally constructed in 1931. The building also has a 2,072-square-foot paved outdoor patio located at the rear of the building and surrounded by a six-foot high wall with two exits to San Pedro Street. The patio is currently used for dining, drinking and entertainment space. In 2006, a Conditional Use Permit Amendment, CPA04-045-01, was approved to allow the expansion of the late-night use between 12:00 midnight and 2:00 a.m., seven days a week to include the existing outdoor patio.

Site and Surrounding Uses

The subject 0.11-gross-acre site, located at the southwest corner of South San Pedro and Post Streets, is bordered by surface parking lots for the Greyhound bus station to the west and south, with commercial uses including restaurant uses further west and south. At the northwest corner of South San Pedro and Post Streets, a surface parking lot serves adjacent commercial structures, and commercial office buildings (the Metropole and Market-Post Tower/Gold Building) are located at both the northeast and southeast corners of South San Pedro and Post Streets. The nearest existing residential use is located over one block (440 feet) away in San Pedro Square, where there are residential units above commercial uses at 163 West Santa Clara Street on the north side of West Santa Clara Street between North San Pedro Street and Almaden Avenue.

ANALYSIS

The proposed Conditional Use Permit renewal is analyzed with respect to: 1) conformance with the San José 2020 General Plan and the Envision San José 2040 General Plan; 2) conformance with City Council Policy 6-27 for the Evaluation of 24-Hour Uses; 3) conformance with City Council Policy 6-23 Guidelines for the Evaluation of Nightclubs and Bars, and 4) conformance with the California Environmental Quality Act (CEQA).

San José 2020 and Envision San José 2040 General Plan Conformance

The subject Conditional Use Permit renewal application was submitted and deemed complete when the San José 2020 General Plan was in effect, and therefore is considered a pipeline project. The subject site is designated Core Area on the San José 2020 General Plan Land Use/Transportation Diagram. The intent of the designation is to support a vibrant 24-hour activity center for the City of San José that serves both as an employment center and as a focal point for cultural and recreational activities. The Core Area designation allows office, service, retail, residential, and entertainment uses. The proposed uses are consistent with the Core Area designation in that commercial uses, such as an eating and drinking establishment, are intended uses under this designation. The proposed uses also further the General Plan Downtown Revitalization Major Strategy. This Strategy encourages new investment in and around the Downtown to create a prominent and attractive place with a vibrant mix of uses.

The Envision San José 2040 General Plan reinforces the importance of San José's Downtown as the physical and symbolic center of the City, and as a primary jobs center. The proposal is consistent with these goals.

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 drinking establishments, the Policy states that uses under this category should meet the City Council Policy on the Guidelines for Evaluation of Nightclubs and Bars, and that if they conform to Council Policy 6-23, then they are in conformance with Council Policy 6-27.

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. The applicable project characteristics required by the policy are inserted in italics below.

1. 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 has stated it is neutral toward this Conditional Use Permit renewal. The Police Department is responsible for monitoring bars and nightclubs and may impose conditions through the subsequent Entertainment Permit to discourage nuisance activities as stated above.

2. 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. 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.

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 downtown, so cleaning of the public right-of-way other than immediately adjacent frontage is no longer required.

3. Amplified sound may be restricted based on potential incompatibility with adjacent uses.

The subject site should be compatible with the surrounding mix of commercial uses. Any noise generated from the subject use is subject to the general nuisance provisions of the San José Municipal Code. The nearest existing residential use is located over one block (440 feet) away in San Pedro Square, where there are residential units above commercial uses at 163 West Santa Clara Street on the north side of West Santa Clara Street between North San Pedro Street and Almaden Avenue.

California Environmental Quality Act (CEQA)

Under the provisions of Section 15301 (Existing Facilities) of the State Guidelines for Implementation of the California Environmental Quality Act, 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, in that no expansion of the existing use is proposed.

Conclusion

Based on the above analysis, the proposal conforms to the City's specific guidelines for drinking establishment uses and 24-hour/late-night operating hours. The proposal renews existing conditional uses that have operated successfully in the Downtown Core with similar uses and contributes to the intended 24-hour entertainment character of this area in the Downtown Core. Therefore, staff recommends that the Planning Commission approve the proposed Conditional Use Permit as recommended by staff.

RESOLUTION NO. _____

Resolution of the Planning Commission of the City of San José granting, subject to conditions, a Condition Use Permit for the continued operation of an existing public eating and drinking establishment with late-night use between 12:00 midnight and 2:00 a.m., including an existing outdoor patio, located on the southwest corner of South San Pedro and Post Streets (152 Post Street)

FILE NO. CP11-033

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

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San Jose Municipal Code, on April 18, 2011, an application (File No. CP11-033) was filed for a Conditional Use Permit renewal for the purpose of allowing the continued operation of an existing public eating and drinking establishment with late night use until 2:00 a.m., including an existing outdoor patio, on that certain real property (hereinafter referred to as "subject property"), situate in the DC-Downtown Primary Commercial Zoning District, located on the southwest corner of South San Pedro and Post Streets (152 Post Street) San Jose, 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 Jose 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, "Myth, 152 Post Street, San Jose, CA," dated September 24, 2010. 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 Jose 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 subject site is located on the southwest corner of South San Pedro and Post Streets.
2. The site is zoned DC-Downtown Primary Commercial.
3. This site has a designation of Core Area on the adopted San José 2020 General Plan Land Use/Transportation Diagram and has a designation of Downtown on the Envision San Jose 2040 General Plan Land Use/Transportation Diagram.
4. On October 15, 2004, the Planning Commission approved a Conditional Use Permit (File No. CP04-045) on the subject property for a public eating, drinking, and entertainment establishment with late night use between 12:00 midnight and 2:00 a.m., which includes an outdoor patio.
5. Subsequently, on July 27, 2006, the Planning Commission approved a Conditional Use Permit Amendment (File No. CPA04-045-01) to allow for the expansion of late night uses to include the outdoor patio seven days a week between 12:00 midnight and 2:00 a.m. for the public eating, drinking and entertainment establishment including the outdoor patio with late-night use between 12:00 midnight and 2:00 a.m.
6. The originally approved Conditional Use Permit included a term limit of five (5) years.
7. The Conditional Use Permit Amendment extended the term limit of the original approved Conditional Use Permit with an expiration date of July 26, 2011.
8. On April 18, 2011, the applicant filed the subject Conditional Use Permit for a timely renewal to allow the continued use of the facility in accordance with the original approval as amended in 2006.
9. The Zoning Ordinance does not require parking for the proposed use in the DC-Downtown Primary Commercial Zoning District.
10. No on-site parking is proposed as part of the project.
11. The site is approximately 0.11 gross acres in size.
12. The uses occupy an approximately 3,328-square-foot building which is a single-story, unreinforced masonry structure originally constructed in 1931.
13. The building also has a 2,072-square-foot paved outdoor patio located at the rear of the building and surrounded by a six-foot high wall with two exits to San Pedro Street.
14. The outdoor patio associated with the tenant space is currently used for dining, drinking and entertainment space.
15. The site is bordered by surface parking lots for the Greyhound bus station to the west and south, with commercial uses including restaurant uses further west and south. At the northwest corner of South San Pedro and Post Streets, a surface parking lot serves adjacent commercial structures, and commercial office buildings (the Metropole and Market-Post Tower/Gold Building) are located at both the northeast and southeast corners of South San Pedro and Post Streets.

16. The nearest existing residential use is located over one block away in San Pedro Square, where there are residential units above commercial uses at 163 West Santa Clara Street on the north side of West Santa Clara Street between North San Pedro Street and Almaden Avenue.
17. The outdoor patio is more than 400 feet from the nearest residential uses.
18. No changes to the exterior of the building are proposed under this permit application.
19. The Director of Planning, Building, and Code Enforcement has determined pursuant to Section 15301 of the CEQA Guidelines 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.
20. The proposed project is subject to City Council Policy 6-27: Evaluation of 24-Hour Uses and City Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars.
21. The location of the proposed project is in an area of the Downtown Core that is identified in the San Jose 2020 General Plan and the Envision San Jose 2040 General Plan as an appropriate area for 24-hour entertainment uses.
22. The Police Department stated that it is neutral regarding the issuance of a Conditional Use Permit to allow for the continued operation of an existing eating and drinking establishment with outdoor patio with late-night use until 2:00 a.m.
23. The existing eating and drinking establishment with outdoor patio has been in operation with late-night use until 2:00 a.m. in conformance with permit conditions and without an unusual level of service demands upon the City since 2006.

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

1. The proposed project conforms to the City's General Plan.
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 project, as conditioned, conforms to Council Policy 6-27: Evaluation of 24-Hour Uses.
5. The proposed project, as conditioned, conforms to Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars.

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

1. The proposed uses 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 facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purposes 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

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.
3. **Conformance with Plans.** Operations shall conform to approved development plans entitled, "Myth, 152 Post Street, San Jose, CA," dated September 24, 2010, on file with the Department of Planning, Building and Code Enforcement.

4. **Additional Permits.** The applicant shall secure and/or maintain in good standing, any and all applicable permits from outside agencies and as required per the San José Municipal Code.
5. **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.
6. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings, fences, and wall surfaces within 48 hours of defacement.
7. **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 operator of the proposed use shall clean the public right-of-way within 200 feet of the subject site before 8:00 a.m. each day.
 - c. Mechanical equipment used for outside maintenance, including blowers and street sweepers shall not be used between 10:00 p.m. and 6:00 a.m. daily.
 - d. The facility operator shall provide adequate ashtrays in areas consistent with other city requirement 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.
8. **Hours of Operation.** 6:00 a.m. to 2:00 a.m., seven days a week.
9. **Lighting.** This permit allows no new exterior lighting.
10. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to approval by the Director of Planning.
11. **Security Personnel.** Private security personnel shall be posted at each of the two exterior patio exits during nightclub business hours to control the patrons coming and going as well as to count the number of persons who have left the premises during nightclub business hours to the satisfaction of the Chief of Police.
12. **Queuing.** The nightclub operator shall use stanchions to contain the queuing line for its entire length. The queuing operation for the facility shall not disrupt pedestrian movements on the sidewalk, and shall allow for clear pedestrian movement on the sidewalk at all times. The queuing operation shall utilize the frontage of the subject site before utilizing adjacent business frontage.
13. **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.
14. **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

In accordance with the findings set forth above, a permit to use the subject property for said purpose specified above is hereby approved.

APPROVED and issued this **25th day of January 2012**, 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.



Memorandum

TO: Jenny Nusbaum
Planning Department

FROM: Christine Zarate #3165
San Jose Police Vice Unit

SUBJECT: Door 152
CPA-04-045-02

DATE: May 9, 2011

Approved

Date

I have received your request for input regarding Door 152 at 152 Post Street, San Jose, Ca. 95113. Door 152 is requesting to renew previous permit to allow the continued operation of a public eating and drinking establishment with late night use between 12 midnight to 2 am.

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.

Door 152 is located in San Jose Police Beat E3. 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
E3 (2010)	354	781	1135	Yes
City Average	314	258	634	

Department of Alcohol Beverage Control (ABC) records indicate Door 152 is in census tract 5008. Pursuant to B&P Section 23958.4 (a)(3) ... the ratio of on-sale retail licenses and off-sale retail licenses to population in census tract 5008 **does** exceed the ratio of on-sale retail licenses and off-sale retail licenses to population in the county in which the applicant premises are located.

Authorized and Current ABC Licenses in Census Tract 5008

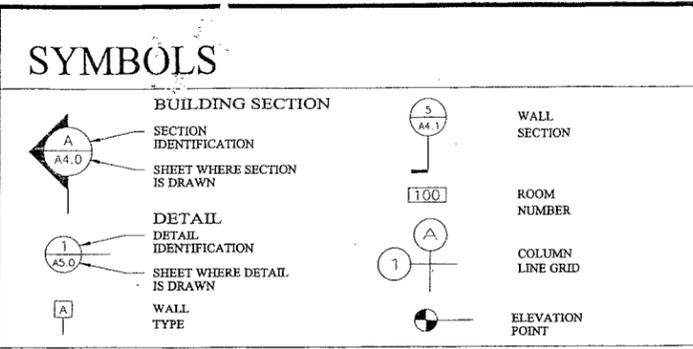
Census Tract	Authorized ABC Licenses as of January 2008		Current ABC Licenses as of May 18, 2010		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off - Sale	On - Sale	Off - Sale
5008	3	2	68/4	4/1	Yes	Yes

The San Jose Police Department is neutral to the renewal of a previous permit to allow the continued operation of a public eating and drinking establishment with late night use. Please feel free to contact me at 277-4322 if you have any questions.

Ofc. Christine Zarate #3165
Administrative Officer
Special Investigations/Vice

ABBREVIATIONS

ADJ	ADJUSTABLE	I.D.	INSIDE DIAMETER
ALUM	ALUMINUM	INSUL	INSULATION
L	ANGLE	MECH	MECHANICAL
APPROX	APPROXIMATE	MET	METAL
A.F.F.	ABOVE FINISHED FLOOR	MFR	MANUFACTURER
BD	BOARD	MIN	MINIMUM
BLDG	BUILDING	MTD	MOUNTED
CAB.	CABINET	(N)	NEW
CL	CENTER LINE	NIC	NOT IN CONTRACT
CLG	CEILING	NO./#	NUMBER
CLR	CLEAR	NTS	NOT TO SCALE
COL	COLUMN	O.C.	ON CENTER
CONC	CONCRETE	O.D.	OUTSIDE DIAMETER
CONST	CONSTRUCTION	O.F.C.I.	OWNER FURNISHED, CONTRACTOR INSTALLED
CONT	CONTINUOUS	RAD	RADIUS
CSK	COUNTERSINK	REC	RECESSED
CW	COLD WATER	RECT	RECTANGLE
DET	DETAIL	REF	REFERENCE
DIA	DIAMETER	REINF	REINFORCED/ING
DIM	DIMENSION	REQ	REQUIRED
DWG	DRAWING	SC	SOLID CORE
EA	EACH	SCHED	SCHEDULE
ELEV	ELEVATION	SHT	SHEET
ELEC	ELECTRICAL	SIM	SIMILAR
EQ	EQUAL	SPECS	SPECIFICATIONS
EXH	EXHAUST	SQ	SQUARE
(E)	EXISTING	STD	STANDARD
EXT	EXTERIOR	STL	STEEL
EXP	EXPANSION	ST.STL. or SS	STAINLESS STEEL
FIN	FINISH	SUSP	SUSPENDED
FLR	FLOOR	THK	THICK
FT	FEET	T.O.S.	TOP OF SLAB
FIX	FIXTURE	TYP	TYPICAL
GA	GAUGE	V.I.F.	VERIFY IN FIELD
GALV	GALVANIZED	VOL	VOLUME
GL	GLASS	W/	WITH
GYP	GYPSONUM	WD	WOOD



PROJECT NAME

TENANT IMPROVEMENTS
152 POST STREET
SAN JOSE, CA

SCOPE OF WORK

MODIFICATION TO EXISTING EXTERIOR RESTAURANT BAR TO ACCOMMODATE DISABLE ACCESSIBILITY AND STRUCTURAL SUPPORT FOR NEW COVER AT PATIO AREA

PROJECT BUILDING DATA

BUILDING DATA:

PROJECT SITE: 152 POST STREET
SAN JOSE, CALIFORNIA

ASSESSORS PARCEL NUMBER: #259-40-013

LOT AREA: 4,823 S.F.

BUILDING AREA:
MAIN FLOOR: 2,326 S.F.
BASEMENT: 1,002 S.F.
PATIO: 2,072 S.F.
TOTAL: 5,400 S.F.

CONSULTANTS

APPLICANT/ TENANT:

Ray Shafiqand
154 Post Ave.
San Jose, CA.
TEL: (408) 595-4027

ARCHITECT: A.G.P. Design Group
Amir Khojasteh
Mike Foresee
3001 S. Winchester Blvd.
Suite 6
Campbell, CA 95008
Tel.: (408) 316-6168
Fax: (408) 996-1247

SHEET INDEX

ARCHITECTURAL
A.0.0 COVER SHEET
A.2.0 EXISTING PATIO FLOOR PLAN

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S.1 PATIO STRUCTURAL FRAMING

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P.2.2 EXISTING PATIO PLUMBING PLAN
P.3.1 EXISTING PATIO PLUMBING PLAN

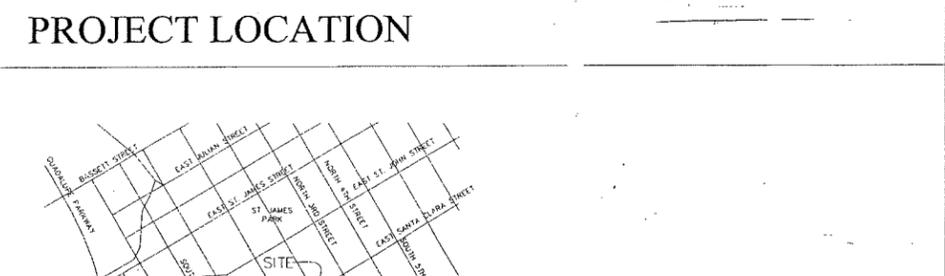
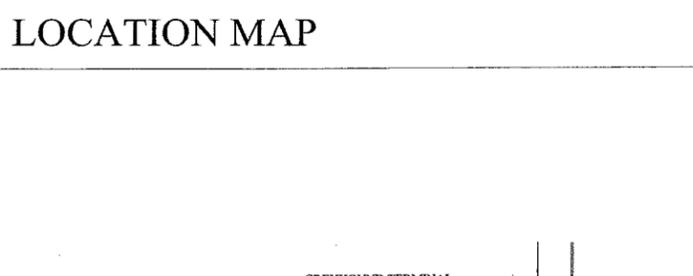
ELECTRICAL
E.2.1 EXISTING PATIO ELECTRICAL PLAN

APPLICABLE CODES:

- CBC/ CALIFORNIA BUILDING CODE- 2007
- CPC/ CALIFORNIA PLUMBING CODE- 2007
- CFC/ NATIONAL FIRE PROTECTION ASSOCIATION- 2007
- CNC/ CALIFORNIA ELECTRICAL CODE- 2007
- CMC/ CALIFORNIA MECHANICAL CODE- 2007
- ANSI STANDARDS, LATEST GOVERNING EDITION
- COUNTY OF SANTA CLARA CODES AND ORDINANCES, INCLUDING, BUT NOT LIMITED TO, FIRE AND ZONING.

GENERAL NOTES

- EARLY WARNING ALARM SYSTEM (EWAS) SHALL BE INSTALLED IN COMPLIANCE WITH NFPA COMMERCIAL STRUCTURES AND CUPERTINO CITY.
- THE ALARM CONTRACTOR SHALL PROVIDE TWO COPIES OF WORKING DRAWINGS TO THE FIRE DISTRICT FOR REVIEW AND APPROVAL.
- THE FIRE DISTRICT MUST ISSUE A PERMIT PRIOR TO THE INSTALLATION OF THE EWAS SYSTEM.
- THE ALARM CONTRACTOR SHALL HAVE A BUSINESS LICENSE AND WORKER'S COMPENSATION CERTIFICATE ON FILE WITH THE CITY OF CUPERTINO BUILDING DIVISION.
- THE GARBAGE STORAGE IS LOCATED IN PATIO AREA.
- ALL THE RESTROOMS, ELEVATORS, STAIRS, DRINKING FOUNTAINS, EGRESSSES, SIGNS, H.C. STALLS AND PARKINGS ARE EXISTING AND NO CHANGE.



SAN JOSE FIRE DEPARTMENT
Approved as submitted subject to inspection

FIRE PROTECTION SYSTEMS

Type of Inspection	Required
Overhead Installation	✓
Fixed Systems (e.g., sprinklers, fire alarm)	✓
Pre-action	✓
FSD / Air Handler	
Others	

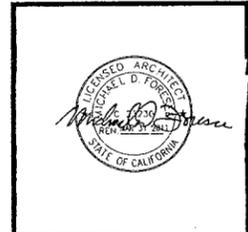
LIFT SAFETY SYSTEMS

Type of Inspection	Required
Public Handicap/ Occupant Level Sign	✓
Exit Sign / Exit System (e.g., exit door)	✓
Stair / Elevator / Evacuation Signs	✓
Emergency Lighting	✓
Fire Rated Construction	✓
Street Address / Fire Extinguisher	✓
Others	

By: *[Signature]* Date: 12/13/10

Approved with conditions of variance to install sprinkler system 12 months from date of opening subject to conditions of chief Lee on 12/13/10

A.G.P.
Design Group
3001 S. Winchester Blvd, Ste. d
Campbell, CA 95008
Tel: (408) 316-6168
Fax: (408) 996-1247
E-Mail: agp@pacbell.net



COVER SHEET

MYTH

152 POST STREET.
SAN JOSE, CA

REVISIONS

NO.	ITEM

PLOT SCALE: 1"=1'-0"

DRAWN BY: A.K.

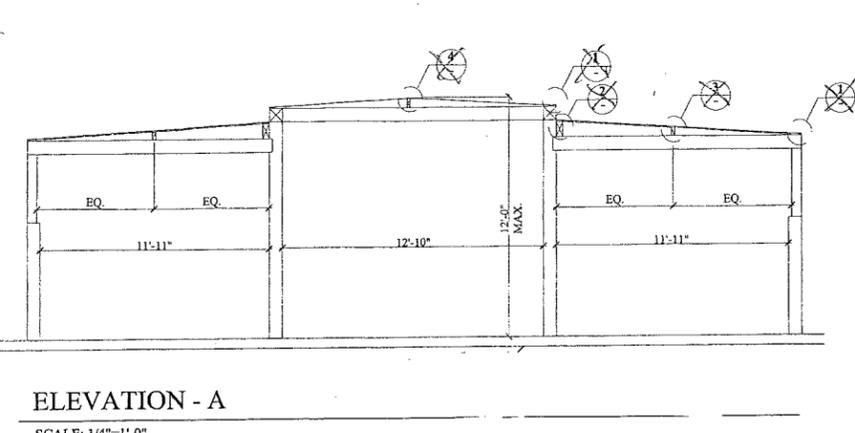
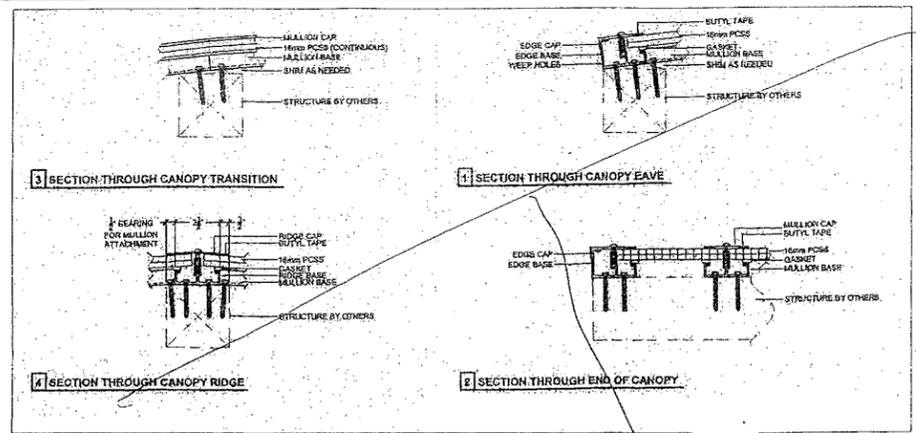
CHECKED BY: M.F.

PROJECT NO: DATE:

SCALE: AS SHOWN 9-24-10

A.0

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PATIO COVER

ELEVATION - A
SCALE: 1/4"=1'-0"

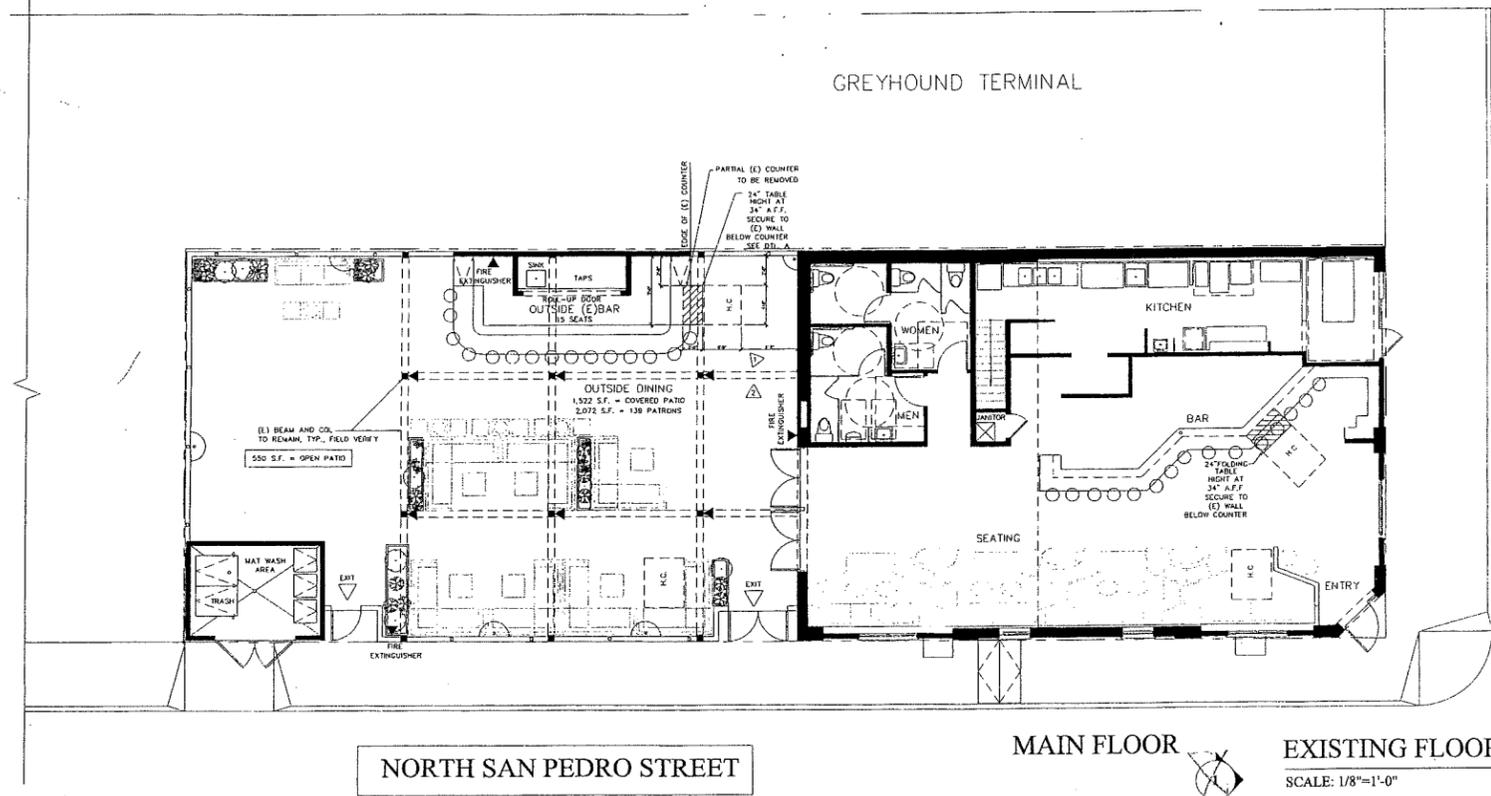
GENERAL NOTES

1. FIELD VERIFY ALL DIMENSIONS AND EXISTING EQUIPMENT, EXISTING ELECTRICAL & MECHANICAL UTILITIES, ROOF ELEMENTS, PIPING, CONDUIT AND CONDITION OF THE SPACE BEFORE CONSTRUCTION COMMENCES.
2. NOTIFY ARCHITECT OF ANY CONFLICTS BETWEEN CONSTRUCTION DOCUMENTS AND EXISTING CONDITIONS.
3. CONTRACTOR IS RESPONSIBLE FOR ALL ELECTRICAL WORK, SUCH AS OUTLETS, SWITCHES, WIRING AND ALL DOCUMENTS WHICH ARE REQUIRED BY ALL AGENCIES FOR PLAN CHECK AND BUILDING PERMIT PROCESS.
4. CONTRACTOR IS RESPONSIBLE FOR ALL MECHANICAL, HVAC WORK, AND ALL DOCUMENTS WHICH ARE REQUIRED BY AGENCIES FOR PLAN CHECK AND BUILDING PERMIT PROCESS.
5. USE LANDLORD ROOFING CONTRACTOR FOR ALL ROOF PENETRATIONS, PATCH AND REPAIR ROOF BASED ON THE LANDLORD SPEC.
6. USE LANDLORD'S SPEC., CONSULTATIONS AND GUIDELINES FOR ALL THE FLOOR AND WALLS PENETRATIONS, PATCH AND REPAIR TO MATCH EXISTING.

Permit notes on MAT 5-1

CITY OF SAN JOSE
BUILDING DIVISION
B.P. # _____
DATE _____

A.G.P.
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Campbell, CA 95008
Tel: (408) 316.6168
Fax: (408) 996.6168
E-Mail: agp@pacbell.net



NORTH SAN PEDRO STREET

MAIN FLOOR

EXISTING FLOOR PLAN
SCALE: 1/8"=1'-0"

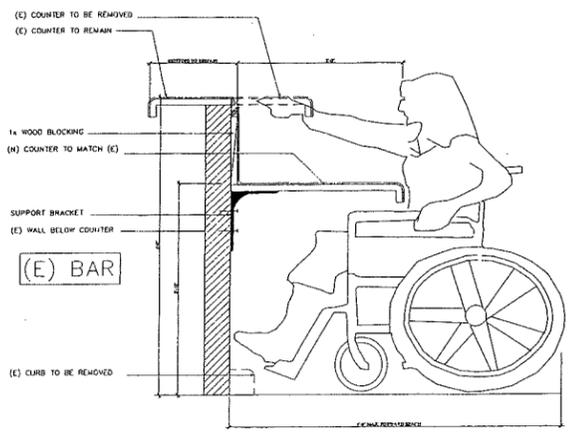
POST STREET



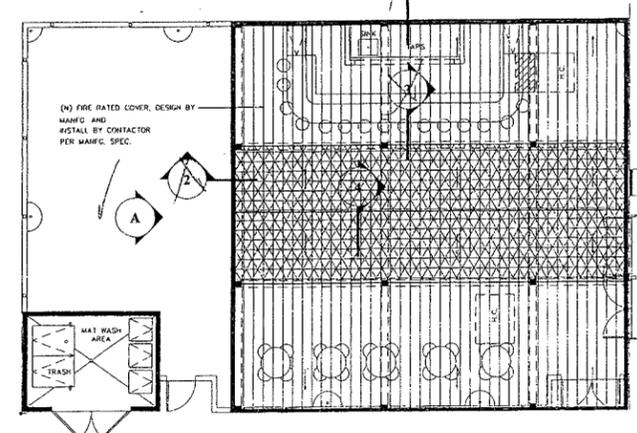
PHOTO - 1



PHOTO - 2



DETAIL - A
SCALE: N.T.S.



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FLOOR PLAN

MYTH
152 POST STREET.
SAN JOSE, CA

REVISIONS	NO.	ITEM	DATE

PLOT SCALE:	1"=1'-0"
DRAWN BY:	A.K.
CHECKED BY:	M.F.
PROJECT NO:	DATE:
SCALE: AS SHOWN	9-24-10

A.2.0