

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

STAFF REPORT

Hearing Date/Agenda Number
P.C. 12/06/06 Item:

File Number
CP06-053

Application Type
Conditional Use Permit

Council District
3

Planning Area
Central

Assessor's Parcel Number(s)
235-15-007, -038, -040, -041

PROJECT DESCRIPTION:

Completed by: Steven Rosen

Location: East side of North 7th Street, approximately 600 feet north of E. Hedding Street

Gross Acreage: 1.48

Net Acreage: 1.48

Net Density: N/A

Existing Zoning: LI Light Industrial

Existing Use: Warehouse/distribution facility and wholesale sales establishment

Proposed Zoning: No Change

Proposed Use: Same with late night use from 12:00 a.m. to 6:00 a.m. daily

GENERAL PLAN

Completed by: SR

Land Use/Transportation Diagram Designation
Light Industrial

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SR

North: Goodwill, school and facilities

LI Light Industrial

East: Common carrier depot

LI Light Industrial

South: Storage yard/Single-family attached residential

LI Light Industrial

West: Multiple-family residential

R-M Multiple Residence

ENVIRONMENTAL STATUS

Completed by: SR

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

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: SR

Annexation Title: Orchard No. 8

Date: November 1, 1950

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: _____

Approved by: _____
 Action
 Recommendation

OWNER/APPLICANT

Goodwill of Silicon Valley
Mercedes Martinucci
1080 N. 7th St.
San Jose, CA 95112-4425

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SR

Department of Public Works

No comments

Other Departments and Agencies

See attached memorandum from Fire Department

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Goodwill of Silicon Valley, is requesting a Conditional Use Permit to allow outdoor late night use and activity at their existing collection facility. Pursuant to sections 20.50.220(B) of the Zoning Ordinance, a Conditional Use Permit is required in all conventional industrial zoning districts for such activities located within 150 feet of residentially zoned property that operate from 12:00 midnight to 6:00 a.m. The loading dock is located approximately 70 feet north of the access gate at the northern terminus of N. 8th Street, comprised of a few of residential uses located about 100 south of the entrance gate. Residential uses are also located across from the site on 7th Street buffer from outdoor activities by the existing building.

The proposal would allow the unloading and processing of donations to continue overnight. The existing donation storage and processing facility is a permitted use in the LI-Light Industrial Zoning District. The existing industrial building was constructed in 1956 with the issuance of building permits by the City of San Jose. Additionally, the building area was expanded in 1970 with the permits. The loading area of the building was expanded in 1989 with the issuance of Site Development Permit File H89-03-026.

The rectangular site contains an approximately 43,200 square-foot industrial building fronting on North 7th Street. The eastern portion of the site between North 8th and 9th Streets contains the loading dock and an area for storage of donation trailers. The loading area is located on the opposite side of the building from the 7th Street frontage. The site is bordered on the north by Goodwill of Silicon Valley's headquarters, school, parking, and other facilities, to the east by a truck freight carrier facility, to the south by two salvage yards immediately bordering the site and single-family attached residential beyond, and west by multi-family residential uses.

PROJECT DESCRIPTION

The project proposes to extend the hours of operation at the existing Goodwill of Silicon Valley donation processing facility to include a night shift operating from 11:00 p.m.- to 7:30 a.m. Outdoor operations each night during the otherwise restricted period will include four tractor trucks making

three to five departures and arrivals, up to three bobtail truck departures and arrivals, the unloading of donations from the trailers, and the limited compacting of refuse. Nightly indoor operations will include the sorting and baling of donated items.

Class A tractor/trailers deliver empty trailers to donation sites and stores located throughout Santa Clara County. Drivers swap empty trailers for full trailers which are brought back to base. Time is taken to inspect trailers prior to each trip. Trip duration ranges from 40 minutes to 3 hours. Each driver will swap an average of 3-5 trailers during their shift. Trucks will also shuttle trailers within the transportation yard from staging areas to the dock. All trucks enter or exit through the gate located on Eighth Street. Drivers will radio dock personnel to open the gate remotely from the dispatch office. All donation trailers are weighed when they enter the transportation yard through the gate on Eighth Street. Drivers back donation trailers onto scales to record the weight before parking the trailers on the dock or staging area.

Bobtail trucks (24' long) complete predetermined routes to pick up trash and other dumped items at all donation sites. Unlike larger tractor/trailers, bobtails leave and return to the yard only once during a normal shift. Each driver, with a helper, will stop at 8-12 donation sites and stores to pick up items that have been illegally dumped. Examples of dumped items include sofas, furniture, mattresses, refrigerators, washers, dryers, clothing, housewares, building materials (fence boards, concrete, other construction material), hot tubs, and so on. Household and industrial hazardous waste is also occasionally illegally dumped at donation sites and stores including paint, used motor oil, household/industrial cleaners, pesticides, propane tanks, compressed-gas cylinders, and so on. Hazardous waste is brought back to base, separated according to category, stored in a designated area, and delivered to a waste receiving facility periodically. Some waste must be removed by designated hazardous waste handlers at extra cost to Goodwill of Silicon Valley. Trucks will return to base once the route is completed to be unloaded. The vast majority of the load will be disposed of in a trash compactor. Metal and cardboard are separated into recycle bins. All bobtail truck drivers will begin their route within an hour of their shift start at 11 p.m. and return by 6a.m. to unload their trucks. Like truck tractor drivers, bobtail drivers will notify dock personnel by radio to open the gate.

Transportation operations would be supported by a dock crew consisting of 6 – 9 material handlers. Trailers brought in by transportation's trucks will be unloaded by the dock crew. Donations and store returns are unloaded from trailers and transferred to designated areas within the plant. Refuse items are compacted in the main trash compactor located on the dock. Tires, mattresses, electronic waste, hazardous waste, and other non-landfill items are separated and transferred to designated areas for later removal. Metal items and cardboard of all kinds are dumped into large bins for recycling. Forklifts aid in the movement of heavy items on the dock and in the transportation yard. The dock shift will be 11 p.m. to 7:30 a.m.

Indoor plant operations will mimic current daytime operations. Donations that are unloaded from trailers on the dock are transferred to a central processing area where it is sorted for shipment to retail locations. This sorting consists of a maximum of 12 employees separating and grading items and textiles on a quality basis. An overall average of 16-20 employees will be on-shift on any given night.

GENERAL PLAN CONFORMANCE

The San José 2020 General Plan Land Use/Transportation Diagram designates the project site as Light Industrial. The proposed project is consistent because the Light Industrial category allows a wide variety of industrial uses. Examples of typical uses within this designation are warehousing, wholesaling, and light manufacturing with the site's designation.

The proposed project is to allow outdoor late night use and activity for a warehouse land use which conform to the Light Industrial designation. The Economic Development Major Strategy is designed to maximize the economic potential of the City's land resources while providing employment opportunities for San Jose's residents. This permit will allow Goodwill to use its facility more efficiently to provide entry-level employment opportunities. Goodwill is also a recycler of a significant amount of solid waste, furthering the Sustainable City Strategy.

Additionally, allowing the existing light industrial use to operate more efficiently promotes several Industrial Land Use Policies and Economic Land Use Policies by making more viable continued industrial operations on the site by Goodwill preventing the absorption of industrial land by non-industrial uses. This also promotes another key Industrial Land Use Policy by preventing a change in the use of the site to a more sensitive use that could impose additional operational and/or mitigation requirements or conditions on industrial users in the neighboring exclusively industrial area.

The proposal furthers Economic Development Goals and Policies by creating more job opportunities for existing residents, particularly those who suffer from chronic unemployment. This proposal will increase the efficiency with which Goodwill is able to operate. Likewise, it helps to Goodwill earn more money to fund its vocational school.

ENVIRONMENTAL REVIEW

On November 21, 2006, the Director of Planning determined the proposed project is exempt from environmental review pursuant to Section 15332 of the California Environmental Quality Act Guidelines concerning projects characterized as in-fill development meeting the following conditions described in that section:

(a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The 1.48 acre site is located entirely within the city limits and is surrounded by urban uses on all four sides.

(c) The project site has no value as habitat for endangered, rare or threatened species.

The subject site is completely paved, so it contains no habitat for special status species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic:

The project results in a maximum of 23 truck departures and 23 truck arrivals per night from the hours of 12:00 midnight to 6:00 A.M. The extra shift begins at 11:00 P.M. and ends at 7:30 A.M., outside of peak commute hours, so the number of trips generated by the employees will not have a significant effect on the level of service on the surrounding streets.

Noise:

By including the conditions in the attached resolution, the noise impacts of this use can be mitigated to below the threshold of significance. The noise study shows that current noise levels produced by all sources in the area are 63 dBA DNL (Daily Noise Level), measured outside the nearest residential use about 170 feet from the loading dock. This measurement includes noise from all sources—trains, traffic, and barking dogs, as well as operations at Goodwill. This measurement exceeds the short term outdoor noise goal of the General Plan by 3 dBA DNL. However, the report concludes that the increased noise from stationary sources from this 24 hour use proposal would total only 1 dBA DNL if the conditions recommended are imposed. This increase is imperceptible by most people, and two decibels below the threshold of significance for other existing nearby areas with noise levels above 60 dBA DNL.

The report also concludes that mobile source noise from the trucks is now 54 dBA and would increase to 59dBA, below the short term goal of the General Plan for mobile noise sources, and below the threshold of significance for sound sources below 60 dBA DNL.

Operations that cause the most noise, indicated in the noise study and in interviews with the applicant, are operating the trash compactor, noise from trucks, and dumping metal into bins. The applicant indicated that the trash compactor can only be operated a limited number of times per night because the waste management company cannot make night pick-ups. The trucks are leased, and maintained by the leasing company. The applicant also indicated that the dumping of metal can be delayed until the day shift arrives.

Air Quality:

Air quality would not be negatively affected because the type and intensity of the daily use on the site would remain the same. Existing truck activity would shift hours.

Water Quality:

Water quality would not be negatively affected because the type and intensity of the daily use on the site would remain the same. No new impervious surfaces would be created.

(e) The site can be adequately served by all required utilities and public services.

The subject site is an infill location within the urban service area where utilities and public services

are available.

ANALYSIS

The primary issues for this proposal include conformance with the noise guidelines in the General Plan, the noise standards of Title 20 of the San Jose Municipal Code, and the thresholds of significance drafted by the environmental division within the planning department.

While the noise generated by the project will not exceed the threshold of significance, it still has the potential to be a nuisance and disturb the community. Potential sources of noise include truck operations inside the plant area and trucks entering and leaving, activities at the loading dock including tossing items into a dumpster near the south side of the building, fork lift operations, trucks “revving” engines, dumping including truck and impact noise, and use of the compactor near the southwest corner of the outside work area. Dumping occurs at a bin near the south property line. Trucks entering the premises sometimes sound their horns if needed, and there are beeping sounds from trucks backing up.

To minimize the impact of night operations on the surrounding neighborhood, the following conditions are proposed in the draft resolution:

Prohibiting dumping at night. Dropping debris, such as metal and glass, from either the loading dock or over the top of the bins onto the metal floor of the bins generates loud impact noises. Instead, debris would be stored near the dumpster until morning.

Prohibiting fork lift operations outside of the plant. Fork lifts are an extra source of engine noise and beeping. Goodwill Management staff has noted that the job of unloading donations could be done by electric pallet trucks.

Prohibiting the operation of the compactor. Not only do the motors generate noise, but items being crushed, such as furniture and glass, can be very loud.

Prohibiting honking and amplified sound. The management has indicated that there are firm rules in place prohibiting such activities.

Postponing the unloading of bobtail trucks. Most waste that is dropped or crushed arrives in these trucks. If they are not unloaded until morning, the waste will not need to be handled.

Sound attenuation wall. The noise study indicated that a stockpile of plastic pallets is protecting some residences from noise. If they are removed, the impact would be greater. The consultant recommended the construction of a sound attenuation wall behind the pallet stockpile to preserve this noise buffer.

Truck noise on public streets and on-site is the remaining issue. Goodwill operates leased vehicles. This means that their trucks are frequently replaced and repaired, ensuring the muffling devices function properly. A condition to require muffling technology would ensure that trucks remain as quiet as possible. Limiting the number of trips per night would also reduce the daily noise level of operations. Limiting truck idling and the shuttling of trailers would also reduce noise at night, but shuttling trailers to and from the docks is necessary to the operations of a loading dock.

Conclusion

The current use of the property does not have a history of causing a nuisance and conforms to noise standards for sites in the Light Industrial Zoning District and General Plan Land Use Designation. It is in the interest of the City that operations at the Goodwill donation processing facility to be as efficient as possible. However, the increase in the daily noise level from 63 DNL to 64-65.5 DNL, depending on the conditions imposed on night operations by the Conditional Use Permit, could potentially be perceptible by the community. One decibel is defined as the minimum change in sound intensity detectable by the human ear.

Based on the above analysis, staff concludes that the proposed late night use, as conditioned, is compatible with surrounding uses and consistent with the Zoning Ordinance, General Plan, and City Council Policy.

COMMUNITY OUTREACH

A community meeting was held on November 14, 2006. Notices of this community meeting and the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site (see attached). No members of the community attended. Staff has been available to discuss the proposal with members of the public. This staff report has been available on the City of San Jose's website one week prior to the Planning Commission public hearing.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the facts, findings, and conditions as noted in the attached Resolution.