

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street,
San José, California 95113

STAFF REPORT

Hearing Date/Agenda Number
P.C. 5/30/07 Item 3.b.

File Number
CP06-061

Application Type
Conditional Use Permit

Council District
2

Planning Area
Edenvale

Assessor's Parcel Number(s)
706-01-057

PROJECT DESCRIPTION

Completed by: Suparna Saha

Location: Northerly side of Martinvale Lane, approximately 500 feet easterly of Santa Teresa Boulevard

Gross Acreage: 1.14 Net Acreage: 1.14 Net Density: n/a

Existing Zoning: IP Industrial Park with
Mixed Industrial Overlay Existing Use: Vacant office building

Proposed Zoning: No Change Proposed Use: Non-emergency ambulance service

GENERAL PLAN

Completed by: SS

Land Use/Transportation Diagram Designation
Industrial Park

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SS

North: Industrial/ Manufacturing IP, Industrial Park

East: Industrial/ Manufacturing IP, Industrial Park

South: Industrial/ Manufacturing IP, Industrial Park

West: Industrial/Manufacturing IP, Industrial Park

ENVIRONMENTAL STATUS

Completed by: SS

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

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: SS

Annexation Title: Oak Grove No. 25

Date: July 17, 1968

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: _____

Approved by: _____
 Action
 Recommendation

OWNER / APPLICANT / DEVELOPER

Randy and Lisa Hooks
Silicon Valley Ambulance
1755 W. Edmundson Avenue
Morgan Hill, CA 95037

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SS

Department of Public Works

See attached memo dated 01/09/07.

Other Departments and Agencies

See attached memos from Fire and Building Departments.

GENERAL CORRESPONDENCE

See attached informational flyer from Randy Hooks entitled "Silicon Valley Paramedic Transfer Service" and Ambulance Siren Testing.

ANALYSIS AND RECOMMENDATIONS**BACKGROUND**

The applicant, Randy Hooks of Silicon Valley Ambulance Service, is requesting a Conditional Use Permit (CUP) to allow conversion of a portion of an existing vacant office building to an ambulance service with sleeping accommodations for drivers and attendants on duty during the night shift. The application was filed October 31, 2006. This lounge area would not be permitted as a full time, on-site residence. The tenant space is approximately 5,278 square feet; the total building area is approximately 16,275 square feet, and the site is approximately 1.14 acres in size. The building is located on the northerly side of Martinvale Lane, approximately 500 feet easterly of Santa Teresa Boulevard.

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

Currently the building is vacant. There is an application currently on file for a proposed indoor recreation facility to occupy the remaining vacant portion of the building. The site is entirely surrounded by parcels in the IP Industrial Park Zoning district. Manufacturing uses are located on all sides of the subject parcel. The San Jose Zoning Code allows an emergency ambulance facility in the IP Industrial Park district on sites with the Mixed Industrial Overlay, subject to a Conditional Use Permit.

ENVIRONMENTAL REVIEW

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

GENERAL PLAN CONFORMANCE

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

ANALYSIS

The issues analyzed for the project are 1) noise and land use compatibility and, 2) building and site design issues.

Noise/Land Use Compatibility

The primary issue associated with an ambulance service is siren noise from emergency ambulance response and daily siren testing. In this case, the applicant is proposing an ambulance service that will not respond to Code Three (emergency) calls. Instead, the facility will transport people with special medical needs from care services to doctor and hospital appointments.

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

Building and Site Issues

The applicant proposes only minor internal tenant improvements, and no external building or site changes for this use. The existing building is in good condition and the site landscaping has been well maintained. Based on the Zoning Code requirement of one space per employee, one parking space per on-site staff person and one space per vehicle, the total parking requirement for the proposed use is 7 spaces. The applicant is providing 20 spaces (5 for ambulance spaces and up to 15 spaces for employees). The existing parking on site is more than adequate for this use.

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

PUBLIC OUTREACH

A public hearing notice was mailed to the owners and tenants within 500 feet of the subject site and staff has been available to respond to any questions regarding the project.

RECOMMENDATION

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit to allow the non-emergency ambulance service on the site and include the findings and conditions included in the attached draft resolution.

Attachments:

Draft Resolution

Location Map

Plans

Informational flyer entitled "Silicon Valley Paramedic Transfer Service".

Ambulance Siren Testing information.

cc: Building Division (2); Engineering Services

DRAFT 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 an ambulance service with sleeping accommodations for drivers and attendants on duty during the night shift.

FILE NO. CP06-061

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 October 31, 2006, an application (File No. CP06-061) was filed for a Conditional Use Permit to allow conversion of a portion of an existing vacant office building to a non-emergency ambulance service with sleeping accommodations for divers and attendants on duty during night shifts, on that certain real property (hereinafter referred to as "subject property"), situate in the IP Industrial Park Zoning District, located at 181 and 185 Martinvale Lane, 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, "Silicon Valley Ambulance," dated March 29, 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:

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

1. The project site is located on the northerly side of Martinvale Lane, approximately 500 feet easterly of Santa Teresa Boulevard.
2. The site has a designation of Industrial Park with a Mixed Industrial overlay on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
3. The project site is located in the IP Industrial Park Zoning District.
4. Under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.
5. The site is completely surrounded by lands in the IP Industrial Park Zoning District.
6. The project proposes the use of a 5,278 square-foot portion of an existing 16,375 square-foot building for non-emergency ambulance service with sleeping accommodations for attendants on duty during the night shift.
7. The Zoning Ordinance allows an ambulance service in the IP Industrial Park Zoning District, on parcels with the Mixed Industrial Overlay General Plan designation.
8. Currently, the building is vacant and Silicon Valley Ambulance Services is proposing to occupy a portion of it.
9. The applicant is proposing an ambulance service that will not respond to Code Three (emergency) calls. Instead the facility will provide transportation for people from care services to doctor and hospital appointments.
10. The ambulances serving this facility will have operable sirens, but these sirens will be used only in cases when a client's condition deteriorates on the way to the hospital.
11. Silicon Valley Ambulance vehicles are equipped with silent testing devices allowing sirens to be tested and kept in good repair without disturbing neighboring businesses.
12. The applicant proposes no external building changes or site modifications for this use.
13. The applicant proposes tenant improvements to accommodate sleeping quarters for the drivers.
14. Based on the Zoning Code requirement of one space per employee, one space per on-site staff and one space per vehicle, the total parking requirement for the proposed use is seven spaces. The applicant is providing 20 spaces, 5 for ambulances and 15 for employee parking spaces.
15. The existing parking on site is more than adequate for this use.

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

1. The proposed project is consistent with the adopted San José 2020 General Plan Land Use/Transportation Diagram of the City of San José.

2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.
4. The proposed use is compatible with the surrounding neighborhood.

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

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

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

CONDITIONS PRECEDENT

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

1. **Acceptance 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.

CONCURRENT CONDITIONS

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

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
2. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
3. **Conformance with Plans.** Implementation of this use shall conform to approved development plans entitled Silicone Valley Ambulance dated received March 29, 2007, on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code except as amended pursuant to other conditions of this permit. (San José Municipal Code, Title 17, Chapter 17.04).
4. **Revocation.** This Conditional Use Permit is subject to revocation for violation of any of its provisions or conditions.
5. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
6. **Discretionary Review.** The Director of Planning maintains the right of discretionary review of requests to alter or amend conditions or restrictions of this Conditional Use Permit incorporated by reference in this Permit in accordance with Section 20.44.200 of the San José Municipal Code.
7. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
8. **Mechanical Equipment.** No roof-mounted or other exterior mechanical equipment is approved with this plan.

9. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.

10. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.
11. **Operational Limitations.** No emergency ambulance response shall be provided from the site. Ambulances shall not use sirens when exiting or entering the site. No audible siren tests are allowed on the project site.
12. **Compliance with Other Permits.** The developer shall comply with all terms and conditions of the previously approved Site Development Permit (File No. H76-183).
13. **Noise Limits.** Noise generated by proposed use shall not be subject to the Title 20 noise performance standards. Noise generated by the use shall not exceed 55 dB DNL, at the nearest residential property line, 60dB DNL at the nearest commercial property line and 70 dB DNL at the nearest industrial property line.
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

ADOPTED and issued this 30th day of May, 2007, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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.