STAFF REPORT
Zoning Administration
December 7, 2018

Item #4

Staff Contact: Mark Connolly
(408) 299-5786, mark.connolly@pln.sccgov.org

File: 11435-18DR
Design Review of a 14-foot tall wall at the rear of the property, pursuant to section 4.20.050(A)(5) of the Zoning Ordinance.

Summary: Request for Design Review approval to construct a 14-foot tall wall along the rear of a property to provide security for a tire center business. The wall would be 80 feet wide along the rear property line and 37 feet deep along the side property lines, enclosing 2,960 square feet of the exiting property. No grading is proposed, and no trees would be removed. The wall would be setback two feet from the property line to afford for landscaping.

Owner: Art Calderon
Applicant: Art Calderon
Lot Size: .44 Acres
APN: 277-05-030
Supervisiorial District: 4

Gen. Plan Designation: USA (San Jose)
Zoning: CG (General Commercial)
Address: 454 S. Bascom San Jose, CA
Present Land Use: Commercial
Approved Building Site: Yes

RECOMMENDED ACTIONS
A. Accept the Categorical Exemption, under Section 15303 (Class 3(c)) of the CEQA Guidelines, Attachment A

B. Grant Design Review Approval, subject to conditions outlined in Attachment B

ATTACHMENTS INCLUDED
Attachment A – Proposed CEQA Determination
Attachment B – Proposed Conditions of Approval
Attachment C – Location & Vicinity Map
Attachment D – Proposed Plans

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith
PROJECT DESCRIPTION

The proposed project includes Design Review for a 14-foot tall CMU wall along the rear of a property to provide security for a tire center business (Calderon Tires). The wall would be 80 feet wide along the rear property line and 37 feet deep along the side property lines, enclosing 2,960 square feet. No grading is proposed, and no trees would be removed. The wall would be setback two feet from the property line afford for landscaping.

The lot is located at 454 S. Bascom Avenue, but is considered a lot with two street frontages, as the property also fronts Laswell Avenue along the rear of the property. The wall would have a gate opening utilizing an existing driveway. The property is served by San Jose Water and has a sewer connection. No other site improvements are proposed outside of the wall area.

Setting/Location Information
The subject property is located in a neighborhood known as Burbank, in unincorporated San Jose, between highway 280 and 880.

The neighborhood character consists of commercial properties along Bascom Avenue and single-family residential properties to the rear along Laswell Avenue to the rear. In other cases where residences exist along Laswell Avenue, the rear yards of those properties abut the rear of the commercial properties fronting along Bascom Avenue.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)
The proposed project qualifies for a Categorical Exemption, Section 15303 Class 3(e) Additions to existing structures.

B. Project/Proposal
1. General Plan: Urban Service Area – San Jose

2. Approved Building Site: Yes, per Tract 6984.

3. Zoning Ordinance: With the exception of height, the development standards for the CG (General Commercial) zoning district are established by Architectural and Site Approval at the time of a development proposal. The proposed wall may be approved pursuant to section 4.20.050(A)(5) of the Zoning Ordinance.

| Front Setback: | N/A |
| Side Setbacks: | N/A |
| Rear Setback:  | N/A |
| Maximum Height: | 65 feet |
| Stories:       | N/A |
C. Design Review Findings:
Pursuant to Section 4.20.050(a)(5) of the Zoning Ordinance, fences/walls can reasonably exceed the height limitations specified within underlying zoning district may be allowed, subject to the Design Review provisions of Chapter 5.50.

Pursuant Section 5.50.040 of the County Zoning Ordinance, all Design Review applications are subject to the stated scope of review. The overall purpose of design review is to encourage quality design and mitigate potential adverse visual impacts of development. In the following discussion, the scope of review findings are listed in bold, and an explanation of how the project meets the required standard is in plain text below.

1. Mitigation of any adverse visual impacts from proposed structures, grading, vegetation removal and landscaping;

   The proposed CMU wall would create a 14-foot tall barrier along the Laswell right-of-way in a predominantly residential neighborhood. However, the Applicant has worked with Planning Staff to include a two-foot landscape buffer in front of the wall to plant trees and shrubs in front of the wall to soften the appearance and help blend it into the neighborhood. The wall would also be painted a natural color to further soften the appearance. As can be seen on sheet L-1 of the plan set, the applicant has submitted a landscape plan showing shrubs, vines and small trees. A condition of approval has been included to require installation prior to building permit issuance.

   The construction of the wall would not include removal of any existing trees, or any grading. Following construction, the project would result in additional landscape trees and shrubs being planted.

   Overall, the combination of color and landscaping will mitigate any adverse visual impacts. Therefore, this finding can be made.

2. Compatibility with the natural environment;

   The CMU wall would be located in an urban area developed with a combination of Commercial and Residential properties. Thus, the compatibility question is one of neighborhood compatibility more so than the natural environment. The landscaping in front of the wall and painting of natural colors will provide neighborhood compatibility. Staff has included conditions of approval requiring adequate landscaping and painting to mitigate impacts of a large wall. Therefore, this finding can be made

3. Conformance with the “Design Review Guidelines,” adopted by the Board of Supervisors;

   The County Design Review Guidelines were adopted by the Planning Commission in February of 1999 with a primary intent to address viewshed impacts to the valley floor,
The Guidelines discuss open fencing in rural areas and encourage landscaping retaining walls. Nonetheless, Staff has required and conditions the proposed CMU wall be constructed with adequate landscaping to help blend the wall into the urban area.

4. Compatibility with the neighborhood and adjacent development;

The neighboring properties are developed with commercial development and single-family residences that are both one (1) to two (2) stories. The proposed CMU wall will be painted and landscaped to blend the 14-foot tall height into the neighborhood.

To ensure that the users of the subject property could operate safely with a 14-foot tall wall at the driveway encroachment, a sight distance study was prepared by Stantec on June 1, 2017. The study concluded that even at the property line adequate sight distance could be achieved to maintain safety. The location of the wall has since been modified to add an additional two feet, furthering the factor of safety.

The study recommended maintaining adequate visibility at the driveway by limiting obstructions and the height of landscaping to two feet at the driveway only. The study also recommended a red curb along the encroachment and a convex mirror. These measures have been included as conditions of approval.

5. Compliance with applicable zoning district regulations; and

The CG zoning district does not have prescribed wall or fence regulations, because of the commercial nature of uses in the zoning district and varying wall and fencing needs. Therefore, the standard fencing provisions of Chapter 4.20.050 of the County Zoning Ordinance do not apply. The Design Review process is the only applicable zoning regulation to approve the subject application. Through the Design Review process, the Zoning Administrator may approve fences and walls taller than what would otherwise be allowed in urban areas, if the Zoning Administrator finds that the height must reasonable exceed standard height limitations due to physical, or topographical limitations, or for consistency with and preservation of the neighborhood character.

The nature of a tire center lends itself to tall storage of equipment, wheels and tires. The proposed wall allows that storage to be screened from the residential neighborhood, thus increasing neighborhood compatibility.

6. Conformance with the general plan, any applicable specific plan, other applicable guidelines.

The proposed development substantially conforms with the Santa Clara County General Plan as commercial fences and walls are deemed to be both acceptable and necessary. There are no specific plans or guidelines applicable to the project.

BACKGROUND

In 2009 the Applicant filed for and obtained a modification of the Use Permit to operate the Calderon Tire Center. Part of that approval was a 21-foot tall wall along the rear property line
(Laswell Avenue, which the owner never constructed. The Owner worked with the neighbors and elected to reduce the height of the wall to 14 feet tall, which is the subject application.

On October 15, 2018 an application for Design Review was submitted to the Planning Division. The application was deemed complete on November 16, 2018.

A public notice was mailed to all property owners within a 300-foot radius of the project on November 27, 2018 and was also published in the Post Records on September 26, 2018.

STAFF REPORT REVIEW

Prepared by: Mark J. Connolly, Senior Planner

Reviewed by: Leza Mikhail, Principal Planner & Zoning Administrator
## ATTACHMENT A

### Notice of Exemption from CEQA

**To:** County Clerk-Recorder  
County of Santa Clara  

**Office of Planning & Research**  
PO Box 3044, Room 222  
Sacramento, CA 95812-3044

<table>
<thead>
<tr>
<th>Project Title</th>
<th>File Number (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calderon Tire 14'-foot tall wall Design review</td>
<td>11435-18DR</td>
</tr>
</tbody>
</table>

**Project Location**  
454 S. Bascom Avenue, San Jose, CA 95020  
Ojai Drive, Los Gatos, northwest corner of Ojai Drive and Matilija Drive, and east of the City of Monte Sereno. Zoning RH-31

<table>
<thead>
<tr>
<th>Public Agency Approving Project</th>
<th>Person or Agency Carrying Out Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>County of Santa</td>
<td>Mark J. Connolly, Senior Planner</td>
</tr>
</tbody>
</table>

**Project Description (including purpose and beneficiaries of project)**

Design Review approval to construct a 14'-foot tall wall along the rear of a property to provide security for a tire center business. The wall would be 80 feet wide along the rear property line and 37 feet deep along the side property lines, enclosing 2,960 square feet. No grading is proposed, and no trees would be removed. The wall would be setback two feet from the property line afford for landscaping.

**Exempt Status check one/indicate type of State CEQA Guidelines section number:**

- [X] Categorical Exemption [CEQA Guidelines 15301-15333]:
- [ ] Statutory Exemption [CEQA Guidelines 15260-15285]:
- [ ] Declared Emergency [15269(a)]:
- [ ] Emergency Project [15269(b)(c)]:
- [ ] General Rule [CEQA Guidelines 15061(b)(3)]:

**Reasons the project is exempt:**

Section 15303 Class 3(e) of the CEQA

New Construction of small structures including fences

<table>
<thead>
<tr>
<th>County Contact Person</th>
<th>Title</th>
<th>Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark J Connolly</td>
<td>Senior Planner</td>
<td>(408) 299-5786</td>
</tr>
</tbody>
</table>

**Signature**  
Date: 11/26/18
ATTACHMENT B

Conditions of Approval

11435-18DR

DESIGN REVIEW

Owner/Applicant: Art Calderon
File Number: 11435-18DR
Location: 454 S. Bascom Avenue, San Jose, CA

Project Description: Design Review approval to construct a 14-foot tall wall along the rear of a property to provide security for a tire center business. The wall would be 80 feet wide along the rear property line and 37 feet deep along the side property lines, enclosing 2,960 square feet. No grading is proposed, and no trees would be removed. The wall would be setback two feet from the property line afford for landscaping.

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed as the contact for that agency. He or she represents a particular specialty or office and can provide details about the conditions of approval.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Name</th>
<th>Phone</th>
<th>E-mail</th>
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</thead>
<tbody>
<tr>
<td>Planning</td>
<td>Mark J. Connolly</td>
<td>(408) 299-5786</td>
<td><a href="mailto:mark.connolly@pln.sccgov.org">mark.connolly@pln.sccgov.org</a></td>
</tr>
<tr>
<td>Land Development</td>
<td>Ed Duazo</td>
<td>(408) 299-5733</td>
<td><a href="mailto:Ed.duazo@pln.sccgov.org">Ed.duazo@pln.sccgov.org</a></td>
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<tr>
<td>Engineering</td>
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<tr>
<td>Building Inspection</td>
<td></td>
<td>(408) 299-5700</td>
<td></td>
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STANDARD CONDITIONS OF APPROVAL

Planning

1. Development must take place in accordance with the approved plans, prepared by LPMD Architects, submitted to the County on October 30, 2018.

2. Adequate visibility for vehicular and pedestrian traffic shall be maintained at the driveway by limiting the line of sight obstructions by maintaining landscaping to a maximum two feet beyond the wall, facing the street.

3. The curb along Laswell Avenue shall be painted red on both sides of the driveway for 10 feet to maintain adequate line of sight.

4. A driveway convex mirror shall be installed a minimum of 30 inches in diameter at each of the driveway exits to improve the visibility of both vehicles and pedestrians.
5. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.

6. All Landscaping shall be maintained for long-term health and maintenance.

**CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO BUILDING PERMIT ISSUANCE**

**Planning**

7. A final landscape plan shall be submitted to the planning department showing a mixture of trees and shrubs proposed in the two-foot landscape buffer area. Said plan shall be approved by the Zoning Administrator prior to issuance of a Building Permit for the wall.

8. Pursuant to §5.20.125, record a Notice of Permit and Conditions with the County Office of Clerk-Recorder, to ensure that successor property owners are made aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided prior to building permit issuance.

**Land Development Engineering**

9. The building plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period. Include the County’s Standard Best Management Practice Plan Sheets BMP-1 and BMP-2 with the Plan Set.

**Building Inspection Office**

10. A building permit shall be issued for the proposed wall, prior to construction. Contact the building department at 408-299-5700 for additional details.

**CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO OCCUPANCY OR ONE YEAR FROM THE DATE OF THE LAND DEVELOPMENT AGREEMENT, WHICHEVER COMES FIRST**

**Planning**

11. **Prior to final inspection**, the approved exterior color surfaces of the walls shall be painted muted / natural colors and shall be shown in the final building plans.

12. **Prior to final inspection**, contact Mark Connolly, at least a week in advance to schedule a site visit to verify the approved exterior colors have been installed as approved and existing landscaping is maintained.
ATTACHMENT C
Location & Vicinity Map
# CALDERON TIRE

## NEW PERIMETER WALL

454 S. BASCOM AVENUE, SAN JOSE CA, SANTA CLARA COUNTY

<table>
<thead>
<tr>
<th>GENERAL NOTES</th>
<th>PROJECT DIRECTORY</th>
<th>SHEET INDEX</th>
<th>PROJECT INFORMATION</th>
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<tbody>
<tr>
<td>OWNER</td>
<td>CALDERON TIRE</td>
<td>ARCHITECT</td>
<td>SCORE OF WORK:</td>
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<tr>
<td></td>
<td>SAN JOSE, CA</td>
<td>LAND ARCHITECTS</td>
<td>NEW PERIMETER WALL</td>
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<tr>
<td></td>
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<td>VD</td>
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**Architectural**

1. TITLE SHEET
2. EXISTING SITE PLAN
3. PROPOSED SITE PLAN
4. PROPOSED ELEVATION

**Civil**

1. SCHEDULES, LAYERS, & GENERAL NOTES
2. ELEVATION PLAN
3. ENGINEERING PLAN

**Landscape**

1. LANDSCAPE PLAN
2. GENERAL NOTES AND DETAILS

**Notes**

- SCOPE OF WORK: NEW PERIMETER WALL
- GROUNDS: ADDED TO FINISH SCHEDULES
- LAYERS: ADDED TO FINISH SCHEDULES
- FIRE SPREADERS
- SHEET AREA: 454 S. BASCOM AVENUE, SAN JOSE, CA, SANTA CLARA COUNTY
Reference: A sight distance study for the proposed Calderon New & Used Tires store expansion

This memo presents Stantec's focused sight distance study for the proposed storage expansion of Calderon New & Used Tires store. The project site is located at 454 South Bascom Avenue, San Jose CA, which resides within the jurisdiction of the County of Santa Clara. The proposed expansion of the storage area, shaded blue as shown in the aerial below, is within the project property lines at the rear-side of the project site along Laswell Avenue.

Design with community in mind.
Reference: A sight distance study for the proposed Calderon New & User Tires store expansion

Sight Distance Evaluation

A sight distance triangle analysis has been performed for the two driveways located to either sides of the project site at Laswell Avenue. The subject driveways are located adjacent to the project property lines which belong to the respective neighbor property owners.

Stantec conducted a thorough field assessment and a review of the current roadway conditions along Laswell Avenue during a typical weekday p.m. peak hour conditions (between 4 and 5 p.m.). Laswell Avenue is a residential street with a posted speed limit of 25 MPH. Currently, the on-street parking is allowed only to the west side of Laswell Avenue, i.e., adjacent to the project curb side.

As illustrated in the above aerial photo, the blue colored rectangle indicates the project site's proposed storage expansion with a 16-foot high concrete walls closer to the sidewalk along Laswell Avenue. This project site expansion presents sight distance concerns and they are discussed in detail in the next section. The yellow-color arrows indicate the location of the existing driveways adjacent to the property which are currently being used by resident neighbors. The red-color triangles indicate the sight distance triangles measured as per Caltrans standards and the posted speed limit on Laswell Avenue.
Reference: A sight distance study for the proposed Calderon New & User Tires store expansion

Sight Distance Criteria

The project site located within Santa Clara County requires the assessment of stopping sight distance. As defined by the Caltrans Highway Design Manual, sight distance is the continuous length of highway (roadway) ahead visible to the driver. Stopping sight distance is the minimum sight distances provided at interchanges and at-grade intersections.

For the purposes of this analysis, a 7.5 second criterion has been applied to the outside travel lanes in either direction to provide the most conservative sight distance. The 7.5 second criterion allows waiting vehicles to either cross all lanes of through traffic by turning left or cross the near lanes by turning right without requiring through traffic to radically alter their speed.

At unsignalized intersections, intersection sight distance must provide a clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and a driver of an approaching vehicle along mainline (roadway) as shown in the illustration below.
Reference: A sight distance study for the proposed Calderon New & User Tires store expansion

As per Caltrans Highway Design Manual's sight distance standards, Table 201.1, the Stopping Distance for a 25 MPH roadway is 150 feet. Thus, the sight distance triangles for the subject driveways was applied based on the Caltrans standards. The sight distance triangle for the driveways are illustrated in the aerial photo below with the afore-mentioned criterion.

![Aerial photo of the site](image-url)

**Table 201.1**

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<th>Design Speed (mph)</th>
<th>Stopping (ft)</th>
<th>Passing (ft)</th>
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*Note: Table 7.1 for changing of design speed.
(1) This standard is for driveways, refer to all other standards in section 201.2.*
Reference: A sight distance study for the proposed Calderon New & User Tires store expansion

As per the Santa Clara County Zoning Ordinance, Section 4.20.050, a maximum fence height shall account for the 20-foot sight distance triangle if a fence abuts any adjacent driveway. Given the scope of this study, only the sight distance triangle was measured at the project site and driveways. But, the assessment for overall height of the fence itself is not within the study perspective.

In addition to the Sight Distance evaluation, Stantec proposes the following recommendations to enhance the overall vehicular and pedestrian safety at the study driveways along project site:

1. Adequate visibility for vehicular and pedestrian traffic should be provided at each of the project driveways by limiting line of sight obstructions within the limited use area. Any landscaping within the limited use area should be of the type that would grow no higher than two feet above the ground and shall be maintained accordingly.

2. Any on-street parking adjacent to the project site along Laswell Avenue should be considered for red-curb parking restriction to provide clear line of sight.

3. In addition to vehicle to vehicle sight distance evaluation, vehicle to pedestrian safety should be considered. Install a driveway convex mirror of a minimum 30-inches in diameter at each of the exit driveways to improve the visibility for both vehicle drivers and pedestrians.

With the sight distance assessment and the above mentioned recommendations, the County should consider the project site expansion with the implementation of adequate safety measures.

Thanks for providing us the opportunity to present the subject sight distance evaluation to improve the overall vehicle and pedestrian safety at the project site.

STANTEC CONSULTING SERVICES INC.

Design with community in mind