

County of Santa Clara

Department of Planning and Development
Planning Office

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August 10, 2022

****Sent via email****

La Salle Sisters
248 Kirk Ave
San José, CA 95127

FILE NUMBER: PLN22-124
SUBJECT: Additional Information and Issues of Concern for Architecture and Site Approval (ASA)
SITE LOCATION: 248 Kirk Avenue (APN: 559-39-117)

Dear La Salle Sisters:

Staff has reviewed the application, originally submitted on July 11, 2022, and would like to provide staff's assessment of the proposed project design with respect to County's Zoning Ordinance.

The concerns provided below are not incomplete items and are not required to deem the application complete for processing. The items below are for the Applicant's information only and can be discussed further with County Staff if desired.

As currently designed, Staff has the following concerns regarding the requirements in the Zoning Ordinance:

1. The subject property abuts the city of San José, and is located in the city's urban service area. This ASA application triggers an annexation referral to the city of San José. Should the city decline annexation, you may proceed with your application with the County, however, should the city opt to annex the property you must complete that process and apply to the city once annexation is completed.
2. Per § 5.40.040, you must account for stormwater drainage and fire protection requirements in order to make the Grading Approval findings.
3. It is unclear what the use of the patio area is/will be once this project is completed. This should be described in your Project Description. Please note that the conditions of approval for planning file no. 6472-10P-10A, a Use Permit and ASA for a convent (7 units) and for a day care/after school program (maximum 78

children) are in effect. Should this project alter these or any other conditions of approval in the Use Permit, a modification to that approval may be required.

4. This project is currently proposed at a size that requires a full ASA; if the new floor area were to be no more than 2,000 square feet, it would potentially qualify as a minor project and undergo an administrative review (ASX) instead of a public hearing. Annexation referrals are not required for ASX applications.
5. Please correct typo on top of plan sheet 1 that says “Kirt Avenue” instead of Kirk Avenue.

Below are excerpts from County policies, regulations, findings and guidelines whereby Staff is having difficulty supporting the project as currently designed.

Chapter 5.40 Architecture and Site Approval:

§ 5.40.040 Findings

ASA may be granted if the Zoning Administrator makes all of the following findings:

- A. Adequate traffic safety, on-site circulation, parking and loading areas, and insignificant effect of the development on traffic movement in the area;*
- B. Appearance of proposed site development and structures, including signs, will not be detrimental to the character of the surrounding neighborhood or zoning district;*
- C. Appearance and continued maintenance of proposed landscaping will not be detrimental to the character of the surrounding neighborhood or zoning district;*
- D. No significant, unmitigated adverse public health, safety and environmental effects of proposed development;*
- E. No adverse effect of the development on flood control, storm drainage, and surface water drainage;*
- F. Adequate existing and proposed fire protection improvements to serve the development;*
- G. No significant increase in noise levels;*
- H. Conformance with zoning standards, unless such standards are expressly eligible for modification by the Zoning Administrator as specified in the Zoning Ordinance;*
- I. Conformance with the general plan and any applicable area or specific plan, or, where applicable, city general plan conformance for property located within a city’s urban service area; and J. Substantial conformance with the adopted “Guidelines for Architecture and Site Approval” and any other applicable guidelines adopted by the County.*

§ 5.40.050 Administrative Review for Minor Projects

An ASA administrative review and approval for minor projects may be authorized by the Zoning Administrator subject to Zoning Administrator’s discretion. The

following categories of projects may qualify for an administrative review and approval:

A. Projects involving a minor expansion/ modification of an existing use or building where all of the following criteria are satisfied:

- 1. Involve a net increase of existing building area of no more than 2,000 square feet, cumulative at any one time, including additions to existing buildings or new separate buildings, including accessory buildings;*
- 2. Involve new building construction less than or equal to 35 feet in height;*
- 3. Require no environmental assessment;*
- 4. Create a demand for less than six (6) additional vehicular parking spaces;*
- 5. Require no tree removal (defined as a designated heritage tree or a tree with diameter of 12 inches or greater at 4.5 feet above the ground);*
- 6. Require no significant site improvements to support the proposed development;*
and
- 7. Are consistent with the land uses permitted in the zoning district or by an existing use permit and/or ASA.*

Architecture and Site Approval involve a staff-level review and requires a hearing by the Zoning Administrator to either grant, deny, or continue the project. The decision may be appealed to the Planning Commission. Decisions of the Planning Commission may be appealed to the Board of Supervisors. A CEQA Initial Study may be required once the application is deemed complete.

Should the applicant voluntarily choose to modify the project design based on the information provided above, to better meet the County's Findings, Guidelines and Policies, please include with the resubmittal to address the items listed in the Incomplete Letter dated August 10, 2022. For questions regarding this letter, please call me at (408) 299-5706 or robert.cain@pln.sccgov.org to discuss by telephone or to schedule an appointment to do so.

Sincerely,



Robert Cain
Associate Planner

Cc:

Samuel Gutierrez, Principal Planner
Ed Duazo, Land Development Engineering
Alex Goff, Fire Marshal's Office
Samantha Tran, Applicant