



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	CP23-003 & ER23-014
<b>Applicant:</b>	Michael Pelletier, DivcoWest
<b>Location</b>	Southwest corner of West Santa Clara Street and South 1 <sup>st</sup> Street (2 West Santa Clara Street) (APN: 259-40-074)
<b>Existing Zoning</b>	DC Downtown Primary Commercial
<b>General Plan Land Use Designation</b>	Downtown
<b>Council District</b>	3
<b>Historic Resource</b>	No
<b>Annexation Date:</b>	March 27, 1850 - Original City
<b>CEQA:</b>	Exemption per CEQA Guidelines Section 15301(a) for Existing Facilities

### APPLICATION SUMMARY:

Conditional Use Permit to allow the operation of drinking establishment (occupancy greater than 250) with late night use until 2:00 AM in the basement of an existing commercial building, including extended construction hours (Monday through Saturday 5:00 AM to 7:00 PM) on an approximately 0.28-gross acre site.

### RECOMMENDATION:

Staff recommends that the City Council:

1. Consider the exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15301(a) for Existing Facilities; and
2. Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the operation of a drinking establishment (occupancy greater than 250) with late night use until 2:00 AM in the basement of an existing commercial building, including extended construction hours (Monday through Saturday 5:00 AM to 7:00 PM) on an approximately 0.28-gross-acre site.

### PROJECT DATA

GENERAL PLAN CONSISTENCY	
<b>General Plan Designation</b>	<b>Downtown</b> <input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>
<b>Consistent Policies</b>	<b>General Plan Policies IE-2.6, IE-5.3, LU3.4, and LU-3.7</b>

<b>SURROUNDING USES</b>			
	<b>General Plan Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Downtown	DC Downtown Primary Commercial	Commercial Offices
<b>South</b>	Downtown	DC Downtown Primary Commercial	Commercial Retail
<b>East</b>	Downtown	DC Downtown Primary Commercial	Commercial Offices
<b>West</b>	Downtown	DC Downtown Primary Commercial	Commercial Offices

### **PROJECT DESCRIPTION**

On March 3, 2022, the applicant, Michael Pelletier, submitted an application for a Conditional Use Permit to allow the operation of a drinking establishment with late-night use until 2:00 AM in the basement of an existing commercial building, including extended construction hours (Monday through Saturday 5:00 AM to 7:00 PM) on an approximately 0.28-gross-acre site.

As shown on the Floor Plan (Exhibit A and Figure 1 below), the drinking establishment would occupy the basement area of the existing commercial office building at 2 West Santa Clara Street. The drinking establishment would operate with a Type 48 California Department of Alcoholic Beverage Control (ABC) license. There will be no food kitchen, although bar snacks may be served. No minors are allowed on the premises. Depending on the event and anticipated attendance, the venue would employ between three to ten employees and two to four security personnel. The venue would have at least one security person per 50 customers. The maximum capacity of the venue is anticipated to be 309 patrons. Although queueing would not be typical, if any were to occur during more popular nights, it would take place along Santa Clara Street. A rope line would be provided if a significant queue along the street forms.

Analysis of [City Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars](#) and [City Council Policy 6-27: Evaluation of 24-Hour Uses](#) is required, as the drinking establishment would operate past 12:00 AM midnight. The proposed drinking establishment is consistent with both City Council Policies, as analyzed below. The attached Police Memorandum dated March 23, 2023 (Exhibit F), states that the Police Department is neutral to the late-night drinking establishment. The establishment must adhere to the Management Plan (Exhibit E), which includes provisions for site security, staffing, site maintenance, pedestrian queuing, lighting, noise, and garbage/litter.

In addition to the bar's operation, the applicant has requested extended construction hours for interior construction work from 5:00 AM to 7:00 PM, Monday through Saturday.

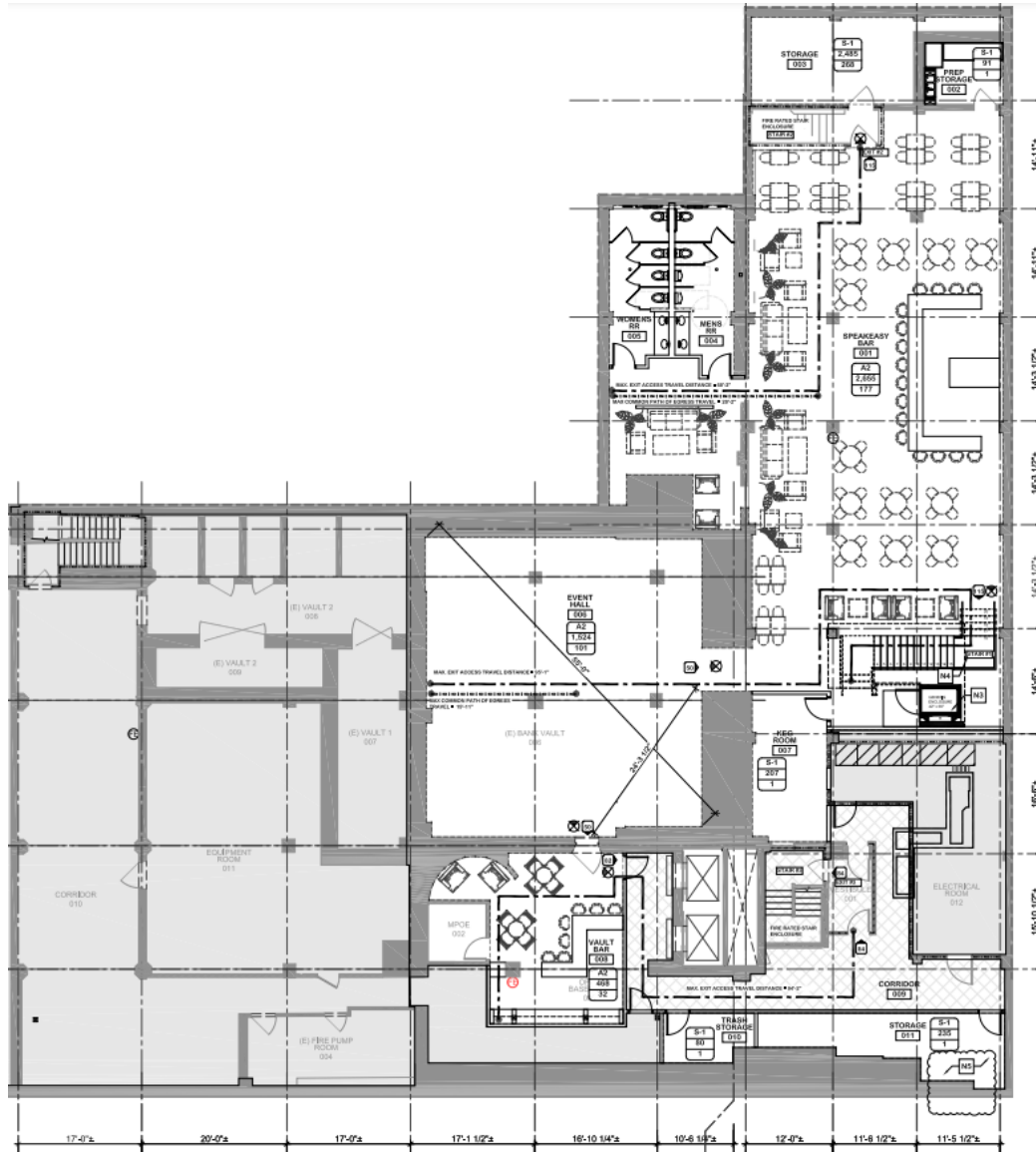


Figure 1 - Proposed Floor Plan

### **Site Description and Surrounding Uses**

As shown in the aerial map (Exhibit B and Figure 2 below), the subject site consists of a 0.28-gross-acre parcel located at the southwest corner of West Santa Clara Street and South 1<sup>st</sup> Street at 2 West Santa Clara Street (APN: 259-40-074) in Downtown San José. The site is currently developed with a nine-story office building. The site is surrounded by commercial office uses to the north, east, and west and commercial retail to the south. The subject site is currently accessible to pedestrians from both West Santa Clara and South 1<sup>st</sup> Streets.



*Figure 2 - Aerial Map*

### **ANALYSIS**

The proposed project was analyzed for conformance with the following:

1. Envision San José 2040 General Plan
2. Zoning Code
3. Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars
4. Council Policy 6-27: Evaluation of 24-Hour Uses
5. Conditional Use Permit Findings

### Envision San José 2040 General Plan Conformance



**Figure 3 - General Plan Land Use Map**

As shown in the General Plan Land Use Map (Exhibit C and Figure 3 above), the subject site has an [Envision San José 2040 General Plan](#) land use designation of **Downtown**. This designation includes office, retail, service, residential, and entertainment uses in the Downtown. Redevelopment should be at very high intensities unless incompatibility with other major policies within the Envision General Plan (such as Historic Preservation Policies) indicates otherwise. All developments within this designation should enhance the "complete community" Downtown, support pedestrian and bicycle circulation, and increase transit ridership.

*Analysis: The drinking establishment would provide a new commercial use within an existing vacant Downtown tenant space. The drinking establishment would support pedestrian circulation, as the site is within walking distance of other restaurants. The project site is accessed by several bus stops within 500 feet, serving the 22, 64A, 64B, 68, Rapid 500, Rapid 522, and Rapid 568 VTA bus lines. In addition, the project site is located directly in front of the Santa Clara Station (North) and 500 feet from Santa Clara Station (South), which serves the VTA Blue and Green Lines.*

The Conditional Use Permit is consistent with the following General Plan policies:

- a. Business Growth and Retention Policy IE-2.6: Promote retail development to the maximum extent feasible, consistent with other General Plan goals and policies, in order to generate City revenue, create jobs, improve customer convenience, and enhance neighborhood livability.
- b. Cultural Attractions Policy IE-5.3: Support private efforts to achieve a stronger mix of evening and late-night uses in Downtown that promote a vibrant, 24-hour City center to generate jobs, increase revenues, and attract visitors and workers to San José.

- c. Downtown Policy LU-3.4: Facilitate the development of retail and service establishments in Downtown and support regional- and local-serving businesses to further the primary objectives of this Plan.
- d. Downtown Policy LU-3.7: Recognize the urban nature of Downtown and support 24-hour uses and outdoor uses, so long as significant adverse impacts do not occur.

*Analysis: The drinking establishment would occupy a currently vacant tenant space in the basement of a Downtown commercial office building at the southwest intersection of West Santa Clara Street and South 1<sup>st</sup> Street. The drinking establishment would generate City revenue, create jobs, and improve customer convenience due to the site's proximity to other businesses and entertainment areas within Downtown. The project would enhance pedestrian activity as the drinking establishment would operate during daytime and nighttime hours. Adverse impacts to surrounding uses would not occur as the site is surrounded by commercial office uses, and the project would implement an operations plan that includes provisions for site security, employee training, maintenance, and customer queueing.*

- e. Noise Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring the use of noise attenuation measures such as acoustic enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
  - a. Cause the DNL at noise-sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable;" or
  - b. Cause the DNL at noise-sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
- f. Noise Policy EC-1.7: Require construction operations within San José to use the best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:
  - a. Involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

*Analysis: The project includes extended construction hours for interior construction from 5:00 AM to 7:00 PM, Monday through Saturday. Project construction activities would be minor as there are no proposed changes to the exterior of the building. All construction activities would occur indoors utilizing hand tools. Exterior noise sources would be limited to the arrival and departure of construction workers and the transportation of project materials and tools. To analyze potential noise impacts from the extended construction hours, a Noise Study was prepared by Illingworth and Rodkin, dated July 14, 2023 (Exhibit H). Based on the noise study provided, the project would not result in substantial temporary or permanent noise impacts on any residential or commercial land uses within the city. The nearest residential use is approximately 400 feet to the west across South Market Street. The project's location in the basement of an existing building and the attenuation afforded by closed doors during*

*construction and operations will ensure that project-generated noise levels will not exceed existing ambient noise conditions or measurably increase ambient DNL noise levels at residential uses in the vicinity. Project construction is expected to be completed in no more than 12 months.*

### Zoning Ordinance Conformance



Figure 4 - Zoning Map

### Use

As shown in the Zoning District Map (Exhibit D and Figure 4 above), the project is located within the DC Downtown Primary Commercial Zoning District. Pursuant to Table 20-140 in [Section 20.70.100](#), drinking establishments within the DC Downtown Primary Commercial Zoning District require an approved Special Use Permit. However, since the drinking establishment would operate past 12:00 AM, an approved Conditional Use Permit is required, pursuant to [Council Policy 6-27: Evaluation of 24-Hour Uses](#).

Pursuant to [Section 20.100.220](#) of the Zoning Code, drinking establishments operating past 12:00 AM with an approved maximum occupancy load over 250 persons require a Conditional Use Permit heard at a City Council hearing, rather than a Planning Commission hearing. The project plan set (Exhibit G) indicates a maximum occupancy load of 309 persons. Therefore, the City Council will be the final decision-making body for this Conditional Use Permit.

### Development Standards

Pursuant to [Section 20.70.200](#), properties located in the DC Downtown Primary Commercial Zoning District shall only be subject to the height limitations necessary for the safe operation of the San José International Airport. No exterior changes to the existing nine-story building height were proposed. The proposed use would operate in the basement of an existing building.

Pursuant to [Section 20.70.210](#), properties located in the DC Downtown Primary Commercial Zoning District are not subject to any minimum setback requirements. As previously stated, the project includes no exterior alterations to the existing commercial building. Therefore, the project conforms to all required height and setback standards of the DC Downtown Primary Commercial Zoning District.

### Parking

The project does not require off-street vehicle parking spaces, pursuant to Table 20-140 in [Section 20.70.100](#). Two-wheeled motorized vehicle parking spaces are also not required, as two-wheeled motorized vehicle parking is based on the number of vehicle parking spaces provided.

[Section 20.90.020.A](#) states that "Every building for which a building permit application for new square footage was submitted on or after January 1, 2011, shall provide the required bicycle parking spaces in compliance with the provisions of this chapter." Based on available building permits, the existing building was constructed prior to 2011. Therefore, as the project would not increase the square footage of the existing commercial building, new bicycle parking spaces are not required.

### Noise

[Chapter 20.70](#), which includes regulations for the Downtown Zoning Districts, does not include performance standards or noise requirements. Noise regulations are included in City Council Policies 6-23 and 6-27, discussed below.

### **Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars**

Nightclubs and bars that plan to operate late at night are required to meet the [City Council Policy on the Guidelines for Evaluation of Nightclubs and Bars](#). This City Council Policy is intended to facilitate the evaluation process for individual permit applications by identifying the needed project characteristics that are necessary for approval. The relevant policy areas from City Council Policy 6-23 are discussed below:

#### a. Land Use Compatibility

- i. Nightclubs should be encouraged throughout the Downtown Core to promote a diversity of uses, provided that they do not adversely impact existing or planned residential uses or conflict with other General Plan Goals and Policies.

*Analysis: The drinking establishment would be located within the Downtown Core. The site is surrounded by commercial office uses. The nearest residential uses are approximately 400 feet to the west, across South Market Street. The drinking establishment would operate in the basement of an existing commercial building with occasional live music and DJ's. As conditioned in the Conditional Use Permit Resolution, all amplified sound shall be contained within the buildings and the buildings shall be adequately insulated to prevent sound from emanating outside. All windows and doors shall be kept close after 10:00 PM. Mechanical equipment used for outside maintenance, including blowers and street sweepers, etc., shall 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. Therefore, adverse impacts to surrounding uses would not occur.*

- ii. New nightclubs and bars should be discouraged from locating adjacent to or near any existing residential uses or any areas planned for residential uses in the adopted



Horizon 2000 General Plan. Nightclubs may be located near areas designated Core Area Commercial with Residential Support for the Core Area overlay and parcels fronting Santa Clara Street. New nightclubs and bars adjacent to hotel uses should minimize the potential negative impacts on the guests of those facilities.

*Analysis: The nearest hotel (Hotel Clariana) is located approximately 800 feet east of the project site, separated by two streets. Therefore, the drinking establishment is not expected to impact hotel guests negatively.*

- iii. New nightclubs and bars that are not open during daytime hours should not occupy more than 30 percent of the street frontage on any one side of the street. Basement and upper-story nightclubs are exempt from this provision provided that the entrance to those facilities is clearly the sole use at the ground level along the street frontage.

*Analysis: The drinking establishment is located within the basement of an existing commercial building. Therefore, the project is exempt from this provision.*

- iv. New nightclubs should include sufficient space to accommodate queuing for patrons. This space should be provided on-site to the greatest extent possible. If the public right-of-way is proposed for queuing, a management plan to control crowds and litter and ensure adequate pedestrian circulation should be part of the nightclub proposal.

*Analysis: The Management Plan (Exhibit E) includes a plan for customer queueing. Although queueing would not be typical, if any were to occur, it would take place along Santa Clara Street. Patrons would enter at the main door located along Santa Clara Street. A rope line will be provided if a significant queue on the public right-of-way forms.*

- v. 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 of controls or procedures to increase effective law enforcement.

*Analysis: The Police Department evaluated the site's drinking establishment and late-night use and issued a memorandum on March 23, 2023. The Police Department is neutral to the proposed drinking establishment. The subject site is located in San José Police Beat E3. The reported crime statistics as defined by Business and Professions Code (B&P) Section 23958.4(c) are not over the 20% crime index, therefore the location is not considered unduly concentrated per B&P Section 23958.4(a)(1) for on-sale establishments.*

- vi. New nightclubs and bars are discouraged from locating in areas where there have been above-average police calls for service.

*Analysis: As discussed in the Police Department Memorandum, the Police Department is neutral to the proposed drinking establishment. The subject site is located within San José Police Beat E3. The reported crime statistics as defined by Business and Professions (B&P) Code Section 23958.4(c) are not over the 20% crime index, therefore the location is not considered unduly concentrated per B&P Section 23958.4(a)(1) for on-sale establishments.*

b. Noise

- i. Both new construction and renovation of existing structures should meet the City's noise standards as specified in the Horizon 2000 General Plan. Sound attenuation techniques may be required to buffer adjacent interior and exterior spaces from noise generated by a nightclub or bar use.
- ii. Windows and doors should not be open during the operation of the facility where noise impacts the surrounding area. Adequate ventilation should be provided so that openings to the outside can be closed when the bar or club is at full capacity.
- iii. Outdoor areas for entertainment, including areas with roof openings, should not be allowed where noise impacts the surrounding area. Hours of operation and/or amplified sound should be carefully regulated to ensure compatibility with adjacent uses.

*Analysis: The drinking establishment will operate within an existing building with no change to the structure's exterior. No outdoor entertainment uses are included. This Conditional Use Permit Resolution includes approval conditions requiring windows and doors to be closed after 10:00 PM to reduce any noise impacts. No additional noise attenuation is required.*

c. Garbage and Litter

- i. 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 AM each day.
- ii. Mechanical equipment used for outside maintenance, including blowers and street sweepers, etc., should not be used between 10:00 PM and 6:00 AM if the clean-up occurs within 500 feet of existing residential uses.

*Analysis: The above requirements are included as conditions of approval in this Conditional Use Permit. Mechanical equipment shall not be used between 10:00 PM and 7:00 AM, pursuant to the Cleaning and Maintenance provision of City Council Policy 6-27, as City Council Policy 6-27 contains the more restrictive provision.*

d. Typical Use Restrictions

- i. Admittance to bars and nightclubs will be restricted to patrons 21 years of age and older.

*Analysis: Pursuant to the [California Department of Alcoholic Beverage Control \(ABC\)](#), minors are not allowed to enter bars and nightclubs operating under a Type 48 License. This is stated in the Management Plan (Exhibit E).*

- ii. Nightclubs and bars should not operate after 2:00 a.m., daily.

*Analysis: The drinking establishment would operate until 2:00 AM, seven days a week. This is stated in the Management Plan.*

- iii. The maximum occupancy of a nightclub or bar is limited to the number identified by the Fire Marshall and may be further limited in the Conditional Use Permit based on parking availability or other land use compatibility issues.

*Analysis: The applicant shall follow the maximum occupancy identified by the Fire Marshall during the Building Permit process. A condition of approval requiring the project to adhere to the Fire Code is included in this Conditional Use Permit.*

- iv. Amplified sound, amusement games, and pool/billiard tables may be restricted based on potential incompatibility with adjacent uses.

*Analysis: Amusement games, pool/billiard tables, and other entertainment uses would not occur at this drinking establishment. The amplified sound would not cause adverse impacts to adjacent uses as the drinking establishment does not include entertainment uses. Windows and doors will be kept closed after 10:00 PM, pursuant to the noise provisions above.*

### **Council Policy 6-27: Evaluation of 24-Hour Uses**

Any uses operating between 12:00 AM midnight and 6:00 AM are required to meet the [City Council Policy on the Evaluation of 24-Hour Uses](#). This City Council Policy is intended to ensure compatibility of late-night and early-morning uses with surrounding land uses. The relevant policy areas from City Council Policy 6-27 are discussed below:

- a. Area Use Compatibility. Twenty-four-hour uses should not be approved unless the facility can operate without detriment to nearby residential uses or the general welfare of the surrounding area. Users which are largely take-out and convenience in nature tend to have the most problematic neighborhood impacts, specifically: higher traffic volumes, quick turnover with vehicles left running and radios on, litter problems, and consuming food and beverages in cars while on site. Given the potential for problems arising from such uses which may or may not have been anticipated at the time of approval, all such permits should include a condition for a Compliance Review based on written complaints, and all such complaints should be referred to the City Council.

*Analysis: The drinking establishment would operate without detriment to nearby residential uses and the general welfare of the surrounding area, as the establishment does not include outdoor entertainment uses. As previously stated, windows and doors will be closed after 10:00 PM, pursuant to City Council Policy 6-23 noise provisions.*

- b. Use Separation. Physical separation of incompatible uses is the best means to avoid potential problems. Generally, 24-hour uses should not be located within 300 feet (measured from the building entrance and "Designated Parking Area" and/or "Outdoor Use Area" to the residential property line) from any property residentially zoned, planned, or used. Exceptions to the 300-foot separation may be made if the project site is located within the Downtown Core Area or in transition areas where the proximate residential uses are not zoned or planned for residential uses in the long term. The 300-foot separation requirement may be increased or decreased on a case-by-case review of the site's specific circumstances and proposed use based on the intensity of use, location of other buildings and physical features, neighborhood input, or other relevant criteria. Examples of circumstances that might mitigate the 300-foot separation requirement:
  - i. Separation for residential by a major thoroughfare of at least four moving lanes and a sound wall at the residential property.
  - ii. Complete physical separation from residential by other non-residential buildings.
  - iii. One-hour extensions on Friday and Saturday nights and/or one hour from 5:00 AM to 6:00 AM daily.

*Analysis: The site is within the Downtown Core Area and is not adjacent to residential uses. The nearest residences are approximately 400 feet to the west, across South Market Street. A noise study is not required, as there are no outdoor entertainment uses that would produce amplified sound.*

- c. Outdoor Activities. Outdoor activities may be limited for 24-hour operations except in the Downtown Core Area. Due to the unique combination of uses in the Downtown Core Area, 24-hour outdoor activities will be evaluated on a case-by-case basis. Services and sales should be conducted entirely within interior spaces between the hours of 12:00 midnight and 6:00 AM, except for specific development types identified under Policy 2. More restrictive hours and days of operation may be imposed in order to implement policy requirements. Other late-night outdoor activities on the site such as truck deliveries, maintenance, and garbage collection should be reviewed and may be conditioned to minimize noise impacts.

*Analysis: The drinking establishment would operate without detriment to nearby residential uses and the general welfare of the surrounding area, as the establishment does not include outdoor entertainment uses. All operations would take place in the basement of an existing commercial office building.*

- d. Police Issues. Crime statistics and police safety issues that are directly related to uses operating between 12:00 midnight and 6:00 a.m. will be analyzed and considered in determining the appropriateness of 24-hour uses. The Chief of Police should provide a written memorandum with this analysis, including a recommendation with or without conditions, for each Conditional Use Permit application for a 24-hour use. Conditions may be imposed to monitor 24-hour uses and minimize nuisance activities. These conditions may include such requirements as interior or exterior security guards, video cameras, additional lighting, limited occupancy, and modifications of controls or procedures to increase effective law enforcement. The likelihood of impacts caused by the disorderly conduct of late-night patrons in the surrounding neighborhood should be considered in the review process, especially as it relates to the proximity of residential uses.

*Analysis: As stated in the Police Department Memorandum dated March 23, 2023 (Exhibit F), the Police Department is neutral to the proposed late-night drinking establishment. The subject site is located in San José Police Beat E3. The reported crime statistics as defined by Business and Professions Code (B&P) Section 23958.4(c) are not over the 20% crime index, therefore the location is not considered unduly concentrated per B&P Section 23958.4(a)(1) for on-sale establishments.*

- e. Restroom Facilities. Restroom facilities required by other codes or policies shall remain open and be available during late-night business hours. Customer access to restrooms is not required for drive-through facilities when there is no customer access permitted to interior areas. Restrooms that have exterior access will be analyzed from a safety and surveillance aspect and will remain open on a case-by-case basis.

*Analysis: The drinking establishment would provide two restroom facilities. A condition of approval is included in this Conditional Use Permit requiring the restroom facilities to be open and available during late-night business hours.*

- f. Noise. Use of sound attenuation walls and landscaping may be required at property lines in order to minimize noise emanating from the site. Special attention should be paid to the possibility of noise at late night hours such as car stereos, cars starting, and conversations which may not be quantifiable, but can reasonably be expected to occur. No amplified sound

is permitted between 10:00 PM. and 7:00 PM, except low-volume drive-through speakers specifically approved in conjunction with 24-hour drive-through use.

*Analysis: The drinking establishment does not include any outdoor use or outdoor entertainment uses that will produce amplified sound. As conditioned in this Conditional Use Permit Resolution, all amplified sound shall be contained within the buildings and the buildings shall be adequately insulated to prevent sound from emanating outside. All windows and doors shall be kept closed after 10:00 PM. Mechanical equipment used for outside maintenance, including blowers and street sweepers, etc., shall 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.*

- g. Cleaning and Maintenance. Cleaning and maintenance for outdoor areas utilizing mechanical blowers, vacuums, or other noise-generating equipment shall not be used between the hours of 10:00 PM and 7:00 PM Special conditions to control on-and off-site litter may be required on a case-by-case basis.

*Analysis: A condition of approval is included in this Conditional Use Permit prohibiting the use of outdoor noise-generating equipment between the hours of 10:00 PM and 7:00 AM.*

## Permit Findings

### Conditional Use Permit Findings

To make the Conditional Use Permit findings pursuant to San José Municipal Code [Section 20.100.720](#), the Planning Commission must determine that:

1. The Conditional Use Permit, as approved, is consistent with and will further the policies of the general plan, applicable specific plans, and area development policies; and

*Analysis: The project is consistent with the General Plan Land Use Designation of Downtown, intended for office, retail, service, residential, and entertainment uses. The project is consistent with General Plan policies regarding business growth and retention, Downtown retail development, and 24-hour uses. The project would develop a currently vacant tenant space in the basement of an existing commercial office building, generating City revenue and creating jobs. The project would also enhance pedestrian activity and improve customer convenience as the project site is located within walking distance of several other restaurants and businesses.*

2. The Conditional Use Permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project; and

*Analysis: As discussed in the San José Municipal Code Conformance section above, the project will not modify any existing exterior conditions and is therefore consistent with all required setbacks, heights, and parking requirements of the DC Downtown Primary Commercial Zoning District.*

3. The Conditional Use Permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: The project was analyzed for consistency with [Council Policy 6-23: Guidelines for Evaluation of Nightclubs and Bars](#) and [Council Policy 6-27: Evaluation of 24-Hour Uses](#). The project was found to be consistent with both policies, as discussed in their respective sections above.*

*Council Policy 6-30: Public Outreach Policy* was implemented to inform the public of the project. An on-site sign has been posted on the project frontage since April 17, 2023. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the [City's website](#). Staff has also been available to respond to questions from the public.

4. 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

*Analysis: As discussed in the City Council Policy sections above, the drinking establishment would not include outdoor entertainment uses that would produce amplified sound. Operations of the drinking establishment would occur entirely indoors. The Management Plan includes security provisions—one security guard will be present for every 50 patrons. If any outdoor queueing occurs it would be organized to prevent impacts on pedestrian circulation along West Santa Clara Street. Therefore, the drinking establishment would not adversely affect surrounding uses.*

5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, 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 area; and

*Analysis: The project site is a vacant tenant space within the basement of an existing commercial building. The tenant space is adequate in size to accommodate indoor use as a drinking establishment.*

6. The proposed site is adequately served:

- a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
- b. By other public or private service facilities as are required.

*Analysis: The project site is directly accessible from West Santa Clara Street and South 1<sup>st</sup> Street. The project site is accessed by several bus stops within 500 feet, serving the 22, 64A, 64B, 68, Rapid 500, Rapid 522, and Rapid 568 VTA bus lines. In addition, the project site is located directly in front of the Santa Clara Station (North) and 500 feet from Santa Clara Station (South), which serves the VTA Blue and Green Lines.*

7. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

*Analysis: The project would not result in any environmental impacts related to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor as all construction would occur entirely indoors. A Construction Disturbance Coordinator shall be appointed to*

*address any construction-related complaints. All construction activity will adhere to standard construction conditions, best management practices, and any regulatory agency requirements. The project would conform with all applicable noise requirements of the City Council Policies 6-23 and 6-27. Therefore, the project will not have an unacceptable negative effect on adjacent properties. The project is categorically exempt from further environmental review pursuant to CEQA Section 15301(a) for Existing Facilities.*

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Under the provisions of Section 15301(a) for Existing Facilities of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Zoning Code, implementing the California Environmental Quality Act of 1970, as amended.

Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. The project does not involve any structural modifications or expansion to the footprint of the existing retail building.

The project would allow a new drinking establishment within an existing vacant basement tenant space and would include interior modifications to allow for its operation. The drinking establishment would operate wholly inside the building. Based on the discussion and findings in the sections above, the project would not have a significant effect on the environment. Therefore, the project is categorically exempt pursuant to CEQA Section 15301(a) for Existing Facilities.

## **PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the project. An on-site sign has been posted on the project frontage since April 17, 2023. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

/s/

CHRISTOPHER BURTON, Director  
Planning, Building and Code Enforcement

For questions, please contact Robert Manford, Deputy Director, at (408) 535-7900.

### **Attachments:**

- Exhibit A – Floor Plan
- Exhibit B – Aerial Map
- Exhibit C – General Plan Map
- Exhibit D – Zoning Map
- Exhibit E – Management Plan

HONORABLE MAYOR AND CITY COUNCIL

September 25, 2023

**Subject: File Nos. CP23-003 & ER23-014**

Page 16

Exhibit F – Police Memo

Exhibit G – Project Plans

Exhibit H – Noise Study



**EGRESS NOTES**

- THE PATH OF TRAVEL TO & WITHIN EXITS IN A BUILDING SHALL BE IDENTIFIED BY EXIT SIGNS CONFORMING TO THE REQUIREMENTS OF 2013 CBC SECT. 1011.1 EXIT SIGNS SHALL BE READILY VISIBLE FROM THE DIRECTION OF APPROACH. EXIT SIGNS SHALL BE LOCATED AS NECESSARY TO INDICATE THE DIRECTION OF EGRESS TRAVEL. NO POINT SHALL BE MORE THAN 100 FT. FROM THE NEAREST VISIBLE SIGN.
- FIRE BARRIERS AND REQUIRED OCCUPANCY SEPARATIONS SHALL COMPLY WITH SECTION 707.1 2013 CBC
- PROVIDE EXIT SIGN WITH 6" LETTERS OVER REQUIRED EXITS, WHERE SHOWN ON DRAWINGS. CONNECT EXIT SIGNS TO EMERGENCY POWER CIRCUITS.
- PROVIDE EMERGENCY LIGHTING OF ONE FOOT-CANDLE AT FLOOR LEVEL. COMPLY WITH BUILDING CODES.
- MAINTAIN AISLES AT LEAST 44" WIDE AT PUBLIC AREAS.
- EXIT DOORS SHALL SWING IN THE DIRECTION OF TRAVEL WHEN SERVING 50 OR MORE PERSONS AND IN ANY HAZARDOUS AREA.
- PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2A WITHIN 75 FOOT TRAVEL DISTANCE TO ALL PORTIONS OF THE BUILDING ON EACH FLOOR AND ADDITIONAL EXTINGUISHERS AS REQUIRED BY THE FIRE DEPARTMENT FIELD INSPECTOR
- FIRE EXTINGUISHERS SHALL BE PROVIDED AND LOCATED IN ACCORDANCE WITH FIRE DEPARTMENT REQUIREMENTS. SEE "F.E." OR "F.E.C." ON PLANS. EXTINGUISHER CABINET DOOR OPENING HARDWARE SHALL BE 45" MAX. ABOVE FINISHED FLOOR.
- FIRE EXTINGUISHER CABINETS SHALL NOT BREACH RATED WALLS UNLESS RATED THEMSELVES
- EXTINGUISHERS SHALL BE CONSPICUOUSLY LOCATED ALONG NORMAL PATHS OF EXITING
- PROVIDE FIRE DAMPERS OR DOORS WHERE AIR DUCTS PENETRATE FIRE-RATED WALLS OR CEILINGS.
- EXIT DOORS SHALL BE A MINIMUM OF 3'-0" X 6'-8" WITH A CLEAR WIDTH OF NOT LESS THAN 32" PER 2019 CBC
- EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. SECTION 1008.1.9, 2019 C.B.C. THE MAXIMUM ALLOWABLE EFFORT TO OPERATE THE DOOR SHALL BE: EXT. 5 POUNDS, INT. 5 POUNDS, FIRE RATED 15 POUNDS
- EXIT DOORS SHALL BE SO MARKED THAT THEY ARE READILY DISTINGUISHABLE FROM THE ADJACENT CONSTRUCTION. SECTION 1015.2, 2019 C.B.C.
- PRIMARY ENTRANCES & REQUIRED EXITS FROM BUILDINGS & FACILITIES SHALL BE MADE ACCESSIBLE TO THE DISABLED
- PROVIDE SIGN ABOVE PRIMARY EXIT DOORS MOUNTED ON HORIZONTAL MULLION TO READ "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED", IN COMPLIANCE W/ SECTION 1008.1.9.3, 2019 C.B.C.
- DOORS SHALL BE PROVIDED W/ LEVER TYPE HARDWARE IN COMPLIANCE W/ TITLE 24 & ADA STANDARDS, SECTION 1008.1.9.1, 2019 C.B.C.
- ROOMS OR AREAS LARGER THAN 100 SQUARE FEET SHALL BE PROVIDED W/ BI-LEVEL SWITCHING TO ALLOW ILLUMINATION TO BE REDUCED BY ONE-HALF
- PROVIDE INTERNATIONAL SYMBOL OF ACCESSIBILITY AT MAIN ENTRANCE DOORS. COMPLY WITH TITLE 24 REQUIREMENTS

**FUNCTION PER 2022 CBC  
TABLE 1004.5**

FUNCTION OF SPACE	S.F. PER PERSON	FUNCTION S.F. TYPE
ACCESSORY - STORAGE - S	300	GROSS
ASSEMBLY - A	15	NET

**SQUARE FOOT BREAKDOWN**

FIRST FLOOR  
ENTRY = 310 SQUARE FEET  
BASEMENT  
BASEMENT = 6,547 SQUARE FEET  
TOTAL SQUARE FOOT = 6,857

**PLUMBING FIXTURE ANALYSIS**

GROSS OCCUPANTS = 309 PEOPLE  
PLUMBING FIXTURE REQUIREMENT  
154.5 MEN & 154.5 WOMEN  
REQUIRED MEN FIXTURES  
3 - TOILET  
1 - URINAL  
2 - LAVATORY  
REQUIRED WOMEN FIXTURES  
4 - TOILETS  
2 - LAVATORY

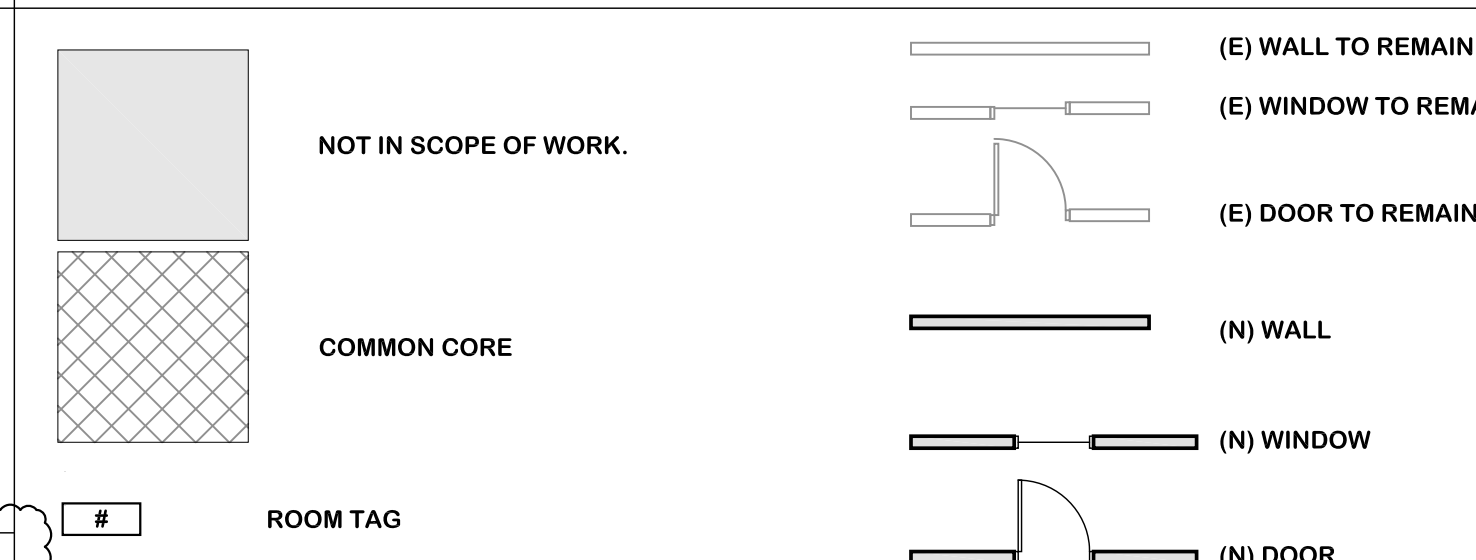
**EGRESS BREAKDOWN**

EXIT #2	115 x 0.2 = 23" REQUIRED   32" CLEAR WIDTH PROVIDED
EXIT #3	115 x 0.2 = 23" REQUIRED   32" CLEAR WIDTH PROVIDED
EXIT #4	8 x 0.2 = 1.6" REQUIRED   70" CLEAR WIDTH PROVIDED
STAIR #1	115 x 0.3 = 34.5" REQUIRED   56" CLEAR WIDTH PROVIDED
STAIR #2	115 x 0.3 = 34.5" REQUIRED   40" CLEAR WIDTH PROVIDED
STAIR #3	84 x 0.3 = 25.2" REQUIRED   44" CLEAR WIDTH PROVIDED

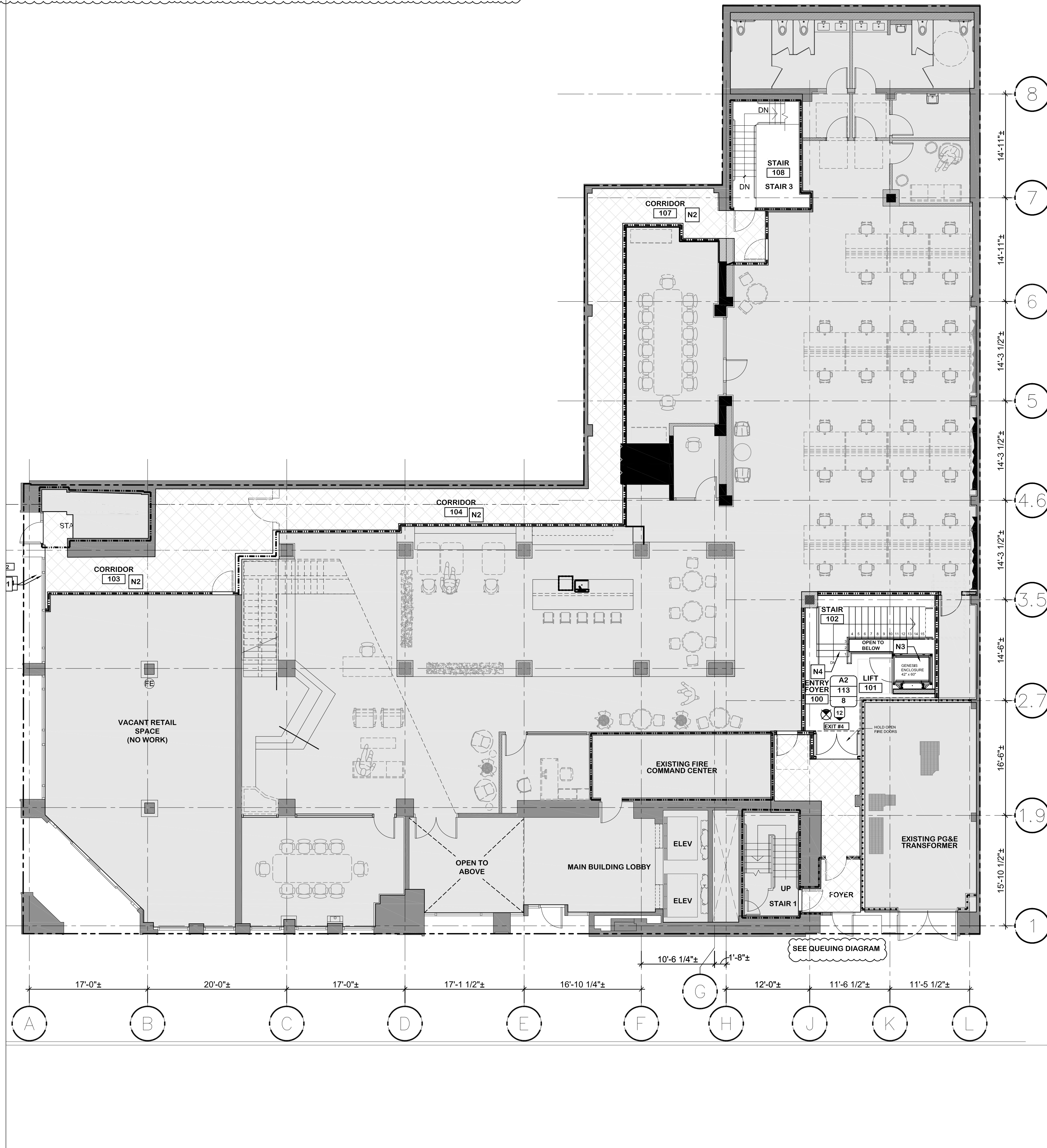
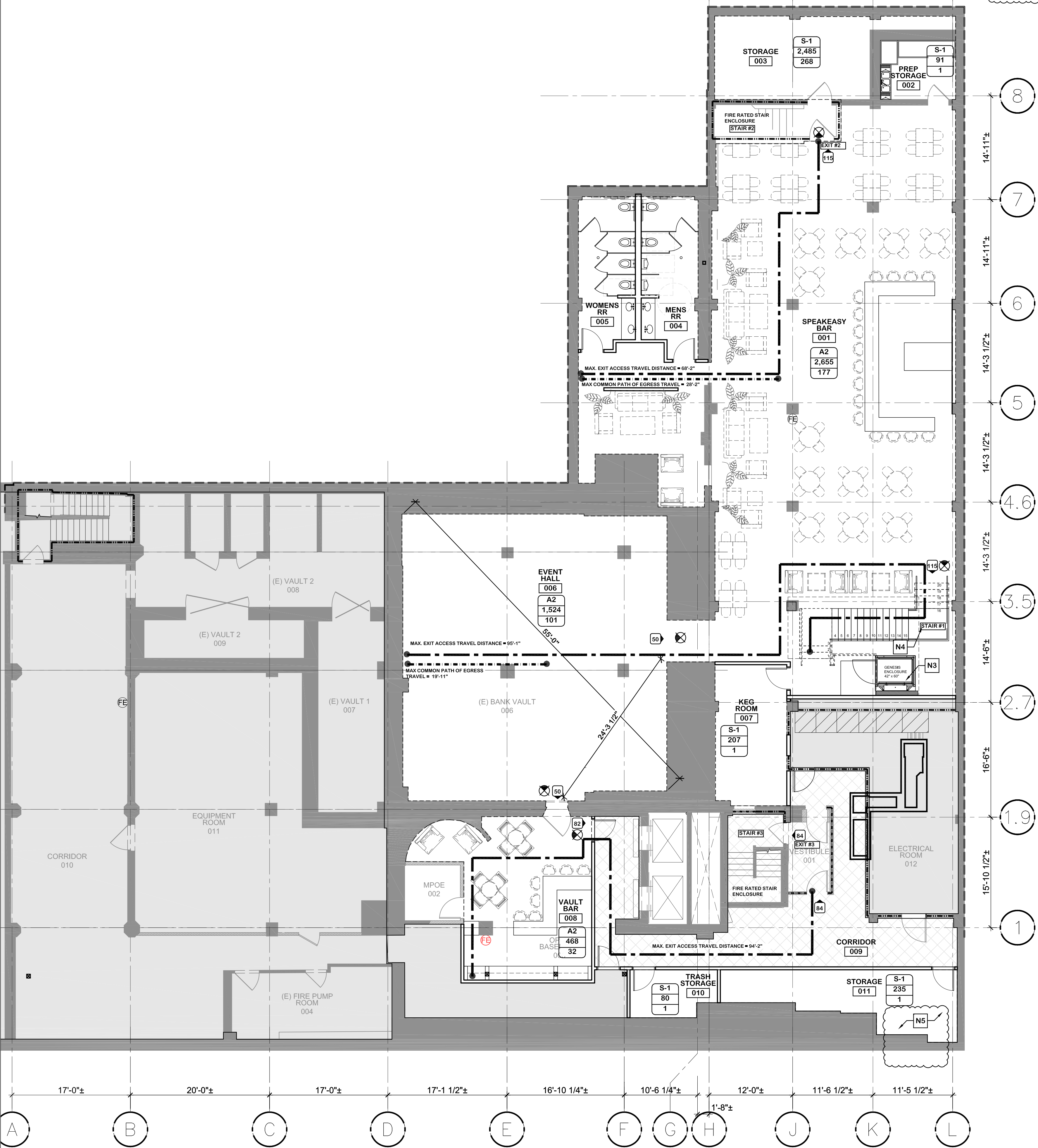
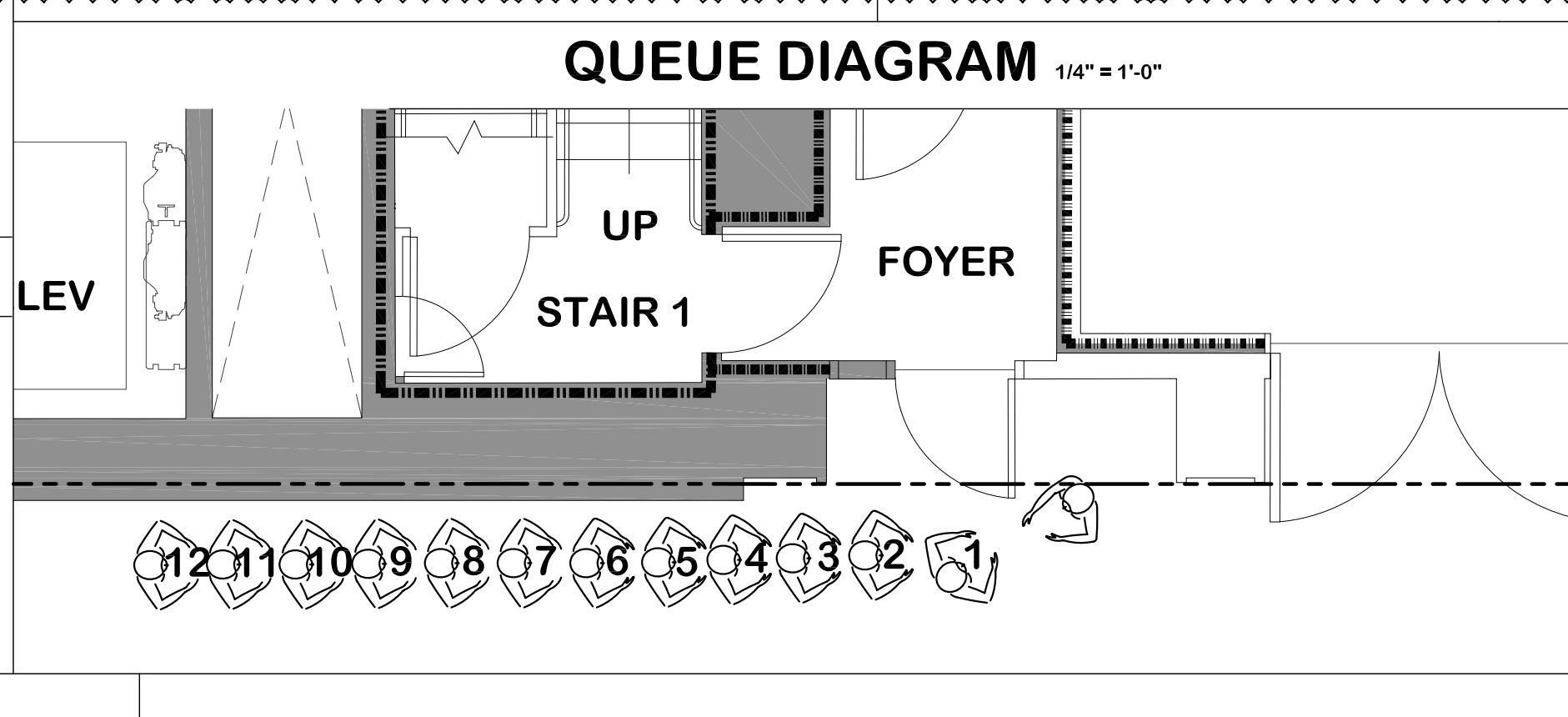
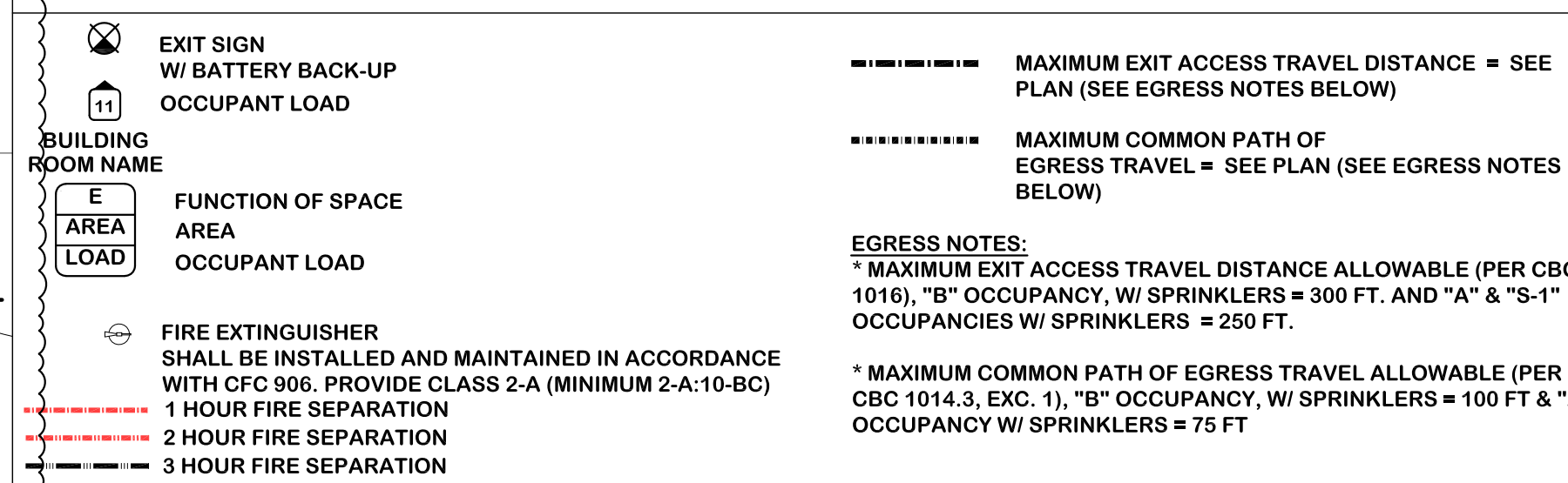
**KEY NOTES**

- N1 (N) STOREFRONT DOOR
- N2 (N) FIRE RATED CORRIDOR
- N3 (N) WHEEL CHAIR LIFT
- N4 (N) GRAND STAIR
- N5 (N) INTERIOR BIKE STORAGE FOR 1 BIKE

**LEGEND**



**EGRESS LEGEND**



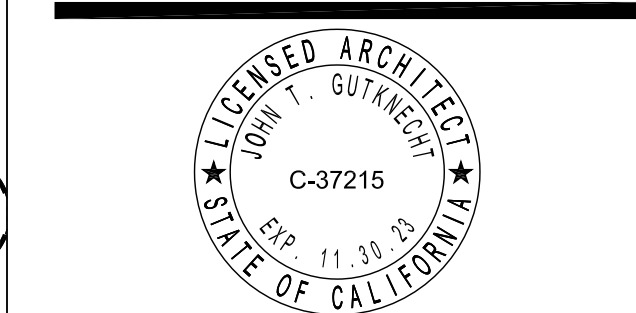
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**2 WEST SPEAKEASY**  
CONDITION USE PERMIT  
2 WEST SANTA CLARA STREET  
SAN JOSE, CA 95113

**PUBLISHED SETS**

REV. DATE	DESCRIPTION
01.22.23	PRELIMINARY STUDY PLAN
01.24.23	PLANNING SUBMITTAL
23.07.17	PLANNING RE-SUBMITTAL



**PROPOSED FLOOR PLANS & EGRESS ANALYSIS**

DATE	SCALE
01.22.23	1/8" = 1'-0"
DRAWN BY	PROJECT NUMBER
JTG	22015-1

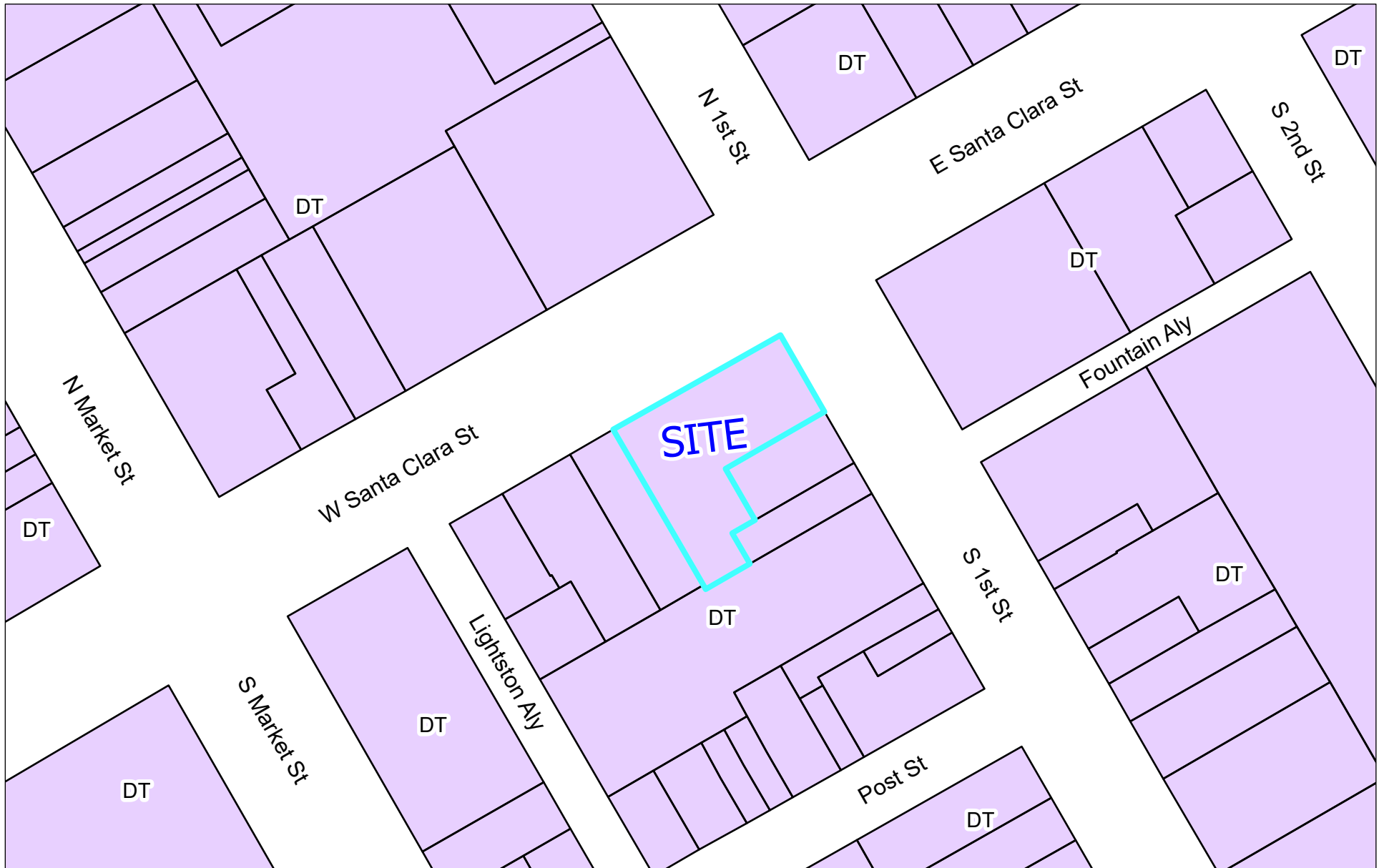
**A2.2**



**File No: CP23-003**  
**District: 3**

**Aerial**





**File No: CP23-003**  
**District: 3**

# GENERAL PLAN



Prepared by the Department of Planning,  
Building and Code Enforcement

8/16/2023



**File No: CP23-003**  
**District: 3**

**EXISTING ZONING**



## **2 West Speakeasy**

2 West Santa Clara Street  
San Jose, CA

### **MANAGEMENT PLAN**

**CUP File #: CP23-003**

#### Overview

The 2 West Speakeasy is a public drinking establishment located in the heart of downtown San Jose. The venue will operate as a speakeasy bar with occasional live music and DJs, and host private events.

#### Hours of Operation

The 2 West Speakeasy will be open until 2AM, 7 day per week. The venue will operate as a standard bar during open hours. The operation is allowed to open at 6AM, but typical opening will be in the early afternoon.

#### Types of Performances

The venue will offer a variety of live music and live performances, ranging from jazz to DJs.

#### Staffing

The venue will likely staff 3-10 employees depending on the time of operation and number of patrons.

#### Security

Although queuing would not be typical, if any were to occur during more popular nights, it will take place along Santa Clara Street and patrons will enter at the main door located on Santa Clara Street (see site map). A rope line will be provided if a significant queue on the public right away forms. The venue will employ up to 2-4 security personal per night, depending on the event and anticipated attendance. If there are 50 or more customers, the venue will have at least 1 security personal per 50 customers. No additional form of security is proposed.

#### Lighting

Ample lighting is provided along Santa Clara Street to create a secure environment for patrons if queuing were to occur. Existing street lighting and building lighting is adequate - no additional lighting is being proposed. All lighting issues such as inadequate lighting or burned-out lights, will be addressed promptly by the maintenance provider.

#### Food and Alcohol Service

There will be no food kitchen although there may be minimal bar snacks served. A type 48 liquor license will be obtained. IDs will be checked according to code.

Alcohol will be served at the two bars identified on the accompanying floor plan. The Vault will employ multiple bartenders (up to 2-6 per night) and relevant support staff. All employees will be trained on ABC requirements.

Negating Noise Impacts

The building has been constructed of materials that limit reverberation, and the interior of the space will be designed to dampen further any noise impacts. The sound system will also be designed with outside noise abatement in mind.

Garbage and Litter

Nightclub and bar operator shall 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 shall occur before 8:00 a.m. each day. Mechanical equipment used for outside maintenance, including blowers and street sweepers, etc., shall 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.



# Memorandum

**TO:** Manuel Atienza  
 Planning Department

**FROM:** Ofc. Janelle Ikeuchi #4574  
 San Jose Police Vice Unit

**SUBJECT:** CP23-003  
 2 West Speakeasy

**DATE:** March 23, 2023

Approved

Date

I have received your request for input regarding 2 West Speakeasy, located at 2 West Santa Clara Street, San Jose, CA. 95113. 2 West Speakeasy is seeking a Conditional Use Permit to operate until 2:00 a.m. with a Type-48 On Sale General – Public Premises ABC License.

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)(3). A location can be unduly concentrated because of its criminal statistics and/or its 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 and the Planning Commission are the delegated authorities to grant these exceptions.

2 West Santa Clara is located in San Jose Police Beat E3. The reported crime statistics as defined by B&P Section 23958.4(c) **are not** over the 20% crime index thus the location **is not** considered unduly concentrated per B&P Section 23958.4 (a)(1) for on sale establishments.

### Police Beat Crime Statistics

Beat	Index Crimes	Arrests	Total	20% Above Average
E3	362	116	478	No
City Average	335	110	445	

A crime analysis indicated a total of 3718 calls for service and self-initiated events occurred within a 1000 ft. radius of 2 West Santa Clara Street. in a 12-month period (March 7, 2022 – March 7, 2023.) Of the 3718 calls and events, 893 occurred during the hours between midnight and 6:00 a.m. Some of the calls are listed in the table below.

## Crime Analysis

Number	Nature of Call
641	Disturbances
566	Vehicle Accidents / Traffic Related
130	Thefts / Burglary
164	Assault/Battery
0	Drunk in Public
19	DUI
39	Drug Offenses
13	Sex Crime
9	Robbery

Department of Alcohol Beverage Control (ABC) records indicate that 2 West Santa Clara, is in census tract 5008.00. Pursuant to B&P Section 23958.4 (a)(3), the ratio of off-sale retail licenses population in census tract 5008.00 **does** exceed the ratio of off-sale retail licenses to population in the county in which the applicant premises are located if approved.

### Authorized and Current ABC Licenses in Census Tract

Census Tract	Authorized ABC Licenses		Current ABC Licenses		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off - Sale	On - Sale	Off - Sale
5008.00	6	2	129	9	<b>YES</b>	<b>YES</b>

The San Jose Police Department is **neutral** to the proposed 2 West Speakeasy Conditional Use Permit endorsement for on-sale alcohol.

Please feel free to contact me at (408) 277-4322 if you have any questions.

Ofc. Janelle Ikeuchi #4574  
San Jose Police Department  
Special Investigations/Vice Unit



ABBREVIATIONS		GENERAL NOTES	
AB	ANCHOR BOLT	JT.	JOINT
AC	ASPHALT CONCRETE	KP	KICK PLATE
AD	AREA DRAIN	KIT.	KITCHEN
ADJ.	ADJACENT	LAV.	LAVATORY
AF	ABOVE FINISH FLOOR	LB	LAG BOLT
ALUM.	ALUMINUM	LBS	POUND
ALT.	ALTERNATE	LF	LINEAR FOOT
ARCH.	ARCHITECT/ARCHITECTURAL	LL	LIVE LOAD
AVG.	AVERAGE	LS	LAG SCREW
AWC	ACOUSTICAL WALL COVERING	LVL	LAMINATED VENEER LUMBER
BD.	BOARD	MAX.	MAXIMUM
BLDG.	BUILDING	MB	MACHINE BOLT
BLKG.	BLOCKING	MECH.	MECHANICAL
BRZ.	BRONZE	MFD.	MANUFACTURED
BTM.	BOTTOM	MFR.	MANUFACTURER
BTWN.	BETWEEN	MICRO.	MICROWAVE
BUR	BUILT UP ROOFING	MIN.	MINIMUM
BW	BOTH WAYS	MISC.	MISCELLANEOUS
CB	CATCH BASIN	MTD.	MOUNTED
CF	CUBIC FEET	MTL.	METAL
CG	CORNER GUARD	(N)	NEW
CLG.	CAULKING	NIC	NOT IN CONTRACT
CLJ.	CONCRETE MASONRY UNIT	NA	NOT APPLICABLE
CLR.	CLEAR	NTS	NOT TO SCALE
CMU	CONCRETE MASONRY UNIT	O/	OVER
CO.	CLEANOUT	OC	ON CENTER
COL.	COLUMN	OH	OVERHEAD
CONC.	CONCRETE	OPNG.	OPENING
CONT.	CONTINUOUS	PL.	PLATE
CPT.	CARPET	PLF	POUNDS PER LINEAL FOOT
CT	CERAMIC TILE	PLM.	PLASTIC LAMINATE
CTR.	CENTER	PLYWD.	PLYWOOD
CW	COLD WATER	PNT.	PAINT
DBL.	DOUBLE	PSF	POUNDS PER SQUARE FOOT
DEPT.	DEPARTMENT	PSI	POUNDS PER SQUARE INCH
DF.	DOUGLAS FIR	PT	PRESSURE TREATED
DIA.	DIAMETER	PVC.	POLYVINYLCHLORIDE
DIAG.	DIAGONAL	PVMT.	PAVEMENT
DIM.	DIMENSION	RA	RETURN AIR
DISP.	DISPENSER	RAJ.	RETURN AIR
DL.	DEAD LOAD	RAD.	RADIUM
DN.	DOWN	RBD.	RUBBER BASE
DR.	DOOR	RCP	REFLECTED CEILING PLAN
DWG.	DRAWING	RD.	ROOF DRAIN
DW	DISHWASHER	RWD.	REDWOOD
(E)	EXISTING	REF.	REFERENCE
EB.	EXPANSION BOLT	REFR.	REFRIGERATOR
EIFS	EXTERIOR INSULATION FINISH SYSTEM	REG.	REGISTER
EJC	EXPANSION JOINT	REQD.	REQUIRED
ELEC.	ELECTRICAL	REV.	REVISION
ELEV.	ELEVATION	RM.	ROOM
EN	EDGE NAILING	RO	ROUGH OPENING
ENCL.	ENCLOSURE	RWL	RAINWATER LEADER
EP.	ELECTRICAL PANEL	SCHED.	SCHEDULE
EQUIP.	EQUIPMENT	SD	STORM DRAIN
EXT.	EXTERIOR	SEC.	SECTION
FA	FIRE ALARM	S.E.D.	SEE ELECTRICAL DRAWINGS
FD	FLOOR DRAIN	S.F.S.D.	SEE FOOD SERVICE DRAWINGS
FDC	FIRE DEPARTMENT CONNECTION	SHTG.	SHEATHING
FE	FIRE EXTINGUISHER	SHWR.	SHOWER
FEC	FIRE EXTINGUISHER CABINET	SIM.	SIMILAR
FF	FINISH FLOOR	S.M.D.	SEE MECHANICAL DRAWINGS
FHC	FIRE HOSE CABINET	SPEC.	SPECIFICATION
FIN.	FINISH	S.P.D.	SEE PLUMBING DRAWINGS
FL.	FLOW LINE	S.S.D.	SEE STRUCTURAL DRAWINGS
FLSHG.	FLASHING	S.S.	STAINLESS STEEL
FLR.	FLOOR	SS	SOLID SURFACE
FLUOR.	FLUORESCENT	S.T.C.	SOUND TRANSMISSION COEFFICIENT
FOC	FACE OF CONCRETE	STD.	STANDARD
FOS	FACE OF STUD	STL.	STEEL
FOW	FACE OF WALL	STRUCT.	STRUCTURAL
FRP	FIBERGLASS REINFORCED PLASTIC	SUSP.	SUSPENDED
FRMG.	FRAMING	SYS.	SYSTEM
FT.	FOOT	T.	TEMPERED
FTG.	FOOTING	TEL.	TELEPHONE
GA.	GAUGE	T.O.C.	TOP OF CURB
GALV.	GALVANIZED	T&G	TONGUE & GROOVE
GC	GENERAL CONTRACTOR	TS	TUBE STEEL
GLB	GLUE LAMINATED BEAM	T.V.	TELEVISION
GRDR.	GRIDER	TYP.	TYPICAL
GSM	GALVANIZED SHEET METAL	U.O.N.	UNLESS OTHERWISE NOTED
GWB	GYPSUM WALL BOARD	VCT	VINYL COMPOSITION TILE
HB	HOSE BIBB	VENT.	VENTILATION/VENTILATOR
HD	HOLDOWN	VERT.	VERTICAL
HDR.	HEADER	V.I.F.	VESTIBULE
HGR.	HANGER	W/	WITH
HM.	HOLLOW METAL	WC	WATER CLOSET
HORIZ.	HORIZONTAL	WD.	WOOD
HR.	HOUR	WH	WATER HEATER
HT.	HEIGHT	WDW.	WINDOW
HVAC	HEATING/VENTILATING/AIR CONDITIONING	W/O	WITHOUT
HW	HOT WATER	WP.	WATERPROOF
IN.	INCH/INCHES	WSCT.	WAINSCOT
INFO.	INFORMATION	WT.	WEIGHT
INSUL.	INSULATION	WWF	WELDED WIRE FABRIC
INT.	INTERIOR		
JAN.	JANITOR		

MATERIAL SYMBOLS		DRAWING SYMBOLS	
	BASE ROCK		COLUMN GRID LINE
	CONCRETE		SECTION
	EARTH (SECTION)		DETAIL
	EXISTING WALL SECTION		ELEVATION
	WOOD MEMBER (BLOCKING)		INTERIOR ELEVATION
	WOOD MEMBER (CONTINUOUS, NOMINAL SIZE INDICATED)		ELEVATION
	PLYWOOD		ROOM IDENTIFICATION
	GYPSUM WALL BOARD SECTION		INDICATES WINDOW TYPE
	METAL (STEEL OR IRON)		DOOR IDENTIFICATION
	RIGID INSULATION BOARD OR TILE		DOOR TYPE
	& AND		INDICATES WINDOW OPENING NUMBER
	ANGLE		REVISION CLOUD
	@ AT		DELTA
	± CENTER LINE		FOLDMATCH LINE
	° DEGREES		
	Δ DELTA		
	∅ DIAMETER		
	~ FLOWLINE		

1. MATERIALS STORED ON THE SITE SHALL BE PROPERLY STACKED & PROTECTED TO PREVENT DAMAGE & DETERIORATION UNTIL USE. FAILURE TO PROTECT MATERIALS MAY BE CAUSE FOR REJECTION OF WORK

2. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING ANY WORK. THE GENERAL CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES OF THESE PLANS AND SPECIFICATIONS

3. MAINTAIN THE JOB SITE IN A CLEAN, ORDERLY CONDITION FREE OF DEBRIS AND LITTER. EACH SUB-CONTRACTOR IMMEDIATELY UPON COMPLETION OF EACH PHASE OF HIS WORK SHALL REMOVE ALL TRASH & DEBRIS AS A RESULT OF HIS OPERATIONS

4. NO PORTION OF THE WORK REQUIRING A SHOP DRAWING OR SAMPLE SUBMISSION SHALL BE COMMENCED UNTIL THE SUBMISSION HAS BEEN REVIEWED & ACTED UPON BY THE ARCHITECT. ALL SUCH PORTIONS OF THE WORK SHALL BE IN ACCORDANCE WITH THE REVIEWED SHOP DRAWINGS & SAMPLES

5. CONFINE OPERATIONS AT THE SITE TO AREAS PERMITTED BY LAW, ORDINANCES, PERMITS & THE CONTRACT DOCUMENTS, AND SHALL NOT UNREASONABLY ENCUMBER THE SITE WITH ANY MATERIALS OR EQUIPMENT

6. SHOULD AN ERROR APPEAR IN THE NOTES, SPECIFICATIONS, OR DRAWINGS, OR IN WORK DONE BY OTHERS, AFFECTING THIS WORK, NOTIFY THE ARCHITECT AT ONCE FOR INSTRUCTIONS AS TO PROCEDURE. IF CONTRACTOR PROCEEDS WITH WORK AFFECTED WITHOUT INSTRUCTIONS FROM THE ARCHITECT, THE CONTRACTOR SHALL MAKE GOOD ANY RESULTING DAMAGE OR DEFECT

7. SHOULD CONFLICT OCCUR IN OR BETWEEN DRAWINGS & SPECIFICATIONS, OR WHERE DETAIL REFERENCES ON CONTRACT DRAWINGS HAVE BEEN OMITTED, CONTRACTOR IS DEEMED TO HAVE ESTIMATED THE MOST EXPENSIVE MATERIALS AND CONSTRUCTION INVOLVED UNLESS HE SHALL HAVE ASKED FOR AND OBTAINED ANY WRITTEN DECISIONS FROM THE ARCHITECT AS TO WHICH METHOD OR MATERIALS WILL BE REQUIRED

8. PATCHING, REPAIRING AND REPLACING OF MATERIAL SURFACES CUT OR DAMAGED IN EXECUTION OF WORK SHALL BE DONE WITH APPLICABLE MATERIALS SO THAT SURFACES REPLACED WILL, UPON COMPLETION, MATCH SURROUNDING SIMILAR SURFACES

9. ALL MECHANICAL & ELECTRICAL EQUIPMENT SHALL HAVE A UL DESIGN LISTING NUMBER. ANY EQUIPMENT NOT LISTED WILL REQUIRE FIELD TESTING & CERTIFIED BY AN APPROVED TESTING AGENCY. IT IS THE RESPONSIBILITY OF THE OWNER & HIS DESIGN CONSTRUCTION TEAM TO NOTIFY THE BUILDING DEPARTMENT IF FIELD TESTING IS REQUIRED FOR ANY EQUIPMENT WITHOUT AN EQUIVALENT LISTED LABEL APPROVED BY THE LOCAL CITY BUILDING DEPARTMENT. PROOF OF EQUIPMENT CERTIFICATION SHALL BE SUBMITTED & APPROVED BEFORE A CERTIFICATE OF OCCUPANCY CAN BE ISSUED

10. HAZARDOUS MATERIALS: THE ARCHITECT AND THE ARCHITECT'S CONSULTANTS SHALL HAVE NO RESPONSIBILITY FOR THE DISCOVERY, PRESENCE, HANDLING, REMOVAL, OR DISPOSAL OF OR EXPOSURE OF PERSONS TO ASBESTOS OR HAZARDOUS OR TOXIC SUBSTANCES IN ANY FORM AT THE PROJECT SITE. PROFESSIONAL SERVICES RELATED OR IN ANY WAY CONNECTED WITH THE INVESTIGATION, DETECTION, ABATEMENT, REPLACEMENT, USE, SPECIFICATION, OR REMOVAL OF PRODUCTS, MATERIALS, OR PROCESSES CONTAINING ASBESTOS OR HAZARDOUS OR TOXIC MATERIALS ARE BEYOND THE SCOPE OF THIS AGREEMENT.

11. IF PROJECT IS BID PRIOR TO RECEIVING ALL AGENCY APPROVALS FOR PERMIT, THE CONTRACTOR SHALL CARRY CONTINGENCIES IN BIDDING TO COVER CHANGES THAT MAY RESULT FROM PLAN CHECK COMMENTS. CONTRACTOR IS RESPONSIBLE FOR REVIEWING ALL DRAWINGS AND UPDATING THE BUDGET BASED ON PERMITTED DRAWINGS

PROJECT LAYOUT  
12. THE CONTRACTOR IS RESPONSIBLE FOR THE LOCATION OF THE PROJECT AND ALL OF ITS COMPONENT PARTS. LAYOUT ENGINEERING AND DIMENSIONAL INFORMATION, IN ADDITION TO THE INFORMATION CONTAINED ON THE CONTRACT DRAWINGS, THAT MAY BE DETERMINED BY THE CONTRACTOR AS NECESSARY TO ACCURATELY CONSTRUCT THE PROJECT IN CONFORMANCE WITH THE DESIGN INTENT AS SHOWN IN THE CONTRACT DRAWINGS SHALL BE PROVIDED BY THE CONTRACTOR.

# CONDITIONAL USE PERMIT FOR:

# 2 WEST SPEAKEASY

## PLANNING DEPARTMENT

## 2 WEST SANTA CLARA STREET

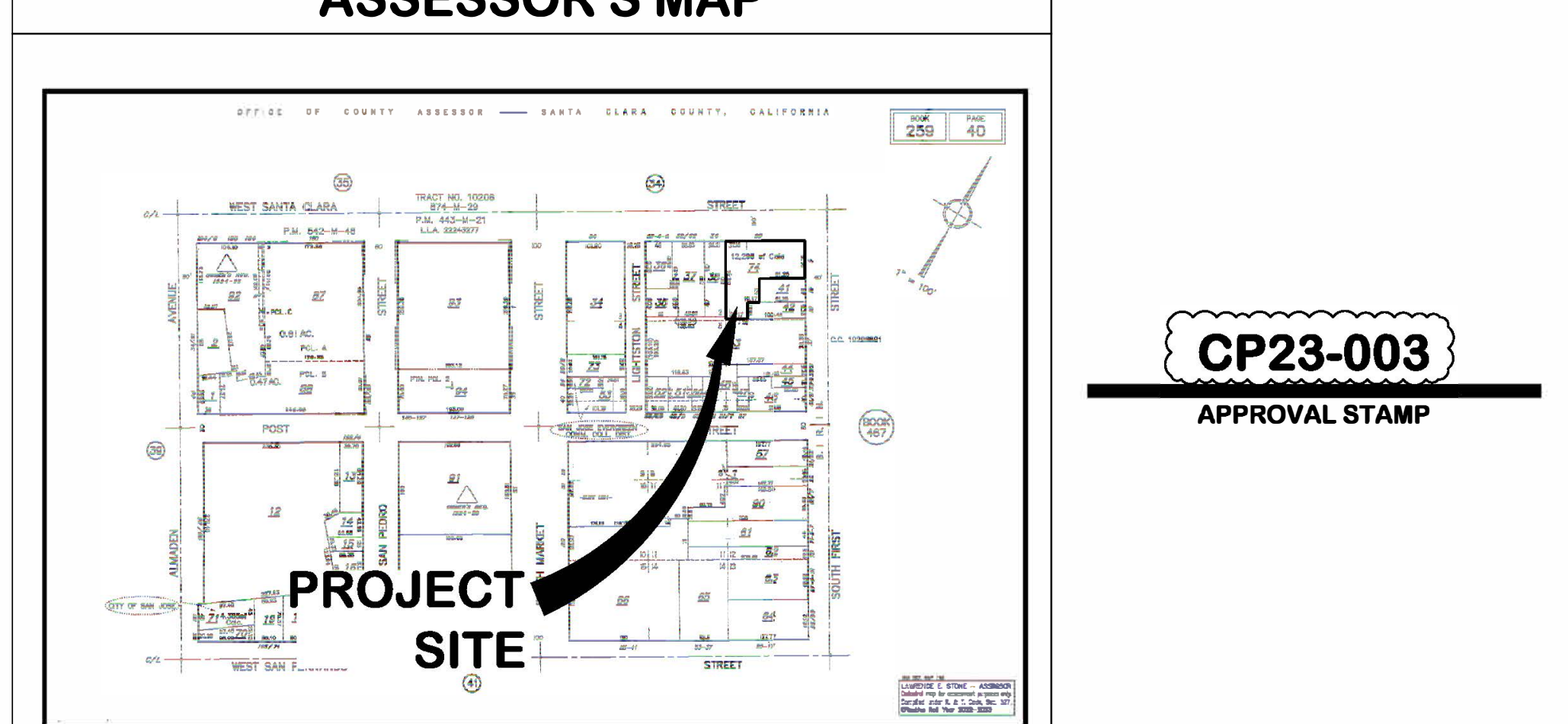
## SAN JOSE, CA 95113

OWNER	ARCHITECT	ARCHITECTURAL
DIVCO WEST CONTACT: MIKE PELLETIER 301 HOWARD STREET, SUITE 2100 SAN FRANCISCO, CA 94105 T: 415.284.5738 E: MPELLETIER@DIVCOWEST.COM	JTG ARCHITECTURE CONTACT: JOHN GUTKNECHT 4322 PANORAMA DRIVE DUBLIN, CA. 94568 T: 612.481.2283 E: JOHNG@JTGARCHITECTURE.COM	A0.0 COVER SHEET & GENERAL NOTES A2.1 DEMOLITION FLOOR PLAN A2.2 PROPOSED FLOOR PLAN & EGRESS ANALYSIS A6.1 BUILDING ELEVATIONS A6.2 STREET ELEVATIONS



PROJECT DATA	
APN.....	258-40-074
ZONING DISTRICT.....	DC DOWNTOWN PRIMARY COMMERCIAL
GENERAL PLAN DESIGNATION.....	DOWNTOWN
LOT SIZE.....	12,295 SQUARE FEET
SPRINKLER.....	YES
NO. OF STORIES.....	10
TYPE OF OCCUPANCY.....	A2 & S-1
OCCUPANT LOAD.....	309 MAX.
PROJECT AREA.....	6,857 SF
BICYCLE PARKING SPACES.....	LONG TERM
CODES-ORSD.....	2022
	C.B.C., C.P.C., C.M.C., C.E.C., C.F.C., CALIFORNIA ENERGY CODE, CAL GREEN BUILDING STANDARDS CODE, HANDICAPPED ACCESSIBILITY REGULATIONS, AND ADOPTED CODES

SCOPE OF WORK													
<ul style="list-style-type: none"> <li>CONDITIONAL USE PERMIT FOR NEW BAR WITH NO KITCHEN IN BASEMENT OF EXISTING BUILDING</li> <li>SCHEMATIC LAYOUTS SHOWN FOR REFERENCE ONLY</li> <li>THE 2 WEST SPEAKEASY IS A PUBLIC DRINKING ESTABLISHMENT LOCATED IN THE HEART OF DOWNTOWN SAN JOSE. THE VENUE WILL OPERATE AS A SPEAKEASY BAR WITH OCCASIONAL LIVE MUSIC AND DJs, AND MOST PRIVATE EVENTS.</li> <li>HOURS OF CONSTRUCTION - MONDAY THROUGH SATURDAY WITH LATE CONSTRUCTION HOURS BETWEEN 7PM AND 7 AM.</li> <li>NO PROPOSED CHANGES TO EXTERIOR ELEVATION</li> <li>CONSTRUCTION HOURS MONDAY-SATURDAY 5AM-7PM</li> </ul>	<p>PUBLISHED SETS</p> <table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>01.22.23</td> <td></td> <td>PRELIMINARY STUDY PLAN</td> </tr> <tr> <td>01.24.23</td> <td></td> <td>PLANNING SUBMITTAL</td> </tr> <tr> <td>23.07.17</td> <td></td> <td>PLANNING RE-SUBMITTAL</td> </tr> </tbody> </table>	REV.	DATE	DESCRIPTION	01.22.23		PRELIMINARY STUDY PLAN	01.24.23		PLANNING SUBMITTAL	23.07.17		PLANNING RE-SUBMITTAL
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01.22.23		PRELIMINARY STUDY PLAN											
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VICINITY MAP

COVER SHEET

DATE	SCALE
01.22.23	
DRAWN BY	PROJECT NUMBER
JTG	22015-1

# A0.0

JTG ARCHITECTURE  
JOHN GUTKNECHT  
PHONE: 612.481.2283  
EMAIL: JOHN@JTGARCHITECTURE.COM

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2 WEST SPEAKEASY  
CONDITION USE PERMIT  
2 WEST SANTA CLARA STREET  
SAN JOSE, CA 95113

CP23-003  
APPROVAL STAMP

LICENSED ARCHITECT  
JOHN F. GUTKNECHT  
C-37215  
STATE OF CALIFORNIA

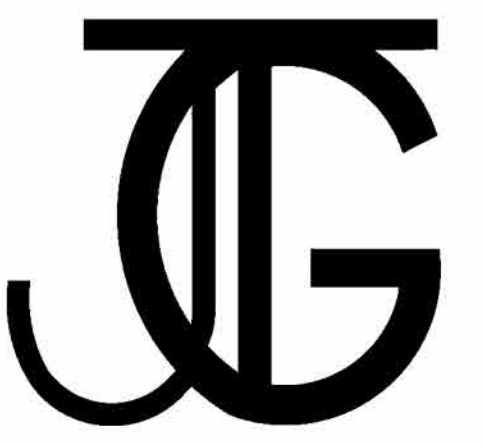
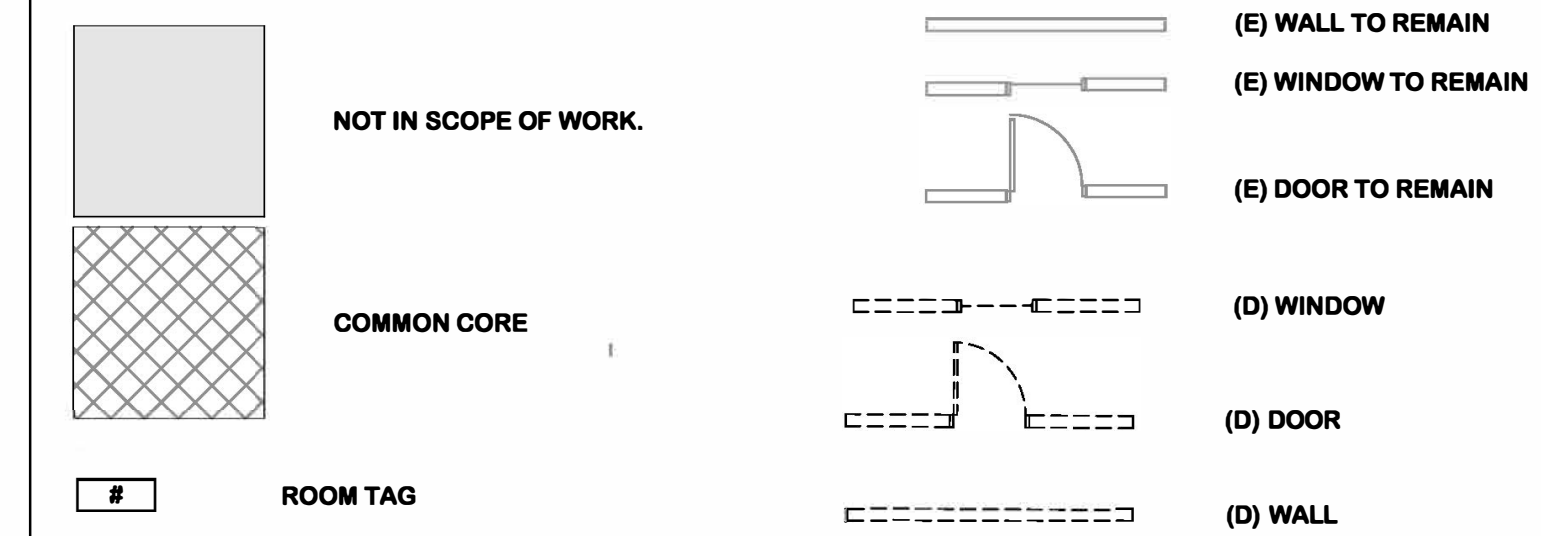
**GENERAL NOTES**

1. THE GENERAL CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIALS AS NECESSARY TO COMPLETE DEMOLITION AND REMOVAL OF ALL ITEMS INDICATED ON DRAWINGS OR AS OTHERWISE DIRECTED BY THE OWNER/OWNERS REPRESENTATIVE.
2. THE GENERAL CONTRACTOR SHALL PERFORM ALL WORK WITHIN THE REGULATIONS OF THE BUILDING FOR DEMOLITION AND REMOVAL OF DEBRIS
3. THE GENERAL CONTRACTOR SHALL AT ALL TIMES PROTECT THE PROPERTY OF THE BUILDING INCLUDING, BUT NOT LIMITED TO FLOOR COVERING, CEILING GRID AND TILE, LIGHT FIXTURES, DOORS, WINDOWS, FRAMES, HARDWARE, CABINETRY, PLUMBING FIXTURES, ELECTRICAL AND AIR CONDITIONING EQUIPMENT, PERIPHERAL ENCLOSURES, ETC.
4. THE CONTRACTOR SHALL VIEW AND VERIFY ACTUAL CONDITIONS AT LOCATIONS WHERE ALTERATIONS TO THE EXISTING BUILDING OCCUR. WHEN WALLS, PARTITIONS, AND OTHER WORK EXISTS WHERE NEW WORK IS INDICATED, ALL SUCH EXISTING WORK SHALL BE REMOVED.
5. THE CONTRACTOR SHALL REPORT TO ARCHITECT OR ENGINEER, ANY AND ALL CONDITIONS WHICH MAY INTERFERE WITH OR OTHERWISE AFFECT OR PREVENT THE PROPER EXECUTION AND COMPLETION OF THE WORK OF THIS CONTRACT.
6. THE GENERAL CONTRACTOR SHALL ERECT ALL NECESSARY PLASTIC DROP CLOTH BARRIERS TO PROTECT ADJACENT BUILDING FINISHES WHILE DEMOLITION AND CONSTRUCTION ARE IN PROGRESS. BARRICADE WALLS, CONSTRUCTED OF STUDS AND PLYWOOD SHALL BE PROVIDED WHERE REQUIRED, TO PROVIDE SAFETY PROTECTION FOR THE GENERAL PUBLIC.
7. THE GENERAL CONTRACTOR SHALL SURVEY ALL EXISTING FINISHED SURFACES TO INCLUDE CORNER BEADS, STOPS, ETC., FOR CHIPS, CRACKS, HOLES, DAMAGED SURFACES AND ANY OTHER DEFECTS WHICH MAY CAUSE AN APPEARANCE DIFFERENT FROM A NEW, FINISHED INSTALLATION. THESE DEFECTIVE SURFACES SHALL BE IDENTIFIED AND REPAIRED. IF BEYOND REPAIR THE GENERAL CONTRACTOR SHALL OBTAIN AUTHORIZED APPROVAL TO REMOVE EXISTING CONDITIONS.
8. THE GENERAL CONTRACTOR SHALL INSPECT ALL EXISTING SURFACES AND ALL AREAS WHERE DEMOLITION CAUSES AN UNEVENNESS IN THE SLAB, THE CONTRACTOR SHALL GRIND, CUT AND PATCH AS NECESSARY TO LEVEL THE SLAB TO RECEIVE NEW FINISH FLOORING.
9. DOORS AND FRAMES: IF DOORS AND FRAMES ARE TO BE REUSED FOR THIS WORK, REMOVE DOORS FROM FRAMES AND REMOVE FRAMES FROM WALL OPENING, TAKING CARE TO AVOID DAMAGE. REMOVE HARDWARE, CLEAN, REFINISH, AND STORE FOR RE-INSTALLATION. REPAIR/REWORK FRAMES AND DOORS AS REQUIRED FOR RE-INSTALLATION WHERE INDICATED.
10. ALL EXPOSED LIGHT FIXTURES, WIRING, SWITCHES, CONDUIT, AND METAL MOLDING NOT BEING REUSED SHALL BE REMOVED AND EITHER STORED OR DISPOSED
11. THE GENERAL CONTRACTOR SHALL CAP OFF ALL PROJECT PLUMBING, FLOOR ELECTRICAL/TELEPHONE OUTLETS, AND ALL OTHER PROJECTING ITEMS THAT ARE BEING ABANDONED.
12. THE GENERAL CONTRACTOR SHALL REMOVE ALL ABANDONED WALL AND CEILING CONDUITS, WIRING AND CABLING INCLUDING SWITCH BOXES, PLATES, BRIDGES, OR ANY OTHER TELEPHONE OR ELECTRICAL WIRING OR EQUIPMENT. VERIFY WITH TENANT OR OWNER, THE RE-USE OF EXISTING CABLING PRIOR TO REMOVAL.
13. REFER TO ENGINEERING DRAWINGS FOR REMOVAL AND/OR RELOCATION IF REQUIRED OF HVAC DUCTS, DIFFUSERS, SPRINKLER HEADS, EXIT LIGHTS, ETC.
14. ALL EXISTING TELEPHONE AND ELECTRICAL OUTLETS SHALL REMAIN UNLESS AFFECTED BY NEW CONSTRUCTION
15. ALL ABANDONED ELECTRICAL CIRCUITS SHALL BE TAKEN BACK TO THE APPROPRIATE SUBPANEL. PULL ALL ABANDONED WIRES FROM CONDUIT.

**KEY NOTES**

- D1 REMOVE (E) CONCRETE FLOOR FOR NEW STAIR OPENING
- D2 REMOVE (E) CONCRETE WALL
- D3 REMOVE (E) VAULT CAGE WALLS
- D4 REMOVE (E) WALL
- D5 REMOVE (E) DOOR

**LEGEND**



**JTG ARCHITECTURE**  
 JOHN GUTKNECHT  
 PHONE: 612.481.2293  
 EMAIL: JOHN@JTGARCHITECTURE.COM

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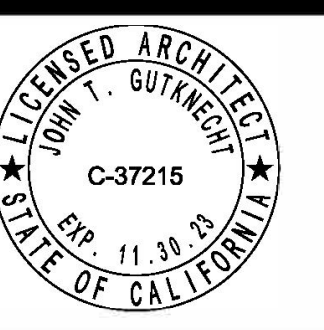
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**2 WEST SPEAKEASY**  
 CONDITION USE PERMIT  
 2 WEST SANTA CLARA STREET  
 SAN JOSE, CA 95113

**PUBLISHED SETS**

REV. DATE	DESCRIPTION
01.22.23	PRELIMINARY STUDY PLAN
01.24.23	PLANNING SUBMITTAL
23.07.17	PLANNING RE-SUBMITTAL

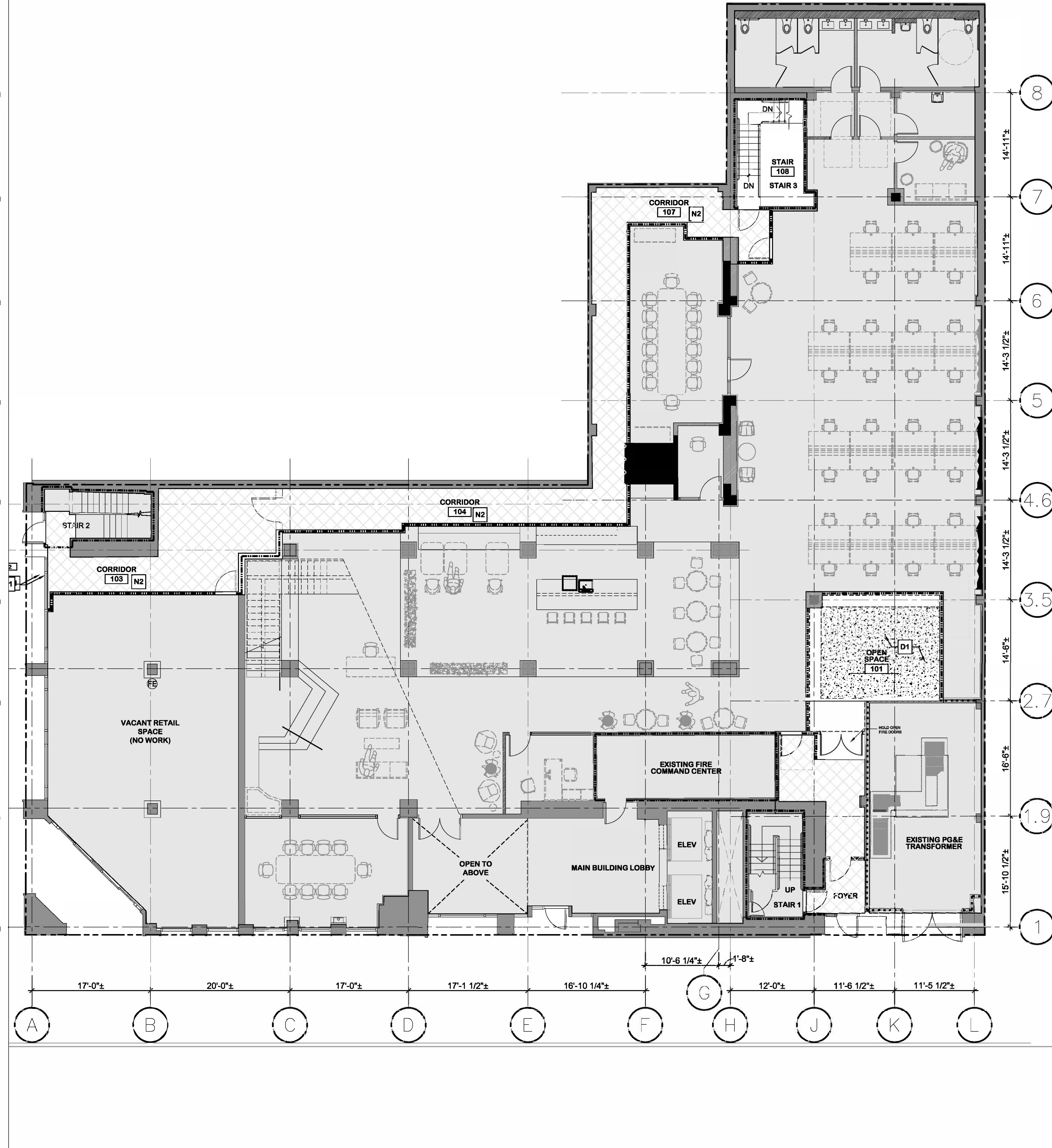
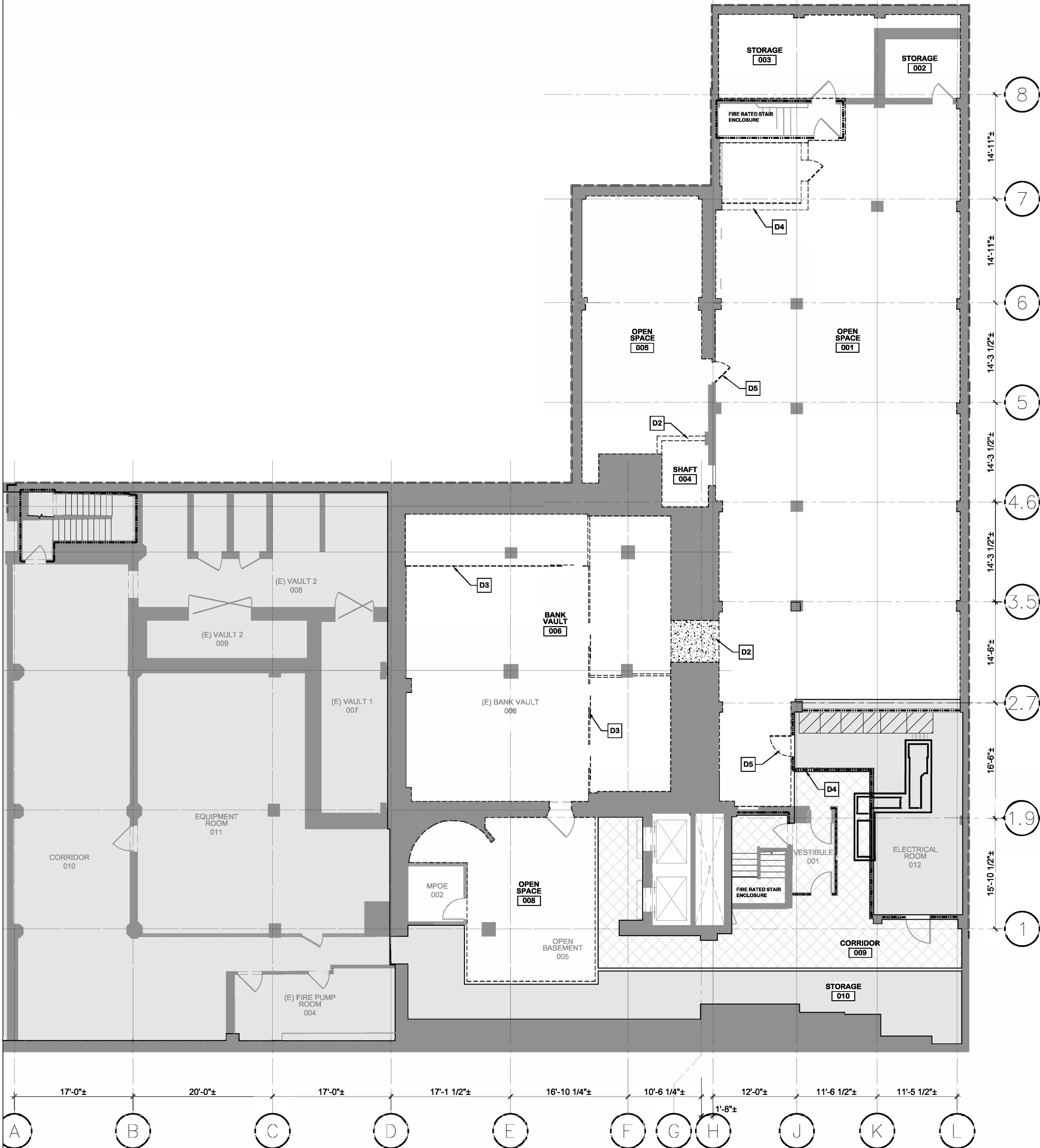
**CP23-003**  
 APPROVAL STAMP



**DEMO FLOOR PLANS**

DATE	SCALE
01.22.23	1/8" = 1'-0"
DRAWN BY JTG	PROJECT NUMBER 22015-1

**A2.1**



**DEMO LOWER LEVEL FLOOR PLAN SCHEMATIC LAYOUT FOR REFERENCE ONLY**

**DEMO FIRST FLOOR PLAN SCHEMATIC LAYOUT FOR REFERENCE ONLY**

**EGRESS NOTES**

- THE PATH OF TRAVEL TO & WITHIN EXITS IN A BUILDING SHALL BE IDENTIFIED BY EXIT SIGNS CONFORMING TO THE REQUIREMENTS OF 2013 CBC SECT. 1011.1. EXIT SIGNS SHALL BE READILY VISIBLE FROM THE DIRECTION OF APPROACH. EXIT SIGNS SHALL BE LOCATED AS NECESSARY TO INDICATE THE DIRECTION OF EGRESS TRAVEL. NO POINT SHALL BE MORE THAN 100 FT. FROM THE NEAREST VISIBLE SIGN.
- FIRE BARRIERS AND REQUIRED OCCUPANCY SEPARATIONS SHALL COMPLY WITH SECTION 707.1 2013 CBC
- PROVIDE EXIT SIGN WITH 6" LETTERS OVER REQUIRED EXITS, WHERE SHOWN ON DRAWINGS. CONNECT EXIT SIGNS TO EMERGENCY POWER CIRCUITS.
- PROVIDE EMERGENCY LIGHTING OF ONE FOOT-CANDLE AT FLOOR LEVEL. COMPLY WITH BUILDING CODES.
- MAINTAIN AISLES AT LEAST 44" WIDE AT PUBLIC AREAS.
- EXIT DOORS SHALL SWING IN THE DIRECTION OF TRAVEL WHEN SERVING 50 OR MORE PERSONS AND IN ANY HAZARDOUS AREA.
- PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2A WITHIN 75 FOOT TRAVEL DISTANCE TO ALL PORTIONS OF THE BUILDING ON EACH FLOOR AND ADDITIONAL EXTINGUISHERS AS REQUIRED BY THE FIRE DEPARTMENT INSPECTOR
- FIRE EXTINGUISHERS SHALL BE PROVIDED AND LOCATED IN ACCORDANCE WITH FIRE DEPARTMENT REQUIREMENTS. SEE "F.E." OR "F.E.C." ON PLANS. EXTINGUISHER CABINET DOOR OPENING HARDWARE SHALL BE 45" MAX. ABOVE FINISHED FLOOR.
- FIRE EXTINGUISHER CABINETS SHALL NOT BREACH RATED WALLS UNLESS RATED THEMSELVES
- EXTINGUISHERS SHALL BE CONSPICUOUSLY LOCATED ALONG NORMAL PATHS OF EXITING
- PROVIDE FIRE DAMPERS OR DOORS WHERE AIR DUCTS PENETRATE FIRE-RATED WALLS OR CEILINGS.
- EXIT DOORS SHALL BE A MINIMUM OF 3'-0" X 6'-8" WITH A CLEAR WIDTH OF NOT LESS THAN 32" PER 2019 CBC
- EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. SECTION 1008.1.9, 2019 C.B.C. THE MAXIMUM ALLOWABLE EFFORT TO OPERATE THE DOOR SHALL BE: EXT. 5 POUNDS, INT. 5 POUNDS, FIRE RATED 15 POUNDS
- EXIT DOORS SHALL BE SO MARKED THAT THEY ARE READILY DISTINGUISHABLE FROM THE ADJACENT CONSTRUCTION. SECTION 1015.2, 2019 C.B.C.
- PRIMARY ENTRANCES & REQUIRED EXITS FROM BUILDINGS & FACILITIES SHALL BE MADE ACCESSIBLE TO THE DISABLED
- PROVIDE SIGN ABOVE PRIMARY EXIT DOORS MOUNTED ON HORIZONTAL MULLION TO READ "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED", IN COMPLIANCE W/ SECTION 1008.1.3.3, 2019 C.B.C.
- DOORS SHALL BE PROVIDED W/ LEVER TYPE HARDWARE IN COMPLIANCE W/ TITLE 24 & ADA STANDARDS, SECTION 1008.1.9.1, 2019 C.B.C.
- ROOMS OR AREAS LARGER THAN 100 SQUARE FEET SHALL BE PROVIDED W/ B-LEVEL SWITCHING TO ALLOW ILLUMINATION TO BE REDUCED BY ONE-HALF
- PROVIDE INTERNATIONAL SYMBOL OF ACCESSIBILITY AT MAIN ENTRANCE DOORS, COMPLY WITH TITLE 24 REQUIREMENTS

**FUNCTION PER 2022 CBC TABLE 1004.5**

FUNCTION OF SPACE	S.F. PER PERSON	FUNCTION S.F. TYPE
ACCESSORY - STORAGE - S	300	GROSS
ASSEMBLY - A	15	NET

**SQUARE FOOT BREAKDOWN**

FIRST FLOOR  
ENTRY = 310 SQUARE FEET  
BASEMENT  
BASEMENT = 6,547 SQUARE FEET  
TOTAL SQUARE FOOT = 6,857

**PLUMBING FIXTURE ANALYSIS**

GROSS OCCUPANTS = 309 PEOPLE  
PLUMBING FIXTURE REQUIREMENT  
154.5 MEN & 154.5 WOMEN  
REQUIRED MEN FIXTURES  
3 - TOILET  
1 - URINAL  
2 - LAVATORY  
REQUIRED WOMEN FIXTURES  
4 - TOILETS  
2 - LAVATORY

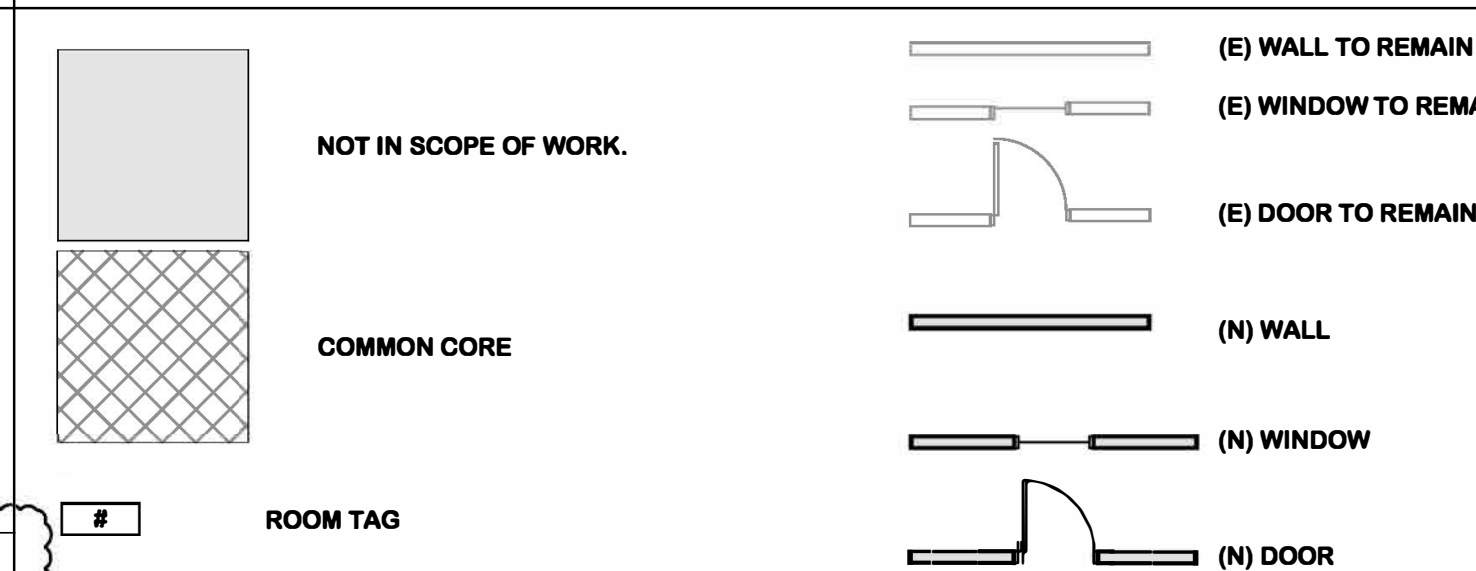
**EGRESS BREAKDOWN**

EXIT #2	115 x 0.2 = 23" REQUIRED   32" CLEAR WIDTH PROVIDED
EXIT #3	115 x 0.2 = 23" REQUIRED   32" CLEAR WIDTH PROVIDED
EXIT #4	8 x 0.2 = 1.6" REQUIRED   70" CLEAR WIDTH PROVIDED
STAIR #1	115 x 0.3 = 34.5" REQUIRED   56" CLEAR WIDTH PROVIDED
STAIR #2	115 x 0.3 = 34.5" REQUIRED   40" CLEAR WIDTH PROVIDED
STAIR #3	84 x 0.3 = 25.2" REQUIRED   44" CLEAR WIDTH PROVIDED

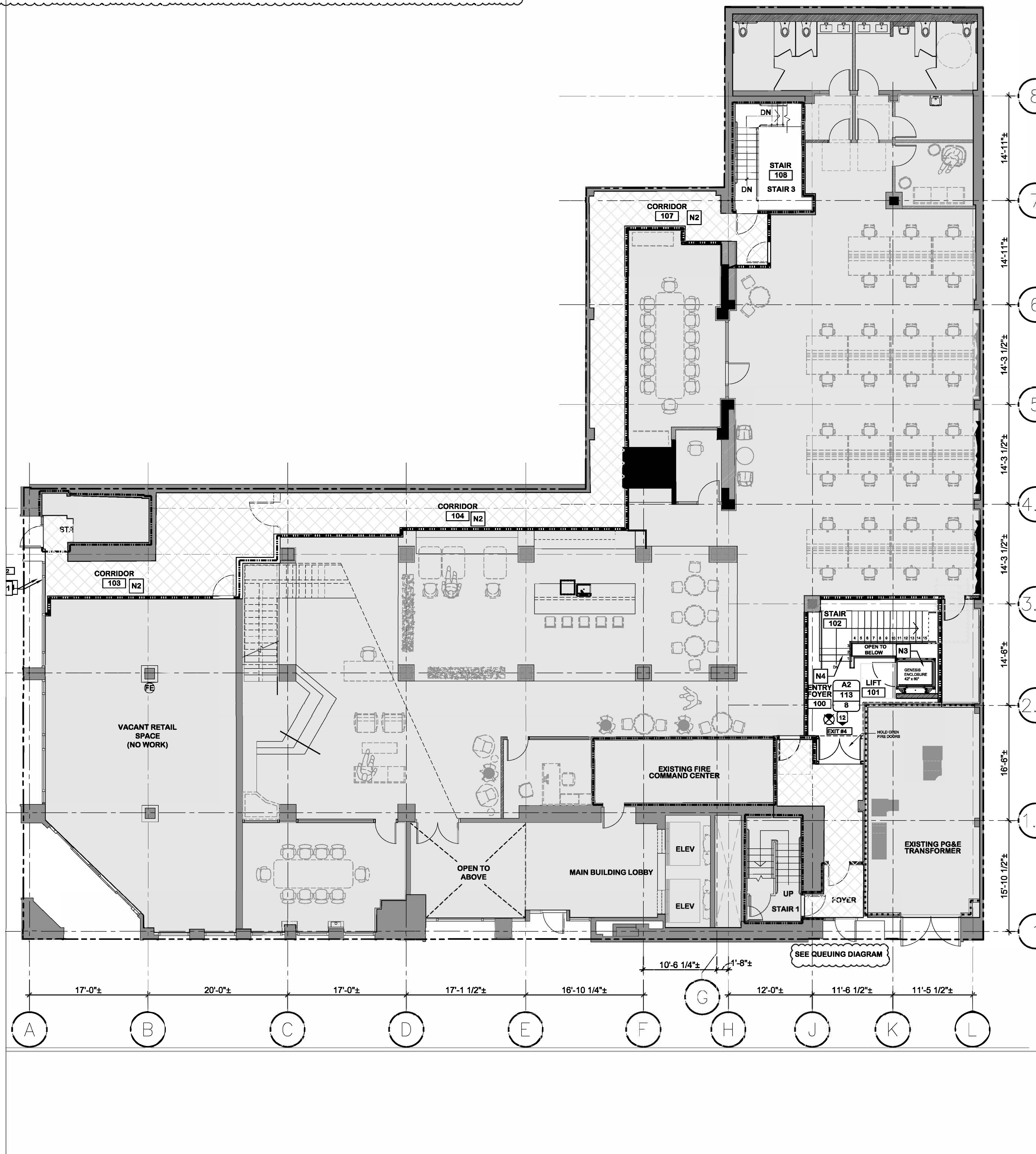
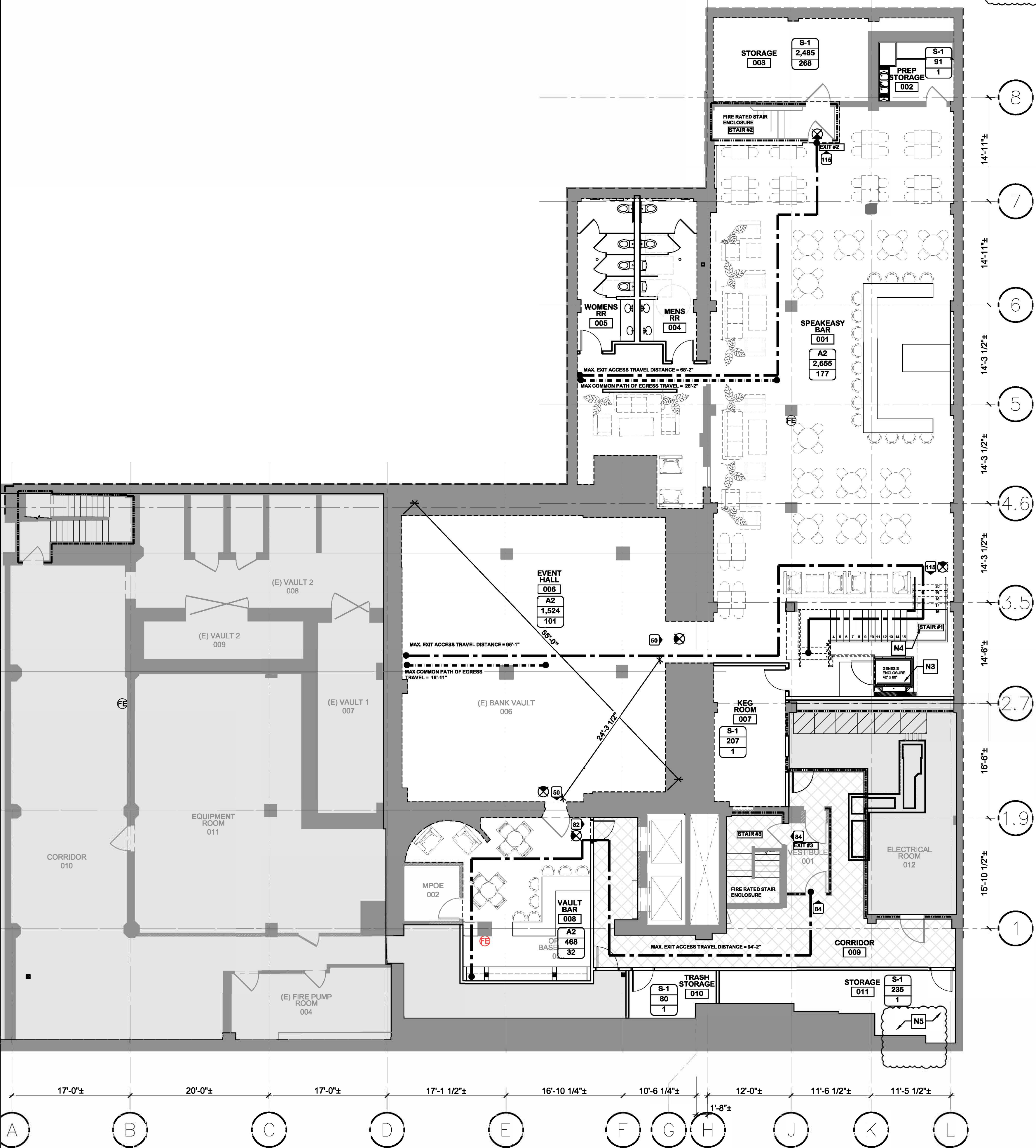
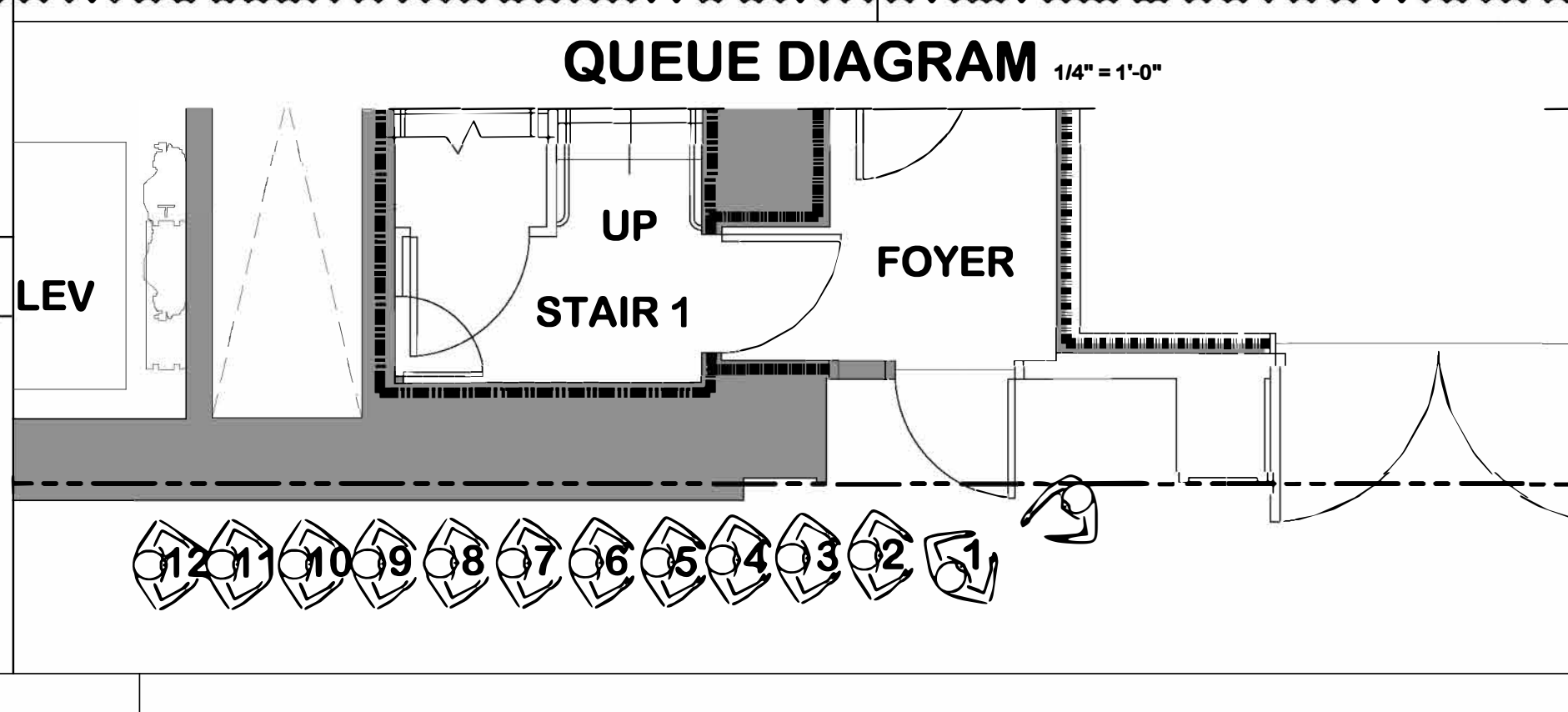
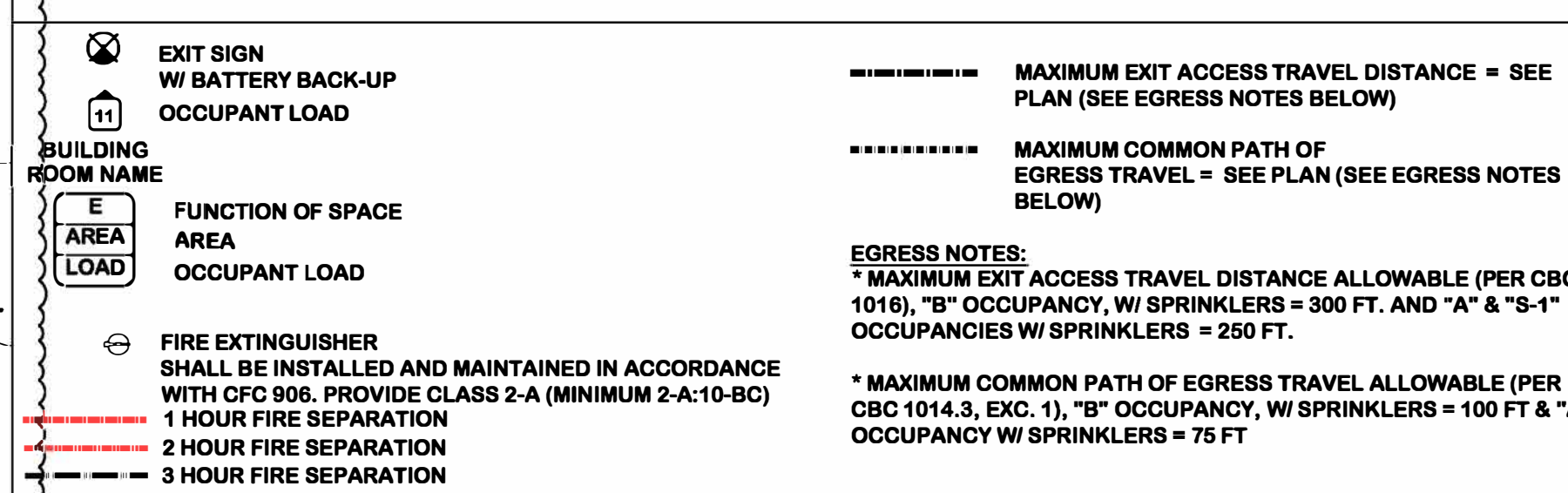
**KEY NOTES**

- N1 (N) STOREFRONT DOOR
- N2 (N) FIRE RATED CORRIDOR
- N3 (N) WHEEL CHAIR LIFT
- N4 (N) GRAND STAIR
- N5 (N) INTERIOR BIKE STORAGE FOR 1 BIKE

**LEGEND**



**EGRESS LEGEND**

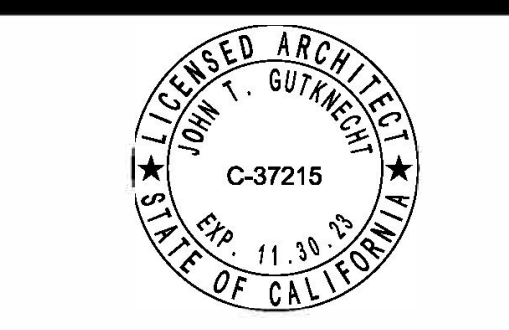


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CONDITION USE PERMIT  
2 WEST SANTA CLARA STREET  
SAN JOSE, CA 95113

**PUBLISHED SETS**

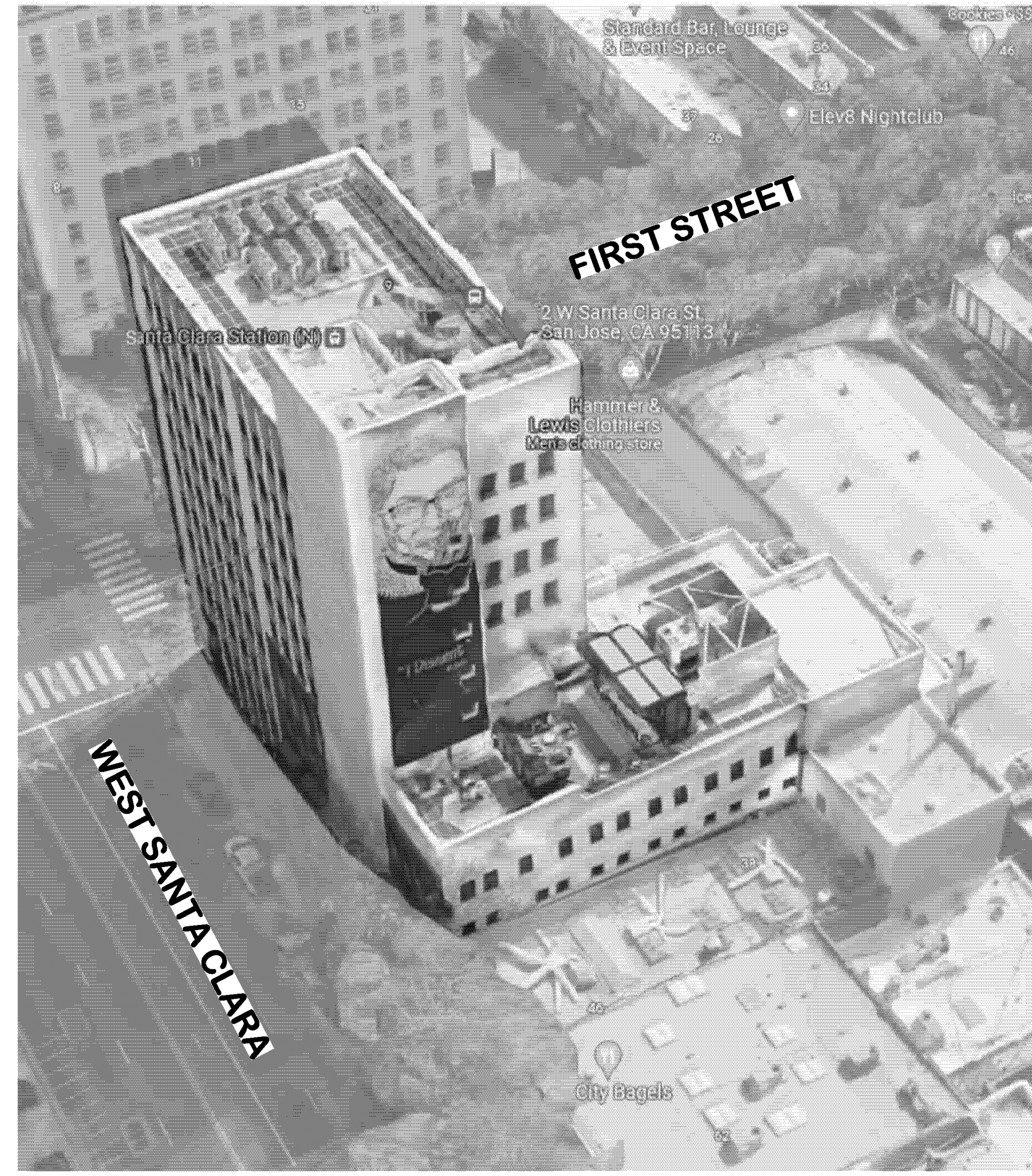
REV. DATE	DESCRIPTION
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01.24.23	PLANNING SUBMITTAL
23.07.17	PLANNING RE-SUBMITTAL



**PROPOSED FLOOR PLANS & EGRESS ANALYSIS**

DATE	SCALE
01.22.23	1/8" = 1'-0"
DRAWN BY	PROJECT NUMBER
JTG	22015-1

**A2.2**



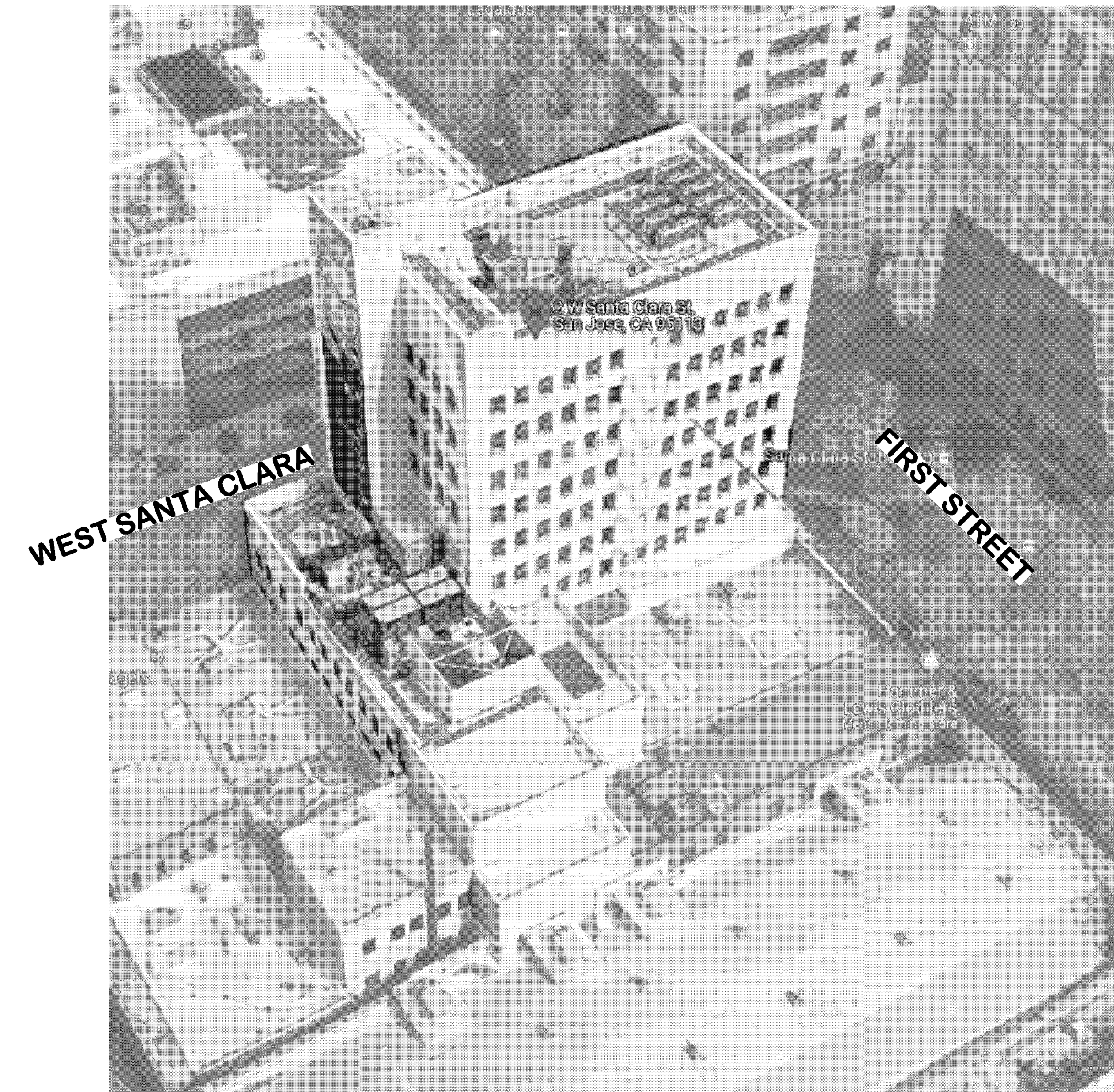
WEST ELEVATION SIDE 14



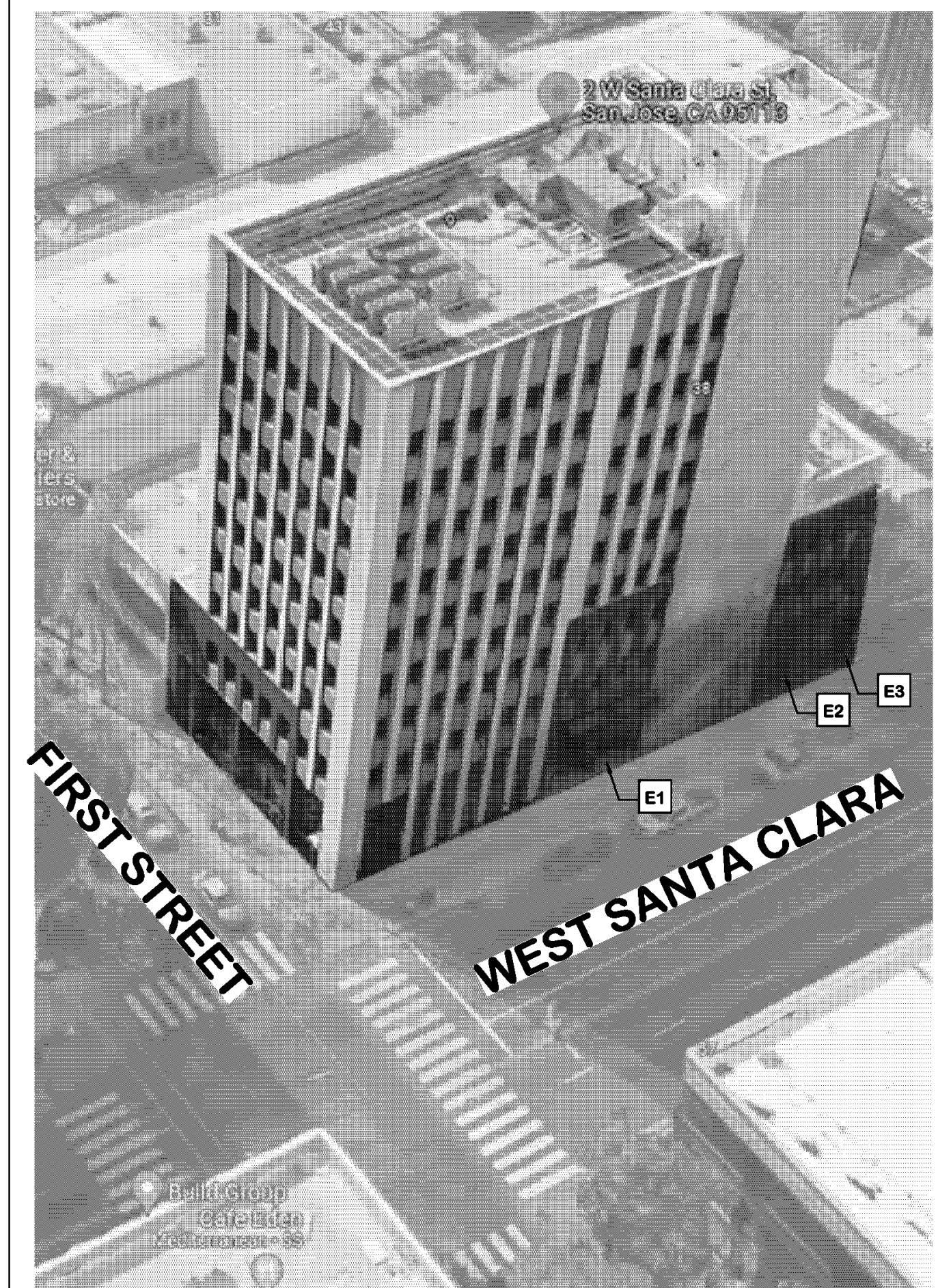
NORTH ELEVATION FRONT 6



EAST ELEVATION SIDE 16



SOUTH ELEVATION REAR 8

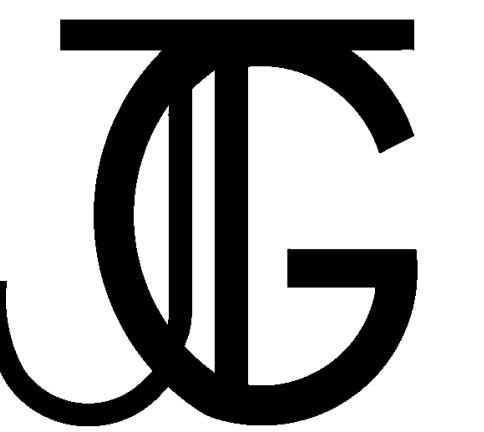


CORNER ELEVATION WEST SANTA CLARA & FIRST STREET 4

KEY NOTES

- E1 (E) MAIN BUILDING LOBBY ENTRANCE
- E2 (E) SPEAKEASY MAIN ENTRANCE
- E3 (E) PG&E TRANSFORMER ENTRANCE
- E4 (E) STAIR EXIT

NOTE: NO PROPOSED CHANGES TO EXTERIOR ELEVATIONS. SHOWN FOR REFERENCE ONLY



JTG ARCHITECTURE  
 JOHN GUTKNECHT  
 PHONE: 612.481.2293  
 EMAIL: JOHN@JTGARCHITECTURE.COM

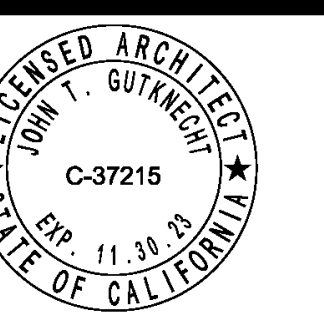
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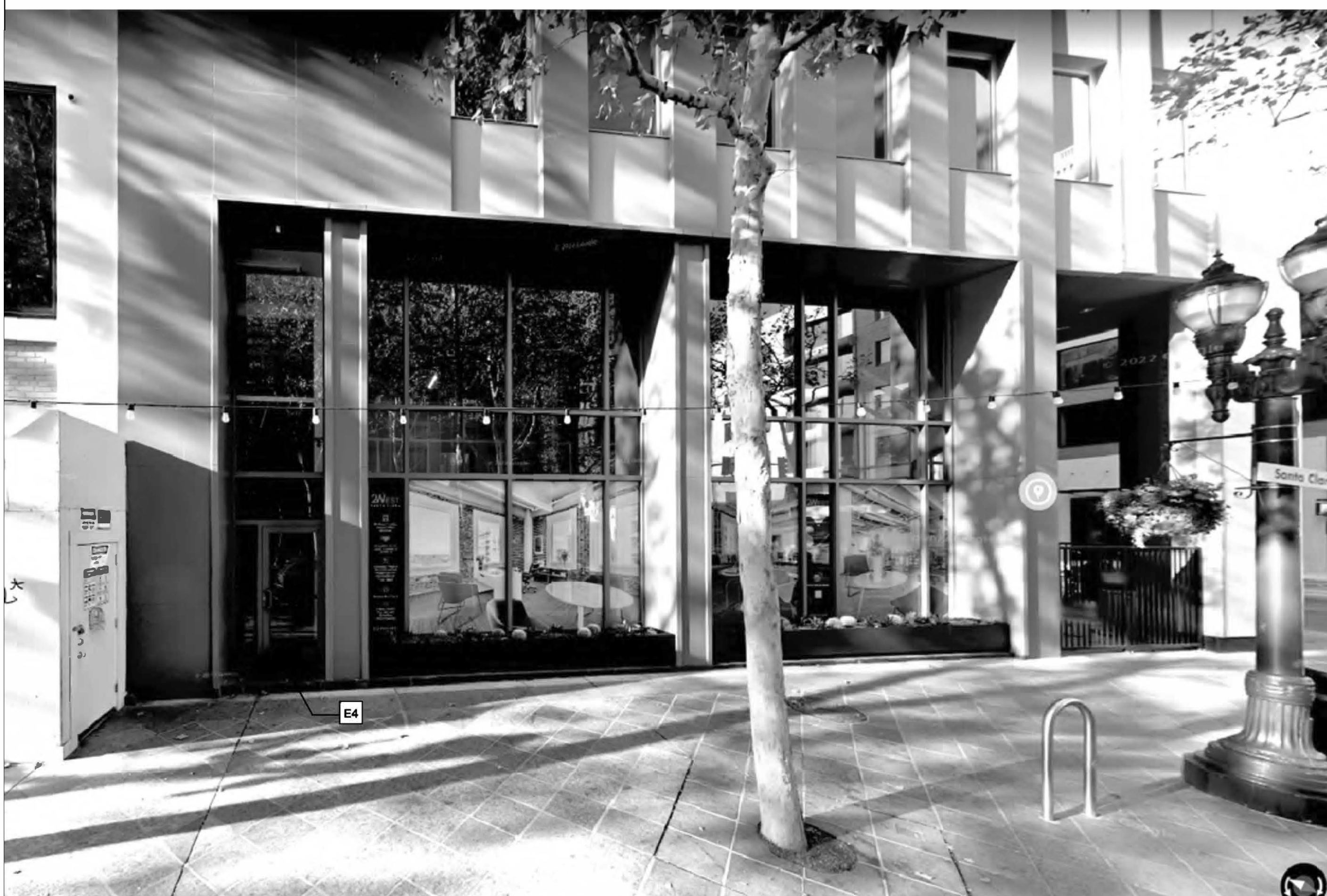
BUILDING ELEVATIONS

DATE	SCALE
01.22.23	NTS
DRAWN BY	PROJECT NUMBER
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**A6.1**



WEST SANTA CLARA STREET  
STREET ELEVATION 6



FIRST STREET  
STREET ELEVATION 16

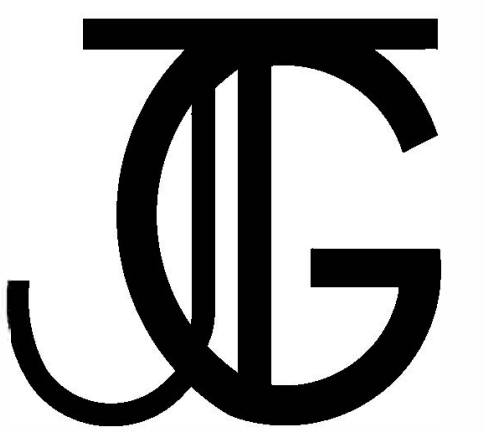


CORNER ELEVATION  
WEST SANTA CLARA & FIRST STREET 8

KEY NOTES

- E1 (E) MAIN BUILDING LOBBY ENTRANCE
- E2 (E) SPEAKEASY MAIN ENTRANCE
- E3 (E) PG&E TRANSFORMER ENTRANCE
- E4 (E) STAIR EXIT

NOTE: NO PROPOSED CHANGES TO EXTERIOR ELEVATIONS. SHOWN FOR REFERENCE ONLY



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JOHN GUTKNECHT  
PHONE: 612.481.2293  
EMAIL: JOHN@JTGARCHITECTURE.COM

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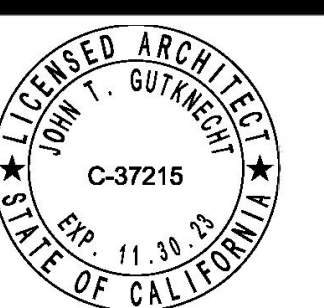
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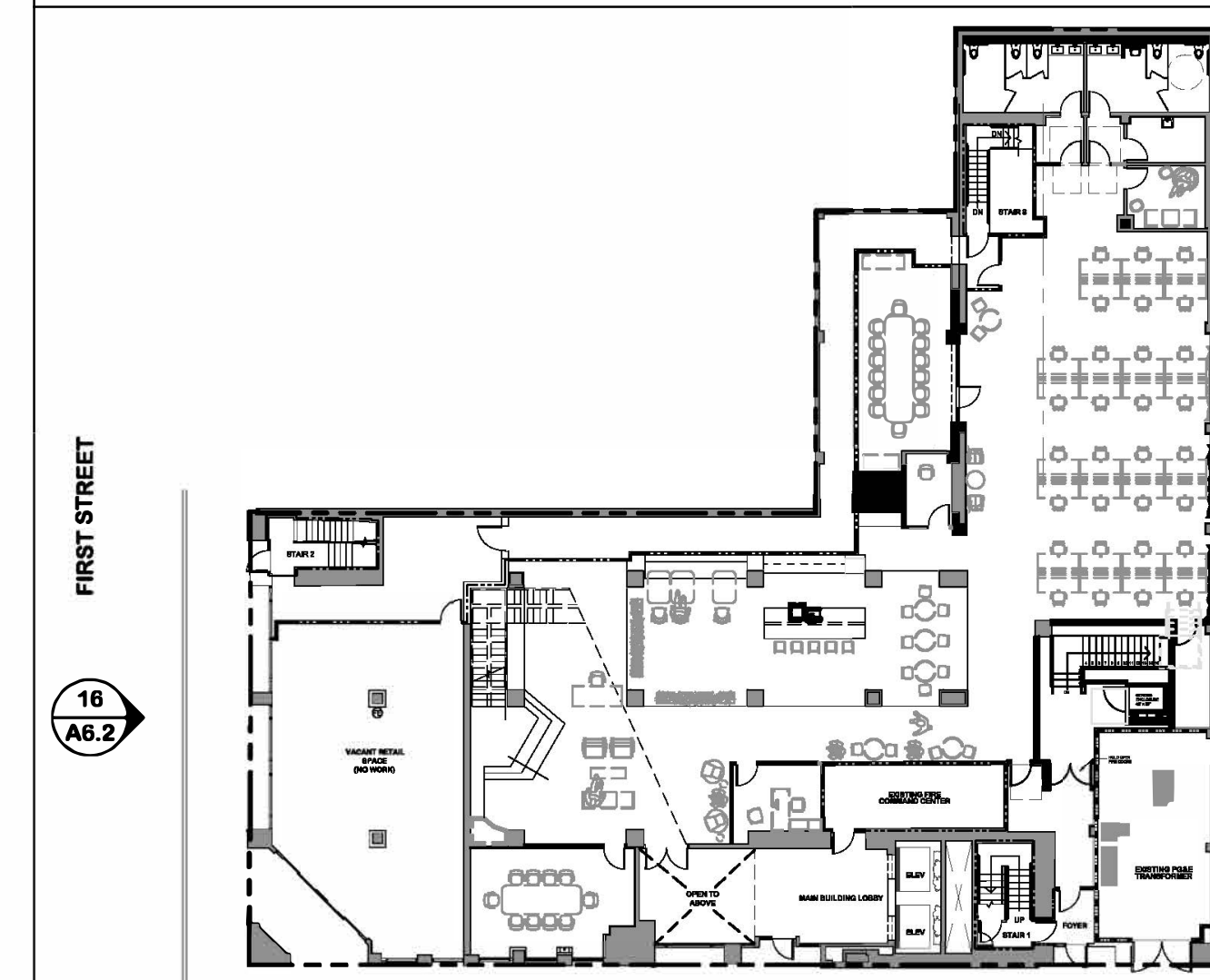
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STREET  
ELEVATIONS

DATE	SCALE
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KEY PLAN 4

**A6.2**

**ILLINGWORTH & RODKIN, INC.**  
Acoustics • Air Quality

429 E. Cotati Avenue  
Cotati, California 94931

Tel: 707-794-0400  
www.illingworthrodkin.com

Fax: 707-794-0405  
illro@illingworthrodkin.com

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# MEMO

Date: July 14, 2023

To: Mike Pelletier  
Managing Director  
DivcoWest

From: Michael Thill  
Principal Consultant  
Illingworth & Rodkin, Inc.

**SUBJECT: 2 West Speakeasy, San Jose, CA --  
Noise Assessment (IR Job 23-098)**

This memo summarizes Illingworth & Rodkin, Inc's (I&R) assessment of the proposed 2 West Speakeasy project's construction and operational noise impacts on sensitive receptors in the project vicinity. The Project seeks a conditional use permit for a new bar with no kitchen in the basement of an existing building. The Project will operate as a speakeasy bar with occasional live music and DJs and will also host private events. The Project's primary entrance will be from the northwest corner of the building along Santa Clara Street. Construction would occur indoors Monday through Saturday between 5 AM and 7 PM. There are no proposed changes to the exterior of the building.

**Regulatory Criteria - City of San José General Plan.** The Environmental Leadership Chapter in the Envision San José 2040 General Plan sets forth policies with the goal of minimizing the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies in the City of San José. The following policies are applicable to the proposed project:

- EC-1.2** Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable;" or

- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.

**EC-1.7** Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

***Regulatory Criteria - San José Zoning Code:*** The City of San José Zoning Code establishes allowable construction hours in the vicinity of residential properties.

**20.100.450 A.** Hours of Construction Within 500 Feet of a Residential Unit- Unless otherwise expressly allowed in a development permit or other planning approval, no applicant or agent of an applicant shall suffer or allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.

***Existing Noise Environment.*** Figure 1 is an aerial image showing the project site, ambient noise measurement locations used to establish the noise environment in the area, and the location of the nearest residences. The project site is located on the southwest corner of Santa Clara Street and First Street in Downtown San Jose. The site is mostly surrounded by high rise commercial buildings to the north, east, and west. South of the site are mixed-use buildings with ground-level retail and commercial uses and upper-floor office and residential space. The closest residence having line of sight to the entrance of the bar is about 400 feet away, west of Market Street. Residences in the project vicinity are located approximately 45 feet from the center of Santa Clara Street or First Street.

The noise environment in the project area results primarily from vehicular traffic along the local roadways. Aircraft associated with San José Mineta International Airport also contribute to the noise environment. To establish ambient noise levels in the project area, noise data was compiled from two prior projects.

Long-term noise measurement LT-1 from the *27 South First Street Noise and Vibration Assessment*<sup>1</sup> was located approximately 30 feet from the centerline of First Street (Figure 2), which is about 200 feet from the project site. When accounting for distance from the noise source, hourly average noise levels would be expected to range from 62 to 68 dBA  $L_{eq}$  at 45 feet during daytime hours, and from 55 to 68 dBA  $L_{eq}$  at night. The day-night average noise level at 45 feet from the centerline is calculated to be 70 dBA DNL. Maximum instantaneous noise levels at 45 feet would typically range from 66 to 92 dBA  $L_{max}$  during primary bar operational hours (5 PM to 2 AM).

LT-2 from the *SJSC Towers Project Noise and Vibration Assessment*<sup>2</sup> was located approximately three blocks away from the project site (Figure 3). When accounting for distance from the noise source, hourly average noise levels would be expected to range from 65 to 71 dBA  $L_{eq}$  during the day, and from 58 to 67 dBA  $L_{eq}$  at night. The day-night average noise level at 45 feet from the roadway centerline would be expected to be 71 dBA DNL. Maximum instantaneous noise levels at 45 feet from the roadway centerline would be expected to range from 70 to 94 dBA  $L_{max}$  during primary bar operational hours.

**Construction Noise Analysis.** Project construction activities would be relatively minor as there are no proposed changes to the exterior of the building requiring heavy construction equipment and all construction activities would occur indoors utilizing hand tools. Exterior noise sources would be limited to the arrival and departure of construction workers, and the transportation of project materials and tools.

The City considers construction noise impacts to be significant if they would occur within 500 feet of residential uses or 200 feet of commercial or office if the project would involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. The interior renovations proposed as part of the project would not involve substantial noise generating activities outdoors and would be completed within a period of less than 12 months.

The City of San José Zoning Code establishes allowable construction hours in the vicinity of residential properties assuming that exterior construction activities would occur. Proposed interior construction activities would be attenuated by a minimum of 20 dBA assuming the doors to the bar are maintained closed. Noise levels outside the closed doors would be 54 dBA  $L_{eq}$ /70 dBA  $L_{max}$  or less at 50 feet, which would fall below typical traffic noise levels generated along Santa Clara Street and First Street. An additional 18 dBA of noise reduction would be expected at the nearest residences due to distance alone, therefore, interior construction noise levels are not expected to exceed 36 dBA  $L_{eq}$ /52 dBA  $L_{max}$  at the exterior façade of the nearest residence. Provided that construction activities occur indoors with the doors to the bar closed, construction noise levels at the nearest residential unit would not be expected to exceed ambient noise conditions. Similarly, intermittent noise generated by the transportation of project materials and tools into and out of the building would be similar in character, context, and noise level as

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1 Illingworth & Rodkin, Inc., “27 South First Street Project Environmental Noise and Vibration Report,” December 14, 2018.

2 Illingworth & Rodkin, Inc., “SJSC Towers Project Noise and Vibration Assessment,” February 16, 2016.



compared to existing traffic noise levels generated along Santa Clara Street and First Street throughout the nighttime period.

**Operational Noise Analysis.** Operational noise sources associated with the speakeasy bar would include amplified music and guest's voices. Operational noise would similarly occur indoors with the exterior doors to the building closed.

Per Policy EC-1.2, the City considers significant noise impacts to occur if a project would cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable" or cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level. Ambient DNL noise levels along Santa Clara Street and First Street are 70 to 71 dBA DNL, which exceeds the City's "Normally Acceptable" residential noise standard of 60 dBA DNL. Therefore, a significant noise impact would occur if a project would cause the DNL at noise sensitive receptors to increase by three dBA DNL or more.

Operational noise levels resulting from proposed interior activities would also be attenuated by a minimum of 20 dBA assuming the doors to the bar are maintained closed. Noise levels outside the closed doors would be 65 dBA  $L_{eq}$ /70 dBA  $L_{max}$  or less at 50 feet. An additional 18 dBA of noise reduction would be expected at the nearest residences due to distance alone, therefore, operational noise levels are not expected to exceed 47 dBA  $L_{eq}$ /52 dBA  $L_{max}$  at the exterior façade of the nearest residence. The DNL attributable to interior operational noise, would be 50 dBA or less at the nearest residence conservatively assuming worst-case operations between 10 AM and 2 AM. The DNL attributable to project operations would not measurably increase ambient DNL noise levels at the nearest residences.<sup>3</sup> Therefore, a significant noise impact would not occur as the project would not cause the DNL at noise sensitive receptors to increase by three dBA DNL or more.

Intermittent noise generated by patrons entering and exiting the speakeasy bar or walking along the sidewalk near existing residences would be similar in character, context, and noise level as compared to existing noise levels generated by similar activities along Santa Clara Street and First Street throughout the nighttime period. These intermittent noises would also not measurably contribute to ambient DNL noise levels in the downtown area.

**Summary.** The proposed 2 West Speakeasy project would not result in substantial temporary or permanent noise impacts on residential land uses in the project vicinity. The location of the Project within the basement of an existing building and the attenuation afforded by closed doors during construction and operations will ensure that project-generated noise levels will not exceed existing ambient noise conditions or measurably increase ambient DNL noise levels at residences in the project vicinity. No additional mitigation is required.

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<sup>3</sup> When two noise levels are 10 dB or more apart, the lower value does not contribute significantly (less than 0.5 dB) to the total noise level. For example, 60 + 70 dB = 70 dB.

**FIGURE 1 Aerial Image Showing Project Site, Noise Measurement Locations, and Nearest Residences**

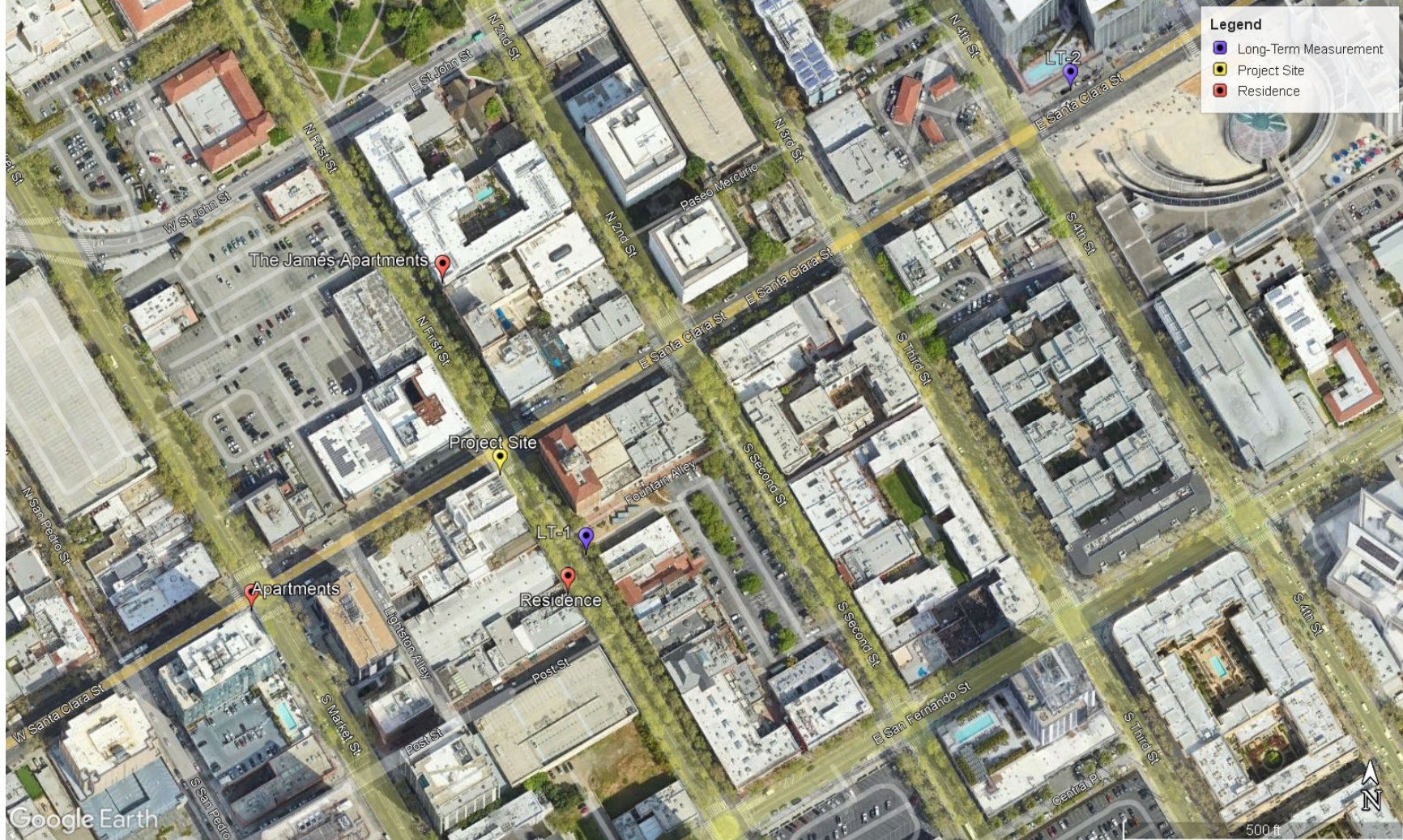


FIGURE 2 Daily Trend in Noise Levels at LT-1

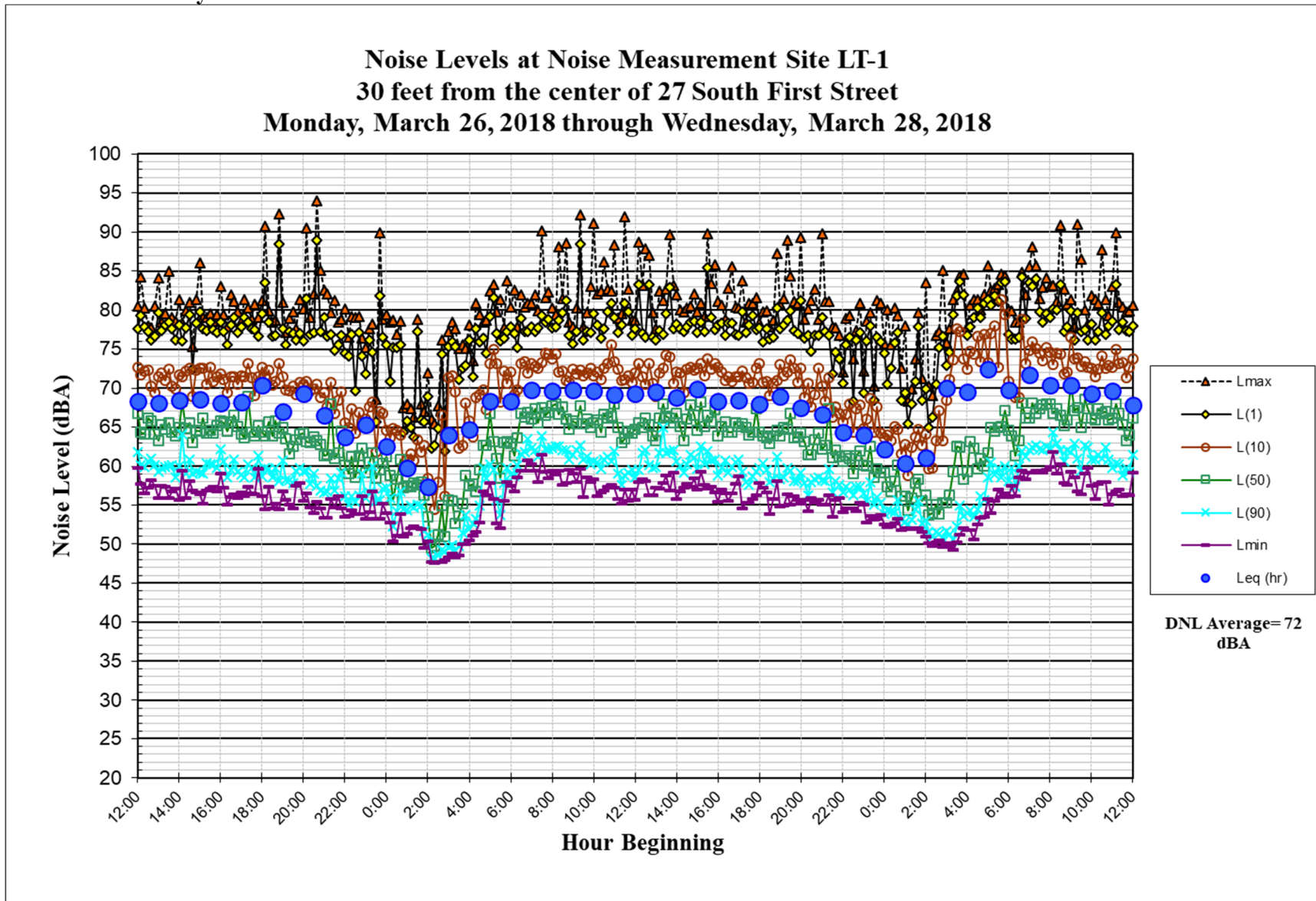


FIGURE 3 Daily Trend in Noise Levels at LT-2, Tuesday, February 2 through Wednesday, February 3, 2016

