



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

GENERAL PLAN REPORT

2004 Winter Hearing

Hearing Date/Agenda Number:
P.C.2/9/04 Item:

File Number:
GP03-05-06

Council District and SNI Area:
5 – N/A

Major Thoroughfares Map Number:
52

Assessor's Parcel Number(s):
599-39-095 and 102, 104, 105

Project Manager: David Tymn

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to General Commercial on 0.35 acres with a staff proposed expansion for three adjacent parcels on an additional 0.53 acres.

LOCATION: Easterly side of McKee Road between Kirk Avenue and Vista Avenue.

ACREAGE: 0.88

APPLICANT/OWNER:

Henry Ho, Applicant/Owner
Lorraine Cantor, Margarida Sonzone/Owners

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Medium Low Density Residential (8 DU/AC)

Proposed Designation: General Commercial

EXISTING ZONING DISTRICT(S): CN Commercial Neighborhood, CP Commercial Pedestrian, County

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Neighborhood Shopping Center – Neighborhood/Community Commercial

South: Single-Family Residential – Medium Low Density Residential (8 DU/AC)

East: Single-Family Residential – Medium Low Density Residential (8 DU/AC)

West: Single-Family Residential – Medium Low Density Residential (8 DU/AC)

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration adopted on February 2, 2004.

PLANNING STAFF RECOMMENDATION:

General Commercial on 0.88 acres.

Approved by:

Date:

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- Department of Transportation – The proposed land use change would not result in a long-term traffic impact.
- Airport Land Use Commission (ALUC) – The ALUC has no comments on the proposed amendment.
- Department of Public Works (DPW) – The DPW Development Services Division indicated that there are no significant Public Works issues or constraints for this site.
- Santa Clara Valley Water District (SCVWD) – The SCVWD has no comments to the proposed amendment.
- Fire Department – The Fire Department has no comments on the proposed amendment.
- Valley Transportation Agency (VTA) – VTA has no comments on the proposal.

GENERAL CORRESPONDENCE:

None received.

ANALYSIS AND RECOMMENDATIONS:

PROJECT DESCRIPTION

This is a privately initiated General Plan amendment to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to General Commercial on 0.35 acres located on the southwest corner of McKee Road and Vista Avenue. In addition, Planning staff is proposing an expansion of the amendment area for three adjacent parcels on an additional 0.53 acres located at the southeast corner of Kirk Avenue and McKee Road. The total proposed area for the amendment is therefore 0.88 acres.

The existing General Plan designation, Medium Low Density Residential (8 DU/AC), is typified by single-family homes on 6,000 square foot lots. The proposed General Commercial land use designation is typified by both strip commercial areas along major streets as well as freestanding commercial establishments. Business and professional offices are allowed in this category as well. Uses that have both commercial and industrial characteristics such as automobile lubrication, self-service warehousing, and other similar uses may be permitted provided that they are found to be compatible with the surrounding neighborhood.

Approval of this amendment could potentially allow the conversion of an unoccupied service station to another auto related use such as auto lubrication, accessory installation or minor repair with the approval of a Conditional Use Permit (CUP). Major auto repair such as engine overhaul, machine shop, or auto body paint and repair would not be permitted. The site could also be converted to other commercial activities as described above, which would require a Special Use Permit (SUP).

BACKGROUND

The original 0.35 site currently contains a vacant service station building. Although not currently occupied, the site is fenced, gated and well maintained. It is staff's understanding that the service station use was discontinued in the early 1990s. The underground storage tanks associated with the service station were removed. According to a technical report submitted with this application, underground testing indicated that there is no groundwater or soil contamination at the service station site. After the service station was closed, it is staff's understanding that a fruit and vegetable stand operated on the site until approximately 2000. The expanded 0.88-acre site includes the three adjacent parcels to the southwest that are currently occupied by a restaurant and a real estate office. The proposed amendment to General Commercial on the entire 0.88 acres reflects the existing commercial uses on the properties.

Site and Surrounding Uses

As indicated above, the 0.88-acre site is comprised of four parcels with existing commercial uses and commercial buildings on the site. The site is surrounded by existing single-family residential neighborhoods consisting of single-story and two story homes to the east, south, and west. Across McKee Road to the north is a commercial shopping center, which includes a grocery store, drugstore, many smaller shops, and a fast food restaurant. McKee Road is designated on the General Plan Land Use/Transportation Diagram as a Major Collector (60-90 ft.).

ANALYSIS

Policy Consistency

The applicant's proposal and Planning staff's proposed expansion are consistent with the General Plan's Economic Development Major Strategy. This Major Strategy supports a balanced community by encouraging commercial growth to balance existing residential development, provide employment opportunities, and provide a strong economic base for the City of San Jose.

Land Use Compatibility

General Plan Urban Design Policy No. 1 states that the City should continue to apply strong architectural and site design controls on all types of development for the protection and enhancement of neighborhood character and for the proper transition between areas with different types of land uses. A Conditional Use or Special Use Permit would be required to convert the existing service station to another use. This review would address the project's compliance with the General Plan, the Zoning Code, Commercial Design Guidelines, and other City policies. Development and changes of use on parcels within an existing neighborhood raise many design and compatibility questions. The documents mentioned above contain policies, codes, and guidelines to ensure compatible development on a site in the context of its surroundings. In particular, potential future use of the site for automobile-related uses would require

thorough analysis and protection of the adjacent residential uses. Based on the above analysis, it is staff's conclusion that the proposed General Commercial designation is compatible with the surrounding residential neighborhoods and is reflective of the existing uses on the site.

Environmental Issues

The proposed change in the General Plan land use designation on the subject site was analyzed in an Initial Study that resulted in a Mitigated Negative Declaration. A Phase I soil report was submitted, which indicated that underground storage tanks had previously been removed and no groundwater or soil contamination was observed. A traffic analysis was conducted that determined that there is no potential impact to the regional transportation system in the long term as a result of the proposed amendment. As a part of the review of any subsequent development proposals, more detailed traffic analysis will be required to determine if any mitigation is needed for impacts on local intersections and streets.

PUBLIC OUTREACH

The property owners and occupants within a 1,000-foot radius were sent a newsletter regarding the two community meetings that were held on January 14 and 15, 2004. They also received a notice of the Mitigated Negative Declaration and a notice of the public hearings to be held on the subject amendment and the expanded site before the Planning Commission on February 9 and City Council on March 16. In addition, the Department's web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This site is available to any member of the public and contains the most current information regarding the status of the amendments.

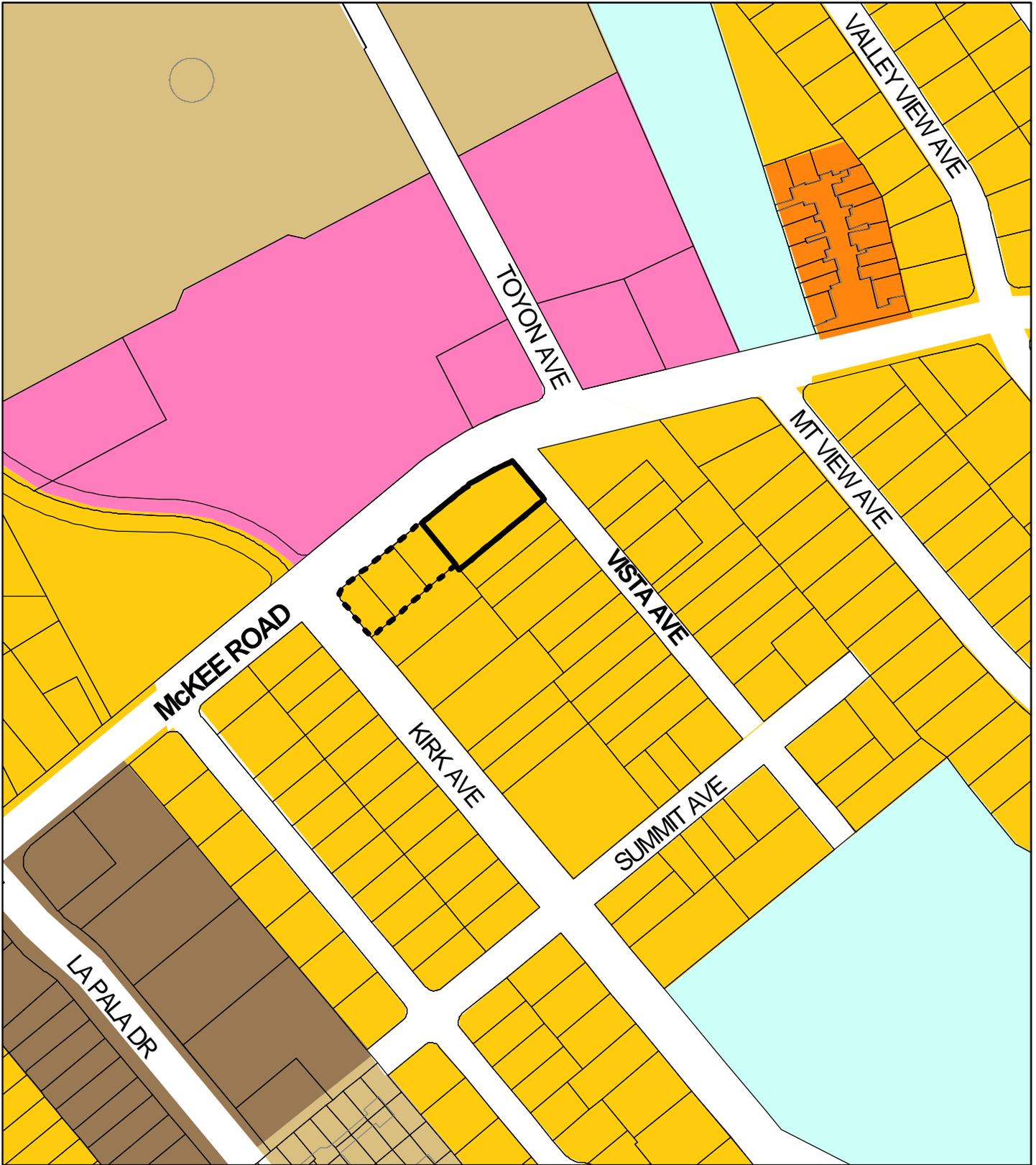
Staff has received no written correspondence. Two telephone calls were received asking for general information about the General Plan amendment and the subsequent development application process. One of the residents thought that there might be soil contamination on the service station site, but staff explained that the Phase I soils analysis indicates no contamination.

Staff notified the property owners of the three parcel expansion of the amendment site. These property owners expressed no concerns about the proposed change to their property.

RECOMMENDATION

Planning staff recommends approval of the proposed change to the General Plan Land Use designation from Medium Low Density (8 DU/AC) to General Commercial on 0.88 acres.

GP03-05-06



Department of Planning, Building
and Code Enforcement
Planning Services Division



SITE



N

Scale 1" = 250'
Quad: 84



McKEE ROAD

TOYON AVE

MT VIEW AVE

VISTA AVE

KIRK AVE