

STAFF REPORT
PLANNING COMMISSION

File No.: GP08-07-01/C08-047

Submitted: 8/27/08

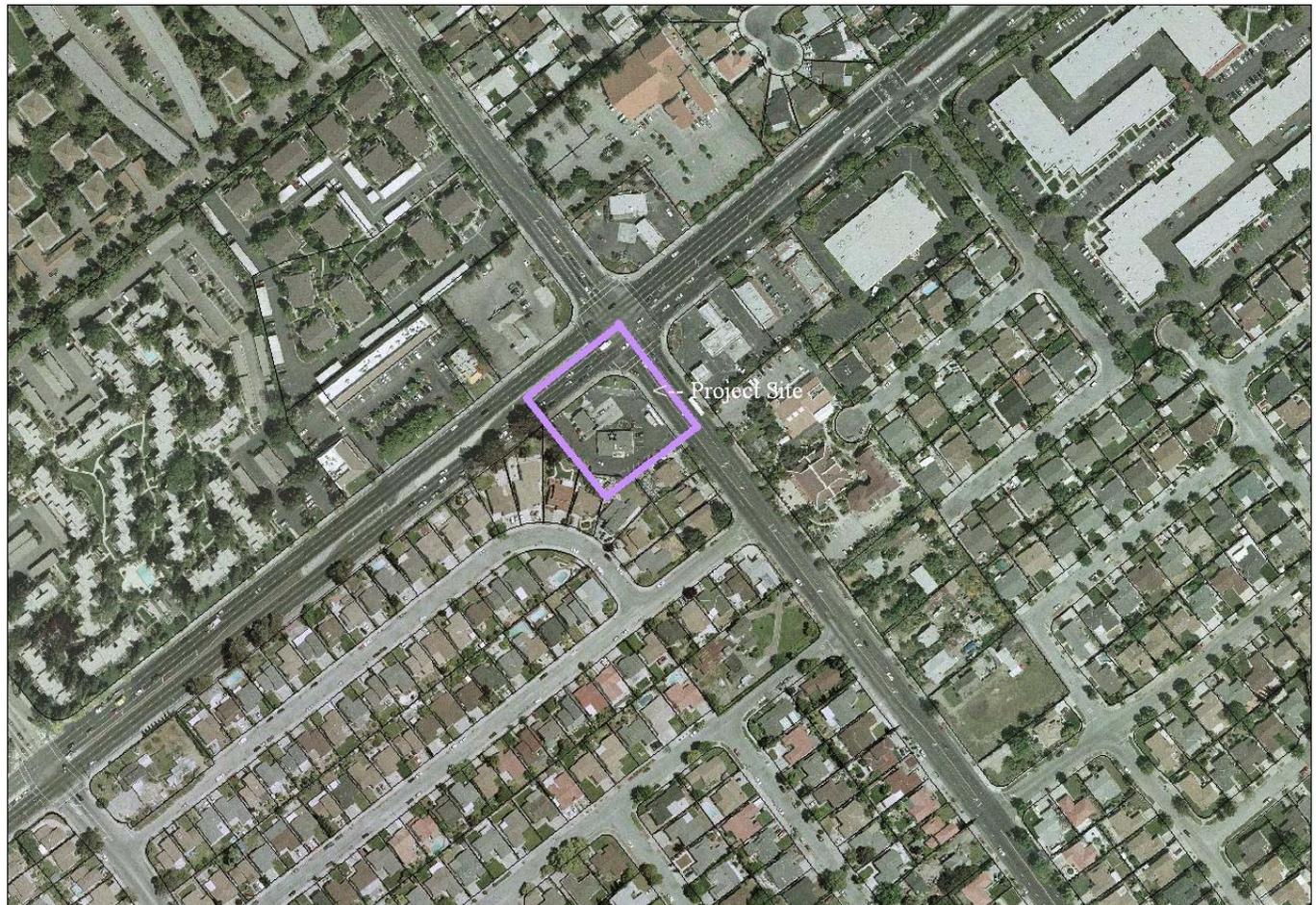
PROJECT DESCRIPTION: General Plan amendment request (GP08-07-01) to change the San José 2020 Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to General Commercial and Conventional Rezoning from Agricultural to CN Commercial Neighborhood on an 0.72-acre site.

Existing Zoning	A Agricultural
General Plan	Medium Low Density Residential (8.0 DU/AC)
Proposed General Plan	Combined Industrial/Commercial
Proposed Zoning	CN Commercial Neighborhood
Council District	7
Annexation Date	May 28, 1969
SNI	N/A
Redevelopment Area	N/A

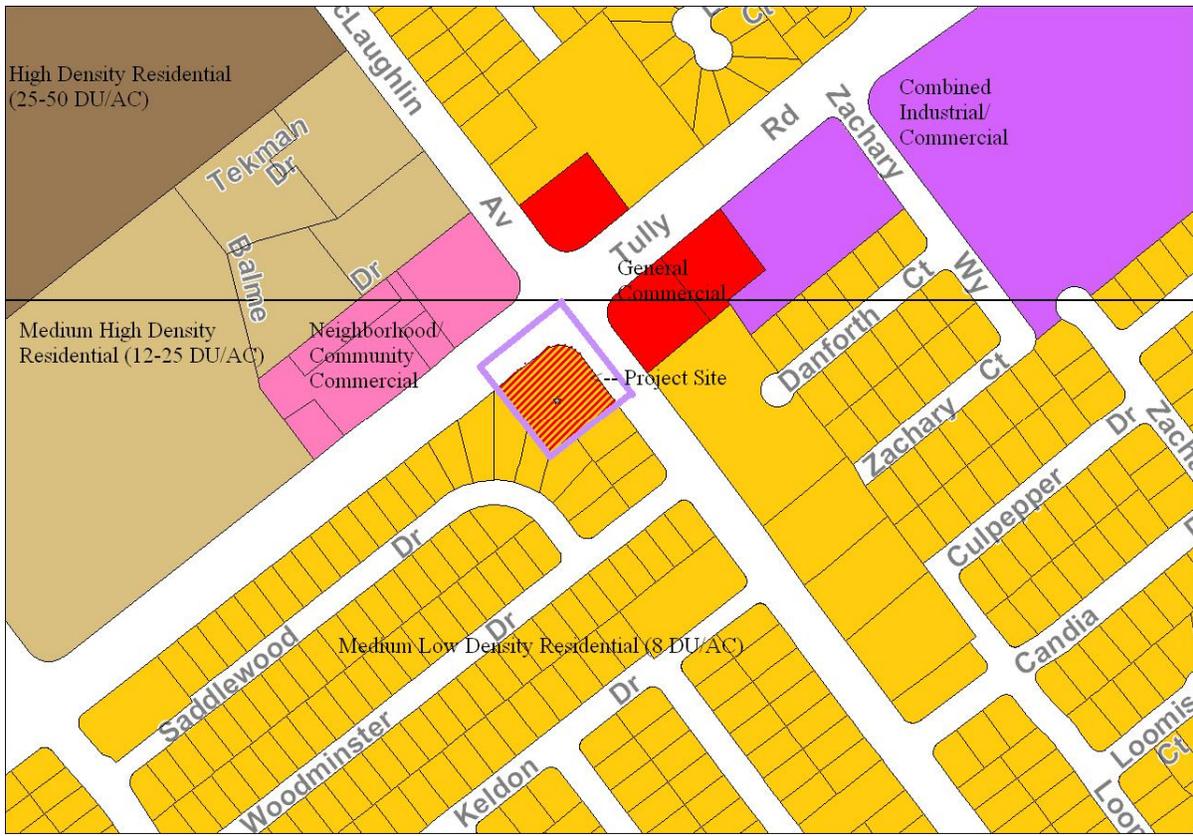
LOCATION: Southwest corner of Tully Road and McLaughlin Avenue (1100 Tully Road)

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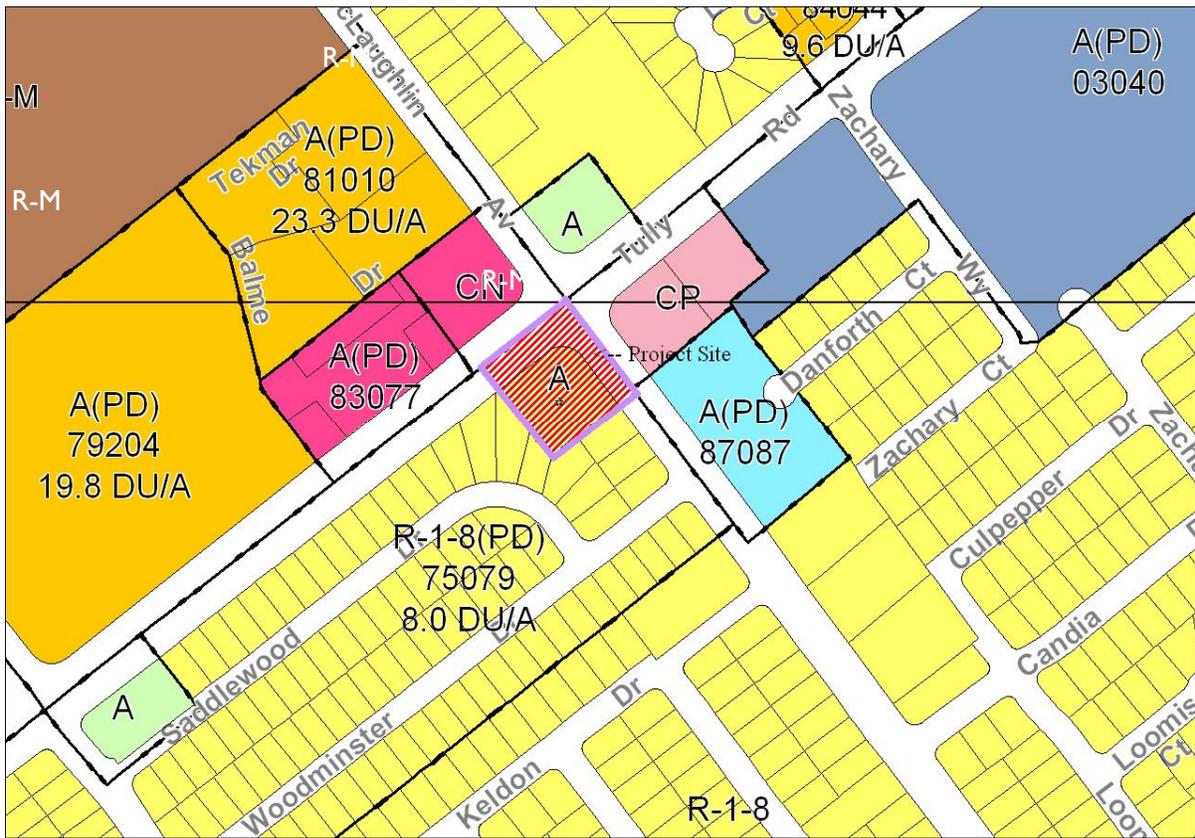
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed General Plan amendment and subsequent Conventional Rezoning for the following reasons:

1. The proposed General Plan amendment to General Commercial is consistent with the Economic Development, Growth Management and Sustainable City Major Strategies in the San José 2020 General Plan.
2. The proposed General Plan amendment is compatible with the existing and surrounding land uses.
3. The proposed project conforms to the requirements of CEQA.
4. The proposed rezoning to CN Commercial Neighborhood conforms to the proposed General Plan amendment.

BACKGROUND

On August 27, 2008, Mark Lobaugh of WD Partners, on behalf of BP West Coast Properties, initiated the proposed General Plan amendment to General Commercial and Conventional Rezoning. This was in response to a previously filed Conditional Use Permit, CP07-083, which was filed to demolish an existing gas station and build a new gas station. The site currently has a San José 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8.0 DU/AC) and a Zoning designation of A Agricultural. Neither of those designations would support the proposed redevelopment of the site. The existing gas station was Legal Non-conforming as a gas station has existed on this property since prior to annexation into the City of San José. Modifications to Legal Non-conforming uses can be done (and had been done at this site) through a Conditional Use Permit. However, the demolition proposed in the project would result in the property losing its Legal Non-conforming status. A re-zoning to a commercial zoning district would be required to re-construct the gas station and a change in the General Plan designation would be required to allow for a commercial zoning designation.

Site and Surrounding Uses

The 0.72 acre site is located on the southwest corner of Tully Road and McLaughlin Avenue and is currently developed with an Arco gasoline service station and AM/PM convenience store. The surrounding land uses include commercial uses (gas stations) to the north and east and single-family residential uses to the south and west.

The site has an existing land use designation of Medium Low Density Residential (8.0 DU/AC). This density is typified by the 6,000 square foot subdivision lot, which is prevalent in San José. It is characteristic of many residential neighborhoods, and is the density at which the majority of San José's single-family housing has been built. Smaller-lot, detached patio homes and single-family attached residences are also appropriate in this category.

Though the project site itself is not located within the boundaries, the Tully-Senter Strong Neighborhoods Initiative Area is located directly across Tully Road to the north.

Subsequent Permitting

Subsequent to the General Plan amendment and rezoning, Conditional Use Permit CP07-083 will serve as the development permit for the demolition and reconstruction of the gas station site. Site design and architectural details are still being worked out for this project and it will be presented at a later Planning Commission hearing, likely during the summer.

ANALYSIS

The primary analytical considerations are in regard to the proposed change of land use from residential to commercial.

Economic Development Major Strategy

The General Plan's Economic Development Major Strategy states that economic development is a fundamental priority for future growth to improve the City's financial position and provide employment opportunities for San José's residents. The City recognizes the need to identify opportunities for expanding the community's economic base. The proposed General Plan amendment is consistent with the Economic Development Major Strategy in that, while the proposed land use designation supports the existing commercial land use, it also facilitates opportunities to redevelop or intensify the site with a commercial use that could provide job opportunities, increase revenue for the City, reduce demand on City services and potentially reduce the leakage of retail tax revenue to neighboring cities.

Sustainable City Major Strategy

The Sustainable City Major Strategy encourages the development of a mix of complementary land uses in proximity to each other to reduce traffic congestion, pollution, wastefulness, and environmental degradation. By allowing for the conservation of natural resources, sustainable development is a means of reducing both economic and environmental costs, thereby encouraging and supporting a stronger economy and improving the quality of life for all who live and work in San José. Changing the land use designation of the site to General Commercial is consistent with the Sustainable City Major Strategy because it would expand the range of uses allowed on-site to include compatible commercial uses, contributing to the mix of land uses in the surrounding area and helping to meet the commercial and retail needs of employees, businesses, and residents in the surrounding vicinity, potentially reducing vehicle trips, air pollution, and increasing retail tax revenue.

Economic Development Goals and Policies

The proposed General Commercial designation expands the opportunity for a broad range of commercial or office uses on the site. The proposed General Plan amendment supports Economic Development Goal No. 2 (create a stronger municipal tax base), Economic Development Policy No. 2 (attract a diverse mix of businesses and industries), and Economic Development Policy No. 7 (encourage a mix of land uses in the appropriate locations) because it can contribute to creating a stronger municipal tax base by encouraging expansion of the existing commercial use, rather than redevelopment of the site with lower density residential uses, which do not seem appropriate at the busy intersection of two major arterial streets.

Commercial Land Use Goals and Policies

The proposed General Plan land use designation provides the opportunity for retail uses on-site to address the City's unmet retail needs and to implement the Commercial Land Use Goals and Policies of the General Plan. The proposal is consistent with the Commercial Land Use Goal and Policy No.1, which states support for the development of commercial land use in a manner that maximizes community access to retail commercial outlets and services and best serves the needs of the community.

Land Use Compatibility

Allowed uses under the proposed land use designation are compatible with the existing character and land use designations of the surrounding area. General Plan land use designations of the surrounding parcels include Medium Low Density Residential (8.0 DU/AC) to the south and west, General Commercial to the east (developed with a gas station) and Neighborhood/Community Commercial to the north (developed with another gas station). Including the project site, all four corners of the Tully Road and McLaughlin Avenue intersection are currently developed with gas stations. North of Tully Road the area is largely

developed with multifamily residential uses, while single-family detached residential uses make up the majority of development south of Tully Road. The proposed land use designation allows General Commercial uses on the project site which is with the allowed uses of the Neighborhood/Community Commercial and General Commercial land use designation on the adjacent parcels. Development in conformance with the Commercial Design Guidelines will ensure compatibility with adjacent residential designations. The General Commercial designation is also more appropriate at the intersection of two major streets rather than low density residential uses.

SUBSEQUENT GENERAL PLAN CONFORMANCE

With the site designated as General Commercial on the San José 2020 General Plan Land Use/Transportation Diagram, the proposed CN Commercial Neighborhood will be consistent with this designation because it would allow commercial uses consistent with this General Plan designation.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) is was circulated on March 5, 2009, and is available for viewing at www.sanjoseca.gov/planning/eir/mnd.asp The MND states that any environmental impacts that the project may have can be mitigated for through various methods that will be incorporated into any permitting that is done for this property. The Initial Study evaluated issues such as hazardous materials, air quality, noise and traffic, among other items.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Notice of the Spring 2009 hearings on the General Plan was published in the San José Post-Record. 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 proposal was presented to the Tully-Senter NAC on April 2, 2009. Community members were largely supportive of the project and mainly concerned with the possible timing of construction. The General Plan amendment was presented to the Developers Roundtable on April 17, 2009 and the Neighborhood Roundtable on April 21, 2009. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public. No correspondence from the general public has been received on this proposed General Plan amendment.

CONCLUSION

The proposed General Plan amendment to General Commercial allows a mixture of commercial or office uses, and can facilitate intensification or redevelopment of the site for commercial uses (specifically the redevelopment of the gas station and convenience store), maximize opportunities for increased tax revenue, reduce tax leakage to neighboring cities and provide job opportunities. Approval of this amendment will further the goals related to retail set forth in several City policies and implement direction previously provided by the City Council. Approval of the proposed rezoning to CN Commercial Neighborhood will facilitate redevelopment of the site for commercial uses.

Project Manager: Ed Schreiner**Approved by:** **Date:** 5/19/09

Owner/Applicant: BP West Coast Products, LLC ATTN: Jeff Cary 4 Centerpointe Drive La Palma, CA 90623	Attachments: -Public Works Traffic Memo dated 2-3-09
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Memorandum

TO: Bill Roth
Planning and Building

FROM: Norman Mascarinas
Public Works

SUBJECT: SEE BELOW

DATE: 01/30/09

Approved



Date

02/03/09

SUBJECT: TIA - 1100 TULLY ROAD ARCO (CP07-083)
PW NO. 3-01062

We have completed the review of the traffic analysis for the subject project. The project proposes to expand the existing Arco gas station from 4 pumps (eight fueling positions) to 8 pumps (16 fueling positions) and construct a 2,900 square feet of convenience store. The proposed development is located at the southerly corner of Tully Road and McLaughlin Avenue. The proposed development is projected to add 111 a.m. peak hour trips and 154 p.m. peak hour trips.

ACCESS

Access to the site will be provided via two driveways; one on Tully Road and one on McLaughlin Avenue. The driveway on Tully Road would provide a right-in and right-out access to and from the project site and the driveway on McLaughlin Avenue would provide a full access to and from the project site.

ANALYSIS

Project traffic impacts and transportation level of service (LOS) have been calculated using Traffix, the City of San Jose and the Santa Clara County Congestion Management Program (CMP) approved software.

City of San Jose Methodology: Two (2) signalized intersections were analyzed for the AM and PM peak commute hours using TRAFFIX and conforming to the City of San Jose Level-Of-Service (LOS) Policy impact criteria. The results indicate that the study intersections will continue to operate at acceptable LOS with slight increase in delay. The results of the analysis are summarized in Table I attached.

RECOMMENDATION:

The subject project is in conformance with both the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and the Santa Clara County Congestion Management Program. Therefore, a determination for a negative declaration can be made with respect to traffic impacts.

Planning and Building

01/30/09

Subject: Traffic Analysis for CP07-083

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If you have any questions, please call Karen Mack at (408) 535-6816 or Joy Eduarte at (408) 793-4112.



Norman Mascarinas

Project Engineer

Development Services Division

NM:je

C: Karen Mack

Arlyn Villanueva, DOT

Traffic Consultant

Table I: Peak Hour Intersection Levels of Service

ID	Intersection	Existing Conditions				Background Conditions				Project Conditions			
		AM Peak		PM Peak		AM Peak		PM Peak		AM Peak		PM Peak	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1	Tully Road/McLaughlin Avenue	47.9	D	46.5	D	49.7	D	47.4	D	50.0	D	47.8	D
2	Lucretia Avenue/Tully Road	39.4	D	31.5	C	38.9	D	31.8	C	38.9	D	31.7	C