



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** February 5, 2003

COUNCIL DISTRICT: 4

## SUPPLEMENTAL MEMO

**SUBJECT: CP99-057. CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING GAS STATION CONSISTING OF 8 FUELING STATIONS AN ASSOCIATED SERVICE BUILDING AND A VEHICLE REPAIR BUILDING AND THE CONSTRUCTION OF A NEW GAS STATION THAT INCLUDES 16 FUELING STATIONS AND AN ASSOCIATED SERVICE BUILDING.**

### BACKGROUND

This Conditional Use Permit was originally scheduled for the Commission's January 26<sup>th</sup> hearing. The item was deferred to February 12<sup>th</sup> to allow staff time to respond to new correspondence. Subsequent to the distribution of the project staff report, planning staff received correspondence (attached) from several individuals in opposition to the project. Issues raised include traffic impacts, noise, and operational safety issues. Planning staff has also met with one of the concerned parties, Gordon Complin, on January 28, 2003 and January 29, 2003 to discuss these issues. Mr. Complin has submitted a letter from PHA Transportation Consultants (attached) critiquing the project's traffic analysis.

### ANALYSIS

#### Traffic

The primary concern raised in each piece of correspondence is the impact the proposed project will have on traffic in the immediate vicinity. An in-house traffic study has been prepared for the project by Public Works and it has been determined that the project will not have a negative impact on the traffic level of service (LOS) in this area. However, Public Works staff does have some concerns about the existing traffic operations at the intersection of Commercial Street and Oakland Road. The applicant has agreed to implement two street improvements in order to improve the existing operation of the intersection: (1) Modification to the traffic signal at Oakland Road and Commercial Street to include the addition of a 2<sup>nd</sup> westbound turn lane on Commercial Street to increase storage capacity, and (2) Modification to the existing median island on Oakland Road to include an extension of the left turn pocket for the southbound onramp to U.S. Highway 101. It has been determined that in addition to improving the existing operation of the intersection, these improvements will also improve the overall LOS in this area.

### **On-Site Operations**

For further clarification of the on-site fueling operation, staff has provided a diagram (attached) that illustrates the number of fueling stations and the maximum number of vehicles that could be serviced at one time. There are six fueling stations intended for car use, and three fueling stations intended for truck use. The six car-fueling stations may be accessed from either side of the pump, allowing a maximum of 12 cars fueling at one time. Although the three truck-fueling stations may be accessed from either side of the pump, it is not possible for two trucks to be located in the interior fueling stations at the same time; therefore, only four trucks can fuel at one time. Combining the maximum number of cars that can fuel at one time with the maximum number of trucks that can fuel at one time, it is determined that a maximum of 16 vehicles can fuel at one time on the site.

### **Noise**

A concern was raised regarding the potential noise impact that the proposed project will have on the adjacent residential use. The project will be required to construct a 9-foot sound wall along the northern property boundary adjacent to the residential property as a condition of approval of the permit. The inclusion of this sound wall will bring the project into conformance with the performance standards of the Heavy Industrial Zoning District as detailed in the City of San Jose Zoning Code.

### **Operational Safety**

Mr. Complin has also expressed concern regarding the proposed location of the bathrooms associated with the service building, suggesting that because the bathrooms have exterior access, they will become a location for criminal activity. Staff has seen no substantial evidence to indicate that this area is a high crime area and does not feel it is necessary to require the reconfiguration of the service building so that the bathrooms can only be accessed from within the building. Should the developer wish to implement the reconfiguration, staff could support the change.

### **CONCLUSION**

Staff believes the proposed Conditional Use Permit, as conditioned, is an appropriate use of the site, and that off-site traffic improvements will not only address potential operational issues associated with patrons of the proposed fueling station, but will result in improved traffic operations and level of service in the surrounding area. Staff therefore recommends approval of the proposed Conditional Use Permit.

STEPHEN M. HAASE, DIRECTOR  
Planning, Building and Code Enforcement

Attachments