



Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San José, California 9513-1905

# GENERAL PLAN AMENDMENT STAFF REPORT FALL 2005 HEARING

Hearing Date/Agenda Number: P.C. Nov 09, 2005 Item: 6b
File Number: GP05-02-01
Council District and SNI Area: 2
Major Thoroughfares Map Number: 115
Assessor's Parcel Number(s): 494-15-024, 494-15-056 & 494-15-057
Project Manager: Meera Nagaraj

**PROJECT DESCRIPTION:**

General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Neighborhood/Community Commercial on a 1.39-acre site.

**LOCATION:** Northeast corner of Senter Road and Coyote Road at 4270 and 4298 Senter Road.

**ACREAGE:** 1.39

**APPLICANT/OWNER:**

Green Valley Corporation/ Desmond Johnson

**GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:**

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

Proposed Designation: Neighborhood/Community Commercial

**ZONING DISTRICT(S):**

Existing Designation: CP - Commercial Pedestrian

**SURROUNDING LAND USE AND GENERAL PLAN DESIGNATION(S):**

North: Single-family residential; Medium Low Density Residential (8 DU/AC)

South: Single-family residential; Medium Low Density Residential (8 DU/AC) across Coyote Road

East: Single-family residential; Medium Low Density Residential (8 DU/AC)

West: Single-family residential; Medium Low Density Residential (8 DU/AC) across Senter Road

**ENVIRONMENTAL REVIEW STATUS:**

Mitigated Negative Declaration adopted on October 27, 2005.

**PLANNING STAFF RECOMMENDATION:**

Change existing Land Use/Transportation Diagram designation to Neighborhood/Community Commercial

Approved by:

Date:

**PLANNING COMMISSION RECOMMENDATION:**

**CITY COUNCIL ACTION:**

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**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

- Department of Public Works (DPW) – Memo from DPW Transportation and Development Services Division states that the subject site is in a State Liquefaction Zone.  
(See DPW memo dated 05/12/05)
- Department of Transportation (DOT) – The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area. Therefore, this General Plan amendment is exempt from a computer model (TRANPLAN) traffic impact analysis.  
(See DOT memo dated 8/09/05)
- San Jose Fire Department – The Fire Department has noted that the site flow requirement may be as high as 4,500 GPM and reserves the right to make comments at a later date.  
(See San Jose Fire Department memo dated 05/23/05 for complete comments.)
- San Jose Fire Department Hazardous Materials Section – The Fire Department’s Hazardous Materials Section staff has commented that there are no records of Hazardous Materials for the site, other than a single fuel leak case which was opened in February of 1991 during the process of removing older tanks on the site. Subsequently, it was closed by Santa Clara Valley Water District LOP program on December 1995.  
(See San Jose Fire Department email message dated 10/04/05 for complete comments.)
- Department of Environmental Services Department (ESD) – ESD recommends that surface soil samples be collected to confirm the presence or absence of agricultural related contaminants prior to redevelopment. Although no evidence of associated releases were observed, the potential for near-surface or subsurface contamination may exist due the inherent nature of the site operations. There are additional recommendations for the future redevelopment of the site.  
(See San Jose Municipal Environmental Services Department memo dated 08/11/05 for complete comments.)
- Santa Clara Valley Water District (SCVWD) – SCVWD has no objections to the proposal. Work associated with the redevelopment of the site may impact the District’s Snell Pipeline located within Senter Road; as such a District permit may be required.  
(See SCVWD memo dated 5/18/04)

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**GENERAL CORRESPONDENCE:**

Staff received no written correspondence on this project.

At the community meeting on October 26, 2005, several community members provided comments, which were mostly related to site design issues. Please refer to the Public Outreach Section of this staff report for additional information.

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**ANALYSIS AND RECOMMENDATIONS:**

**RECOMMENDATION**

Planning staff recommends the Planning Commission forward a recommendation to the City Council to change the General Plan Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Neighborhood/Community Commercial.

## **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 dwelling units per acre) to Neighborhood/Community Commercial on an approximately 1.39-acre with existing commercial buildings. The site is located on the northeastern corner of Senter and Coyote Road (4270 and 4298 Oakland Road). Approval of the proposed General Plan amendment would potentially continue to allow neighborhood serving retail and service uses on the site.

## **BACKGROUND**

The project site consists of three parcels, one facing Senter Road, one at the corner of Senter and Coyote Roads, and a third smaller parcel approached from Coyote Road. In 1987, a Site Development Permit (File No. H87-054) was approved by the Director of Planning, Building and Code Enforcement to allow a commercial retail structure to be built on the northern portion of the site.

There is no concurrent development permit application on file at this time, but the applicant has envisioned a project to demolish the gas station and the auto repair structure on the southern portion of the site to replace it with a new building consisting of 6,120 square feet of retail and 1,130 square-foot restaurant, and to renovate the existing 4,200 square-foot retail and 1,400 square-foot restaurant with the addition of a 4,000 square-foot retail building on the northern portion of the project site, for a total of approximately 17,000 square feet of buildings on the site.

### **Site and Surrounding Uses**

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

The site is located in the CP-Commercial Pedestrian Zoning District with existing commercial businesses on it: a 7- *Eleven* store at 4270 Senter Road and a *Sun Rise 7* gas station with an auto repair shop at 4298 Senter Road. The project site is surrounded by Single-Family residences.

The existing retail commercial uses on the site are not consistent with the existing residential General Plan land use designation. Which initiated this proposal to amend the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation to Neighborhood/ Community Commercial.

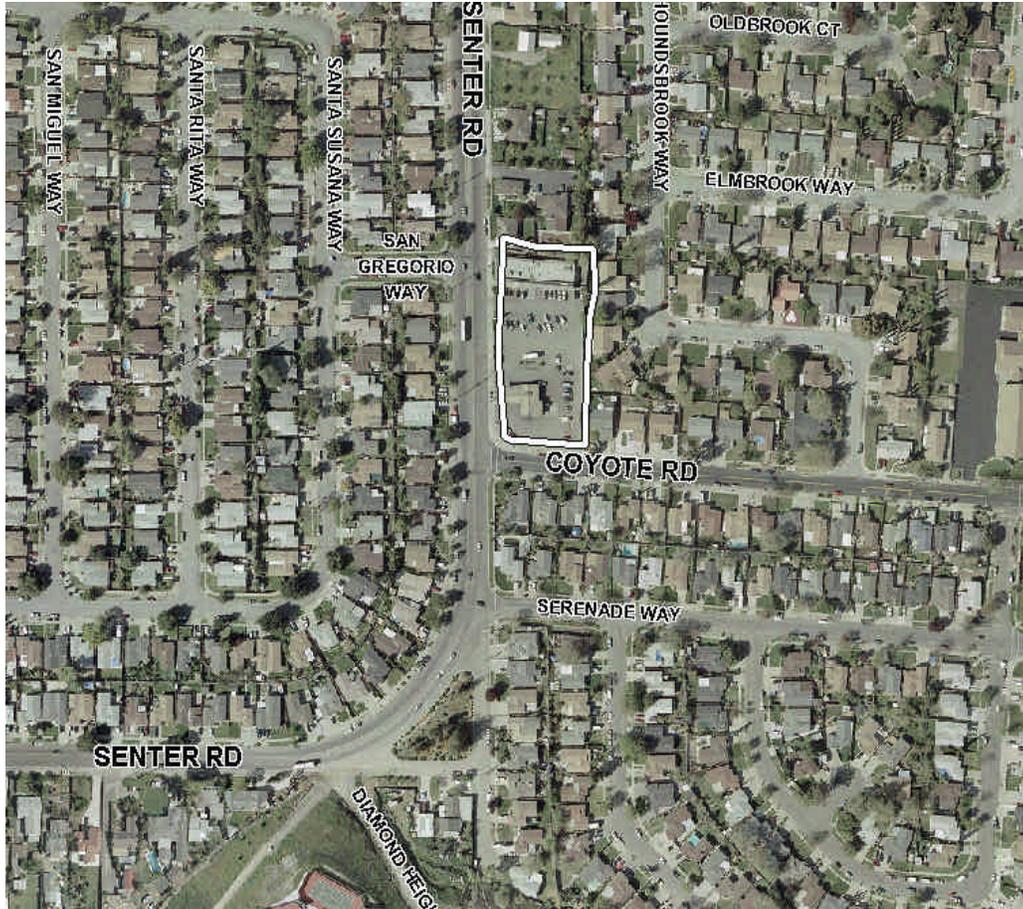


Single-Family Residences  
Facing Coyote Road

Single-Family Residences  
on West Side of Senter Road



View of the Existing Commercial Center on the Subject Site



**Aerial of Site and Vicinity**

**ANALYSIS**

The key issues in analyzing the proposed General Plan amendment are: 1) consistency with the San Jose 2020 General Plan Major Strategies, Goals, and Policies and 2) land use compatibility.

**Consistency with the San Jose 2020 General Plan Major Strategies, Goals, and Policies**

The *San Jose 2020 General Plan* has seven Major Strategies that establish the basic framework for planning in San Jose. One of the seven Major Strategies is Economic Development. The City’s economic development strategy strives to make San Jose a more “balanced community” by encouraging more commercial and industrial growth. One of the purposes of the strategy is to improve San Jose’s jobs/housing balance and maximize its ability to provide adequate urban services to its residents. The proposed General Plan amendment is consistent with the Economic Development Strategy as well as the Goals and Policies of the General Plan as stated below:

**Economic Development Major Strategy**

The Economic Development Major Strategy states that the City has continually provided the bulk of the County’s housing, particularly its lower cost affordable housing, but it has lagged behind the rest of the County in terms of job growth. This development pattern has contributed to the County-wide traffic congestion conditions and has deprived the City of an adequate tax base for providing desired service

levels, because residential development by itself cannot generate sufficient revenues to pay for the services it requires. The Economic Development Major Strategy is designed to maximize the economic potential of the City's land resources while providing employment opportunities for San Jose's residents. The proposed change in land use designation to Neighborhood/Community Commercial is consistent with the General Plan's Economic Development Major Strategy because it would result in maximizing the economic potential of the City's land resources while providing employment opportunity on a modest scale.

### General Plan Goals and Policies

The proposal to change the existing land use designation to Neighborhood/Community Commercial provides a pattern of commercial development which best serves community needs through maximum efficiency and accessibility consistent with the Commercial Land Use Goal. The proposed amendment also furthers the Economic Development Goal No. 2 to create a stronger municipal tax base by obtaining a greater share of total commercial development in the County by nurturing and encouraging the expansion of commercial development in the City. The subject site conforms to Economic Development Goal No. 2 because it provides easy access to community retail and services, and, it would also contribute to the City's tax base.

### Commercial Land Use Policies:

The *San Jose 2020 General Plan's* commercial land use policies reflect the need to locate new commercial uses in the community to facilitate convenient shopping and easy access to professional services and to contribute to the economic base of the City

*Commercial Land Use Policy No. 5* states "Commercial development should be allowed within established residential neighborhoods only when such development is compatible with the residential development and is primarily neighborhood serving." If the General Plan amendment gets approved it would primarily serve the surrounding residential areas. It is the only neighborhood service facility in the area. The proposed General Plan amendment is compatible with *Commercial Land Use Policy No. 5*.

*Commercial Land Use Policy 14* states "Existing commercial development within residential neighborhoods may expand when such development is small scale and is compatible with the adjacent residential neighborhood". If the amendment is approved resulting new commercial uses would facilitate the expansion of an existing commercial development within an established single-family residential neighborhood. The proposed new additional area is of modest scale in this single-family residential neighborhood. It would, therefore, be consistent with *Commercial Land Use Policy 14*.

### **Land Use Compatibility**

The subject site has an existing land use designation of Medium Low Density Residential (8 DU/AC) with existing retail commercial uses on the site, and it is located in the CP – Commercial Pedestrian Zoning District. The proposal is to change the land use designation to Neighborhood/Community Commercial to make it compatible with the site's existing uses and current zoning district.

The *San Jose 2020 General Plan Land Use/Transportation* Diagram designation of Neighborhood/Community Commercial designation applies primarily to shopping centers of a neighborhood or community scale. It is the intent of the Plan that future Neighborhood/Community Commercial uses develop in the form of shopping centers, as a group of commercial establishments planned and developed as a unit and related in size and type of shops to the trade area it serves.

The existing uses allowed within the CP-Commercial Pedestrian zoning district are intended to support pedestrian oriented retail activity at a scale compatible with surrounding residential neighborhoods. Therefore the existing zoning district conforms to the proposed land use designation of Neighborhood/Community Commercial.

## **ENVIRONMENTAL REVIEW**

A Draft Mitigated Negative Declaration was circulated on October 7, 2005 for public review and comments. The Mitigated Negative Declaration included mitigation to reduce any potential impacts to a less than significant level per the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration concluded that the project would have a less than significant impact with mitigation measures in the following categories: Aesthetics, Air Quality, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise.

## **PUBLIC OUTREACH**

A community-meeting notice was mailed out to the property owners and tenants within a 500-foot radius of the subject site informing them about the meeting held on October 26, 2005 at Hellyer Elementary School, Hellyer Road to discuss the proposed General Plan amendment. They also received a joint notice of public hearings to be held on the subject General Plan amendment before the Planning Commission on November 9, 2005 and City Council on December 6, 2005. The Planning Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This website is available with the most current information regarding the status of the amendments.

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines. For all General Plan amendments and Specific Plans initiated after February 2005, at least a 90-day consultation request period is required, as well as noticing of the scheduling of the Planning Commission Hearing and City Council hearing at least 45 days prior to the proposed adoption date of the General Plan amendment or Specific Plan. Please note that for the subject General Plan amendment the 90-day consultation request period will not conclude until the end of November 2005 -- between the date of the Planning Commission hearing and the date of the City Council hearing. If any tribe requests consultation prior to expiration of the 90 days, either or both the Planning Commission and City Council hearings would have to be deferred until such time as the consultation process is completed.

The project related comments included: concerns about the noise due to traffic, late night hours of operation of the businesses, and unsafe traffic movement on Senter Road. Some residents felt it was appropriate to build a sound wall along the east boundary of the site separating the residences from the project site to keep out the noise. Most of the comments/concerns expressed at the meeting were related to site design and operational issues. There was discussion on the following items:

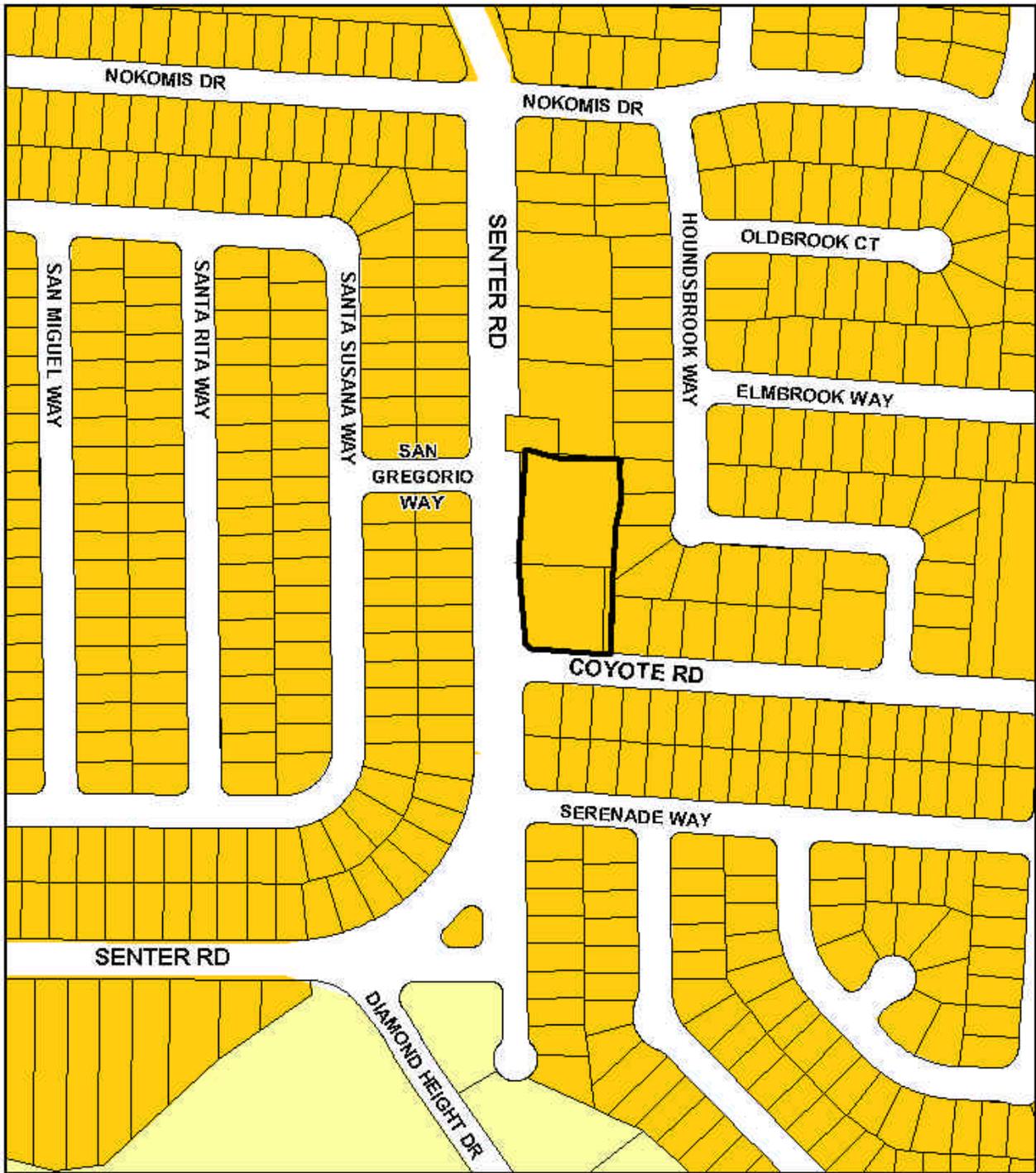
- The appropriate number of on-site parking spaces.
- The type of businesses to go into the center once developed.
- Fear about the existing bad traffic conditions, which may get worse after redevelopment.
- Concern about the current unsafe traffic movement on Senter Road with three egress points from the site.
- Oncoming traffic turning quickly along the Senter Road curve at the intersection from the south side where it is a blind turn. Residents wanted a traffic signal light at the intersection of Coyote

and Senter Roads. They specified that any traffic study should be conducted when the school is at session.

- Concerns about the late night hours of the business on the project site. Residents stated there had been a number of car accidents with the patrons from the bar on the site. They also stated that alcohol gets served at the bar until 2:00 A.M.
- Hours of operation for garbage pick-up and parking sweeping activity.
- Desirability of landscaping fronting Senter Road and along the eastern edge of the side adjacent to single family residences. One resident wanted to see the landscaping space given to the parking area along the eastern edge of the site and a sound wall along that edge.

Staff explained how the residents could file complaints regarding existing businesses and the development approval process. Council member Williams was present at the meeting, and he took part in the discussion. He encouraged residents to contact his office or the City departments with specific concerns.

### GP05-02-01



  
CITY OF  
**SAN JOSE**  
CAPITAL OF SILICON VALLEY  
Department of Planning, Building  
and Code Enforcement  
Planning Services Division

 SITE

  
**N**  
Scale: 1" = 500'  
Quad: 115