

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number

C.C. 2/27/07

(1.1 cd)

File Number

C06-133

Application Type

Conforming Rezoning

Council District

7

Planning Area

South

Assessor's Parcel Number

477-19-069

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Avril Baty

Location: Northwest corner of McLaughlin Avenue and Tully Road (1151 Tully Rd.)

Gross Acreage: 0.91

Net Acreage: n/a

Net Density: n/a

Existing Zoning: CP Commercial Pedestrian

Existing Use: Gas Station

Proposed Zoning: CN Commercial Neighborhood

Proposed Use: Commercial uses

GENERAL PLAN

Land Use/Transportation Diagram Designation

Neighborhood/Community Commercial

Project Conformance:

Yes No

See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Multi-family Residences

A(PD) Planned Development

East: Gas Station

A Agricultural

South: Gas Station

A Agricultural

West: Commercial Shopping Center

A(PD) Planned Development

ENVIRONMENTAL STATUS

Environmental Impact Report - Use of 2020 General Plan EIR

Negative Declaration circulated on

Negative Declaration adopted on

Exempt

Environmental Review Incomplete

FILE HISTORY

Annexation Title: McKinley No. 55

Date: February 4, 1971

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval

Approval with Conditions

Denial

Uphold Director's Decision

Date: 2/7/07

Approved by:

Action

Recommendation

OWNER

Chevron Products Company
6001 Bollinger Canyon Rd.
San Ramon, CA 94583

APPLICANT

Scott Shepard
% RHL Design Group
1137 McDowell Blvd.
Petaluma, CA 94954

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Avril Baty

Department of Public Works

None received

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owner, Chevron Products Company, is requesting a conforming rezoning of the subject 0.91 gross-acre site, at the northwest corner of McLaughlin Avenue and Tully Road, from CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District. The intent of the rezoning is to facilitate a subsequent Conditional Use Permit (CUP) to allow a future car wash in conjunction with a gas station use. The site is currently developed with a gas station and is surrounded by residential uses to the north, a gas station to the south and east, and by commercial uses to the west. The applicant has a separate Conditional Use Permit (CP06-069) on file to demolish the existing structures on the site and to construct a new gas station and car wash. The same CUP is also proposing a late night use and the off-sale of alcohol. As these are being reviewed through the CUP process, this Conforming Rezoning only evaluates the change in the zoning of the site.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

GENERAL PLAN CONFORMANCE

The site is designated General Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed CN Commercial Neighborhood Zoning District allows neighborhood serving commercial uses with an emphasis on pedestrian orientation except within the context of a single development, consistent with the General Commercial land use designation.

ANALYSIS

The proposed CN Commercial Neighborhood Zoning District allows neighborhood-serving commercial uses. The type of development supported by this District includes neighborhood centers, multi-tenant commercial development along major arterials, and small corner commercial establishments. The proposed rezoning to CN Commercial Neighborhood Zoning District would conform with the General Plan and would facilitate implementation of development that is both consistent with the General Plan Land and compatible with surrounding uses. If this conforming rezoning is approved, the property owner will be able to develop the property with a more modern gas station with more services available to its customers. Approval of this permit by no means constitutes conceptual approval of the pending

Conditional Use Permit. Staff has concerns about the pending Conditional Use Permit and conformance to the requirements of various design guidelines and the Municipal Code. A public hearing by the Planning Commission for the Conditional Use is expected in early April.

PUBLIC OUTREACH

A notice of the public hearing was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 500 feet of the project site. A sign has been posted at the site to inform the public of the proposed rezoning. A copy of this staff report has been posted on the City's website. Staff has been available to discuss the proposal with members of the public.

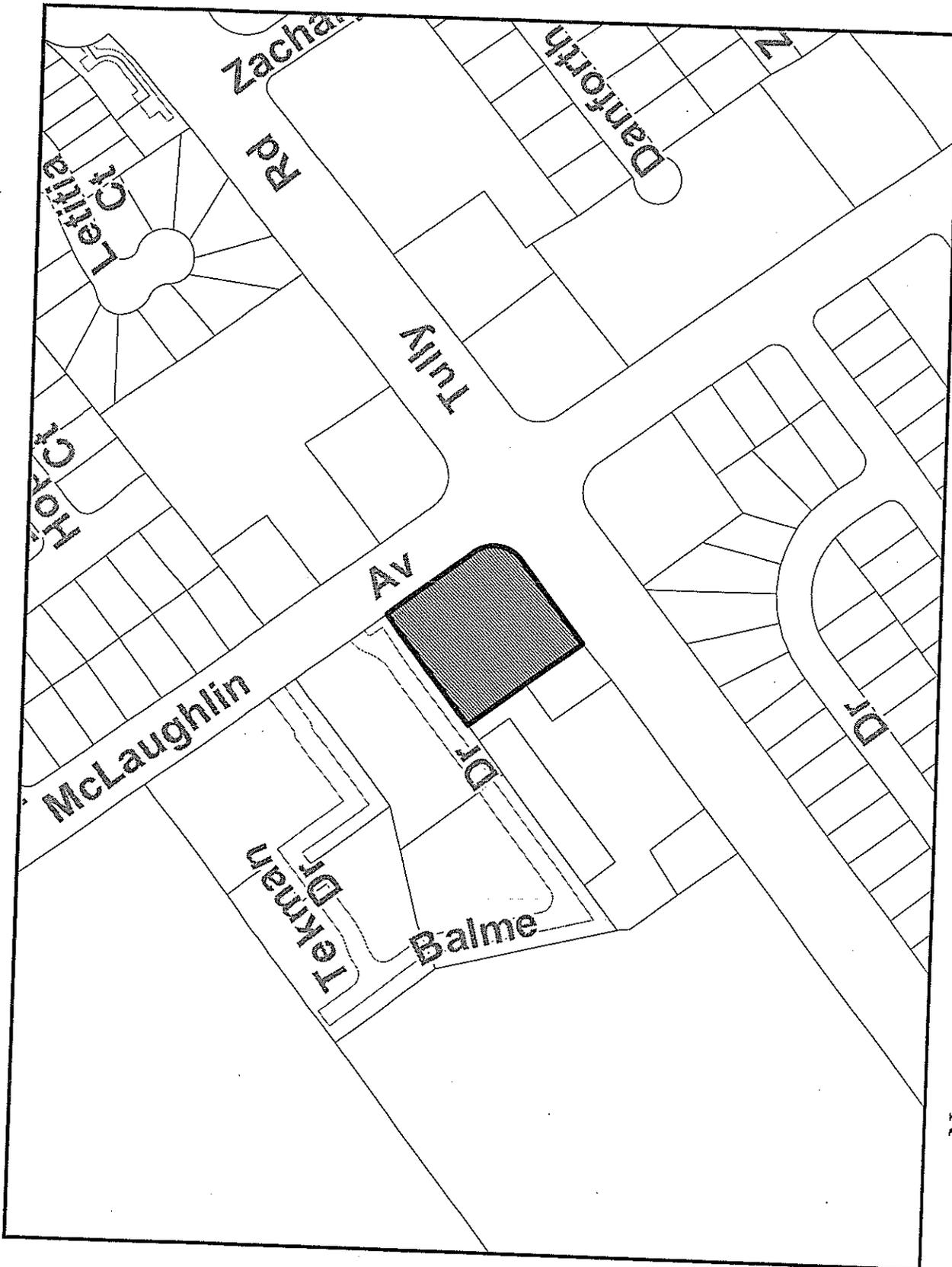
COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney.

RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning will facilitate development of this site that is consistent with the General Plan and compatible with the surrounding uses.

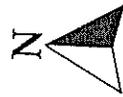


File No: C06-133

District: 7

Quad No: 100

Scale: 1"= 200'
Noticing Radius: 500 feet



Map Created On:
12/13/2006

**USE OF A PROGRAM EIR
 SAN JOSE 2020 GENERAL PLAN FINAL EIR**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

PROJECT DESCRIPTION AND LOCATION

C06-133 Conventional Rezoning from CP to CN to allow new gas station with car wash use at an existing service station located on a 0.91 gross acre site, on the northwest corner of Tully Road and McLaughlin Avenue. (Chevron Products Company, Owner)

Council District 7.

County Assessor's Parcel Numbers: 477-19-069

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation	Soils and Geology	Noise
Cultural Resources	Hazardous Materials	Land Use
Urban Services	Air Quality	Aesthetics
Energy	Facilities and Services	Water Quality/Resources
Open Space	Schools	Drainage and Flooding
Vegetation and Wildlife		

Avril Baty
 Project Manager

1/17/07
 Date

Joseph Horwedel, Director
 Planning, Building and Code Enforcement


 Deputy