

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

Hearing Date/Agenda Number
CC: 05-18-04 Item no.

File Number
C04-027

Application Type
Conforming Conventional Rezoning

Council District
10

Planning Area
Edenvale

Assessor's Parcel Number(s)
694-33-068

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Darren McBain

Location: Northwest corner of Santa Teresa Boulevard and Cahalan Avenue

Gross Acreage: 0.7

Net Acreage: 0.7

Net Density: N/A

Existing Zoning: CP Commercial Pedestrian

Existing Use: Commercial (gasoline service station)

Proposed Zoning: CP Commercial Neighborhood

Proposed Use: same

GENERAL PLAN

Completed by: DM

Land Use/Transportation Diagram Designation
Neighborhood Community Commercial

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: DM

North: Commercial (shopping center)

CP Commercial Pedestrian

East: Single-family detached residential

R-1-8 Residence

South: Single-family detached residential

R-1-8 Residence

West: Commercial (shopping center)

CP Commercial Pedestrian

ENVIRONMENTAL STATUS

Completed by: EM

Environmental Impact Report found complete (GP 2020 EIR certified
8/16/1994)

Exempt

Negative Declaration circulated on

Environmental Review Incomplete

Negative Declaration adopted on

FILE HISTORY

Completed by: DM

Annexation Title: Alamos No. 14

Date: July 17, 1968

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval

Date:

Approved by:

Approval with Conditions

Denial

Uphold Director's Decision

Action

Recommendation

OWNER/APPLICANT

YBM Inc., Attn.: Mansour Derakhshandeh
6095 Cahalan Avenue
San Jose, CA 95123

Completed by: EM

PUBLIC AGENCY COMMENTS RECEIVED

Department of Public Works

None received.

Other Departments and Agencies

None received.

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, YBM Inc., is requesting to rezone the subject 0.7-acre site from CP Commercial Pedestrian zoning district to CN Commercial Neighborhood zoning district in order to facilitate a subsequent proposal for the addition of an automated car wash facility to an existing gasoline service station. New car wash facilities are allowable with a Conditional Use Permit in the CN Commercial Neighborhood zoning district, but are not allowable in the CP Commercial Pedestrian zoning district. The subject site is rectangular and level lot on the corner of Santa Teresa Boulevard and Cahalan Avenue. The site is surrounded by commercial uses (a small neighborhood shopping center) to the north and west, and by single-family detached residences across Santa Teresa to the south and across Cahalan to the east.

PROJECT DESCRIPTION

The land use approval that is currently being proposed consists only of the rezoning from CP Commercial Pedestrian zoning district to CN Commercial Neighborhood zoning district. The rezoning is being proposed in order to facilitate a subsequent Conditional Use Permit (CUP) for a car wash. The location of the proposed car wash, behind the existing gasoline service station building, is shown on the attached exhibit. Once filed, the CUP will undergo separate review if the proposed rezoning is approved.

ENVIRONMENTAL REVIEW

Because the proposed rezoning conforms to the City's General Plan (see below), the Director of Planning has determined that potential environmental impacts of the proposed rezoning were adequately addressed by the Final EIR for the City's adopted General Plan. That EIR document was entitled "San José 2020 General Plan EIR" and was certified on August 16, 1994, by the City of San José City Council under resolution number 65459. The subsequent CUP for the proposed car wash will undergo additional,

project-specific review related to noise and other potential environmental impacts after a CUP application has been filed.

GENERAL PLAN CONFORMANCE

The project site has a designation of Neighborhood Community Commercial (NCC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed zoning designations of CN Commercial Neighborhood and the site's current CP Commercial Pedestrian both conform to the NCC General Plan designation.

ANALYSIS

The site's current CP Commercial Pedestrian zoning resulted from the comprehensive Zoning Ordinance update approved by the City Council in February 2001. The Zoning Code update included modification to the C-1 Commercial district including a district name change to CP Commercial Pedestrian. The CN Commercial Neighborhood zoning district zone was also created as part of the same update and was applied to properties that were previously zoned C-2. As noted above, both the CP Commercial Pedestrian and CN Commercial Neighborhood zoning districts conform to the General Plan designation of Neighborhood Community Commercial.

The CP Commercial Pedestrian zoning district and CN Commercial Neighborhood zoning district allow similar uses except in the area of vehicular related uses. Car washes and other "drive-through" uses are not permitted in the CP zoning district. The CP zoning district is intended to promote pedestrian activity and discourage predominantly vehicle-oriented land uses, especially in the City's older neighborhood business district. Another difference between the CP and CN zoning districts involves the development regulations. The CP zoning district sets forth no minimum front setback and a maximum front setback of 10 feet, whereas the CN zoning district sets forth a minimum front setback of 15 feet. With or without the proposed car wash, a 15-foot minimum front setback is appropriate for the existing use of the subject site (gasoline service station), especially given the suburban nature of the site and the surrounding area. The existing commercial center and the gasoline service station, although surrounded by residential uses, is suburban in character and is vehicular serving to the larger neighborhood. The vehicle related uses not permitted by the CP zoning district would be appropriate at this location given the vehicular nature of the center.

The proposed car wash will undergo review at the subsequent Conditional Use Permit stage. The primary issues that will be examined include potential noise impacts and mitigations, the adequacy of vehicle parking, "stacking," and maneuvering area, landscaping, and the possible requirement to close one or both of the site's two driveways that are closest to the intersection. Staff anticipates that these types of issues will be able to be adequately addressed and resolved during the course of the review of the permit, and will not result in any inordinate impacts on the neighborhood.

CONCLUSION

Based on the analysis described above, staff concludes that the proposed rezoning of the site from CP Commercial Pedestrian to CN Commercial Neighborhood will conform to the site's General Plan

designation of Neighborhood Community Commercial and will not result in any significant environmental or neighborhood impacts.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with members of the public. The City Council Agenda, which is posted on the City of San José website, includes a copy of the staff report for this project. The proposed car wash will undergo additional review as part of a subsequent Conditional Use Permit, which will require a public hearing before the Planning Commission.

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 Neighborhood Community Commercial.
2. The proposed rezoning will facilitate development of this site that is compatible with the surrounding uses.