

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
CC 06-19-07 11.1(d)

File Number
C07-023

Application Type
Conforming Conventional Rezoning

Council District
4

Planning Area
Berryessa

Assessor's Parcel Number(s)
245-05-013 & 245-05-014

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Rebekah Ross

Location: Northwest corner of Capitol Avenue and Berryessa Road

Gross Acreage: 0.80

Net Acreage: N/A Net Density: N/A

Existing Zoning: A(PD) Planned Development

Existing Use: Commercial (Gas Station)

Proposed Zoning: CG- Commercial General

Proposed Use: No change

GENERAL PLAN

Land Use/Transportation Diagram Designation
General Commercial

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Commercial Uses

CG - Commercial General

East: Commercial Uses

R-1-8 (PD) Planned Development

South: Commercial Uses

CP - Commercial Pedestrian

West: Commercial Uses

CP - Commercial Pedestrian

ENVIRONMENTAL STATUS

Environmental Impact Report
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Date Application Filed: 04/12/07

Annexation Title: Berryessa No_16

Date: 12/03/1971

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 06-04-07

Approved by: *Susan Walton*
 Action
 Recommendation

OWNER/ APPLICANT	CONTACT PERSON	DEVELOPER
BP West Coast Products, LLC 4 Centerpointe Drive La Palma, CA 90623	J&R Oil Company Ino Cruz 224 South Joy Street Corona, CA 92879 (951) 280-3833	J& R Oil Company Hagop (Jack) Kofdarali 224 South Joy Street Corona, CA 92879 (951) 280-3833

Completed by: Rebekah Ross

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 property owner is requesting a Conforming Conventional Rezoning of the subject 0.80 acre site from the A(PD) Planned Development Zoning District to the CG – Commercial General Zoning District to allow more flexible development of the site in the future. The subject site is roughly rectangular in shape and is surrounded by commercial uses on all sides. The site is currently developed with a gas station that was approved through a Planned Development Rezoning and associated Planned Development Permit in the late 1980's. The applicant is contemplating the addition of a car wash on the site which would not be permitted under the existing Planned Development Zoning.

PUBLIC OUTREACH

Notices of the public hearing were distributed to the owners and tenants of all properties located within 1,000 feet of the project site, and a notice was published in a local newspaper, the Post Record. The staff report has been posted on the City's web site and staff has been available to discuss the project with members of the public. Staff has not received any inquiries from the public regarding this proposal.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR." On August 16, 1994, the City Council adopted Resolution Number: 65459 making findings for adoption of the San Jose 2020 General Plan.

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and (3) no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

GENERAL PLAN CONFORMANCE

The subject site is designated as General Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram and is located within the Capitol Avenue/Expressway Corridor Transit Corridor.

The proposed rezoning of the property to CG – Commercial General is consistent with the General Commercial General Plan land use designation in that commercial uses may be permitted provided that they comply with the commercial development standards, and do not adversely impact nearby residential neighborhoods.

The existing structures on the site conform to the development standards of the CG – Commercial General Zoning District. The nearest residential neighborhoods are approximately 500 feet away to the north of the subject site. It is not expected that the continuation of the existing uses have or will negatively affected these residential neighborhoods.

The subject site is located within the Capitol Avenue/Expressway Transit Corridor. Generally, new automobile related uses would not be encouraged in areas with this designation; however, the City recognizes that it is important to preserve a portion of existing facilities to accommodate the surrounding area. Staff is supportive of the continuation of the existing uses on the site.

ANALYSIS

The proposed rezoning to CG – Commercial General will allow the continuation of an existing gas station on the property consistent with the commercial development pattern along North Capitol Avenue, Berryessa Road, and the surrounding area. The current Land Use Plan approved with the Planned Development rezoning (File No. PDC87-063) permits the existing gasoline and auto repair service station and incidental retail uses on the site. The applicant has indicated that they are interested redeveloping the site in the future to allow a car wash and automobile detailing. The existing Planned Development Zoning does not allow the car wash use on the site and a rezoning is required. Staff recommended that rezoning to CG Commercial General would allow more flexibility in the future than a subsequent Planned Development rezoning. If this conventional rezoning is approved, it would be necessary for the applicant to apply for a Conditional Use Permit to allow the expansion of the existing uses to include a car wash on the site.

COORDINATION

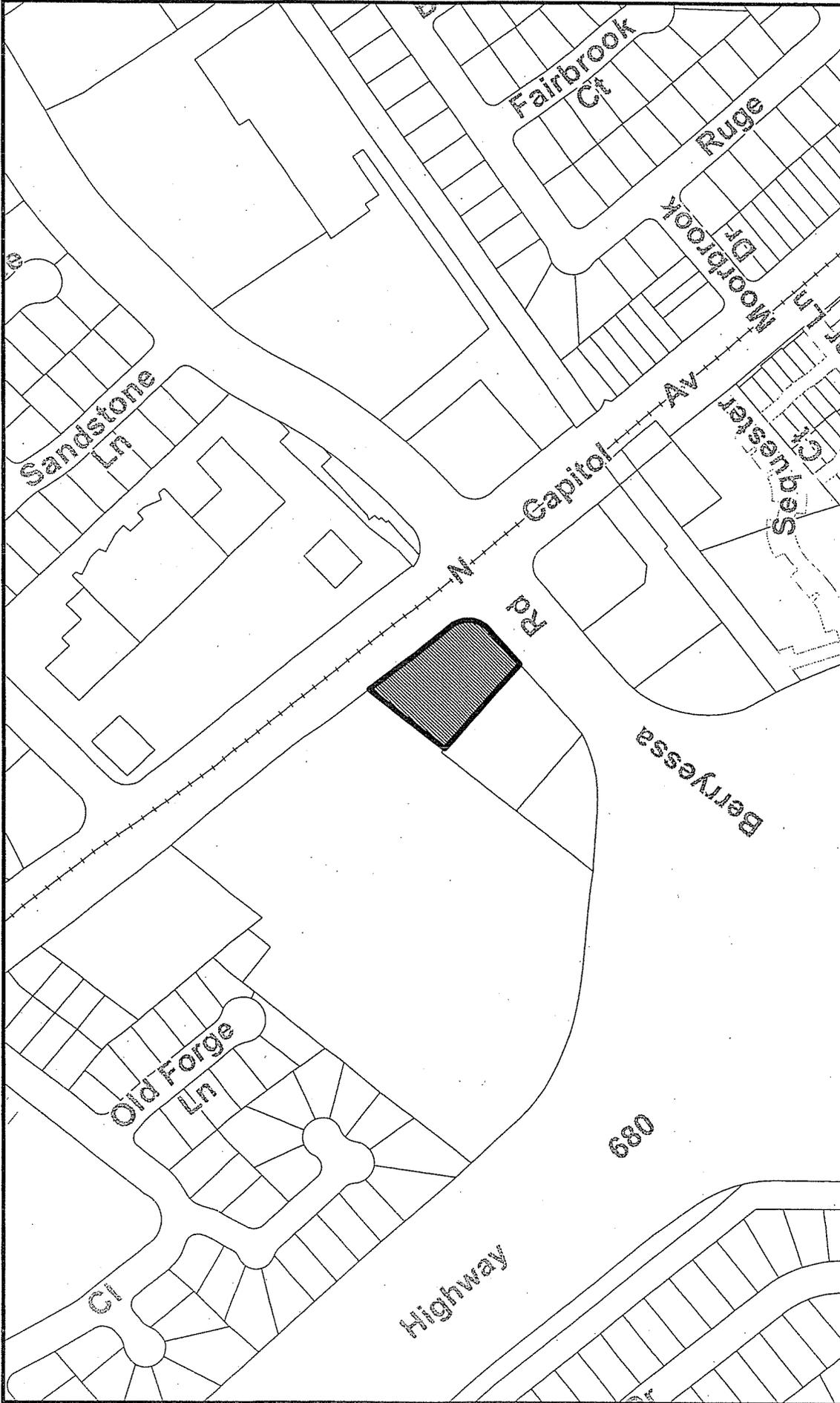
This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department, and the City Attorney.

RECOMMENDATION

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

Attachments:

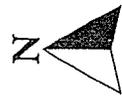


File No: C07-023

District: 4

Quad No: 52

Scale: 1"= 250'
Noticing Radius: 500 feet



04/13/2007



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: June 6, 2007

TRANSMITTAL MEMO

COUNCIL DISTRICT: 6
SNI: N/A

SUBJECT: PDC06-064. LOCATED ON THE NORTHWEST CORNER OF ALAMEDA AND STOCKTON AVENUE.

The Planning Commission will hear this project on June 11, 2007. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.

for 
JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Susan Walton at (408) 535-7800.