

STAFF REPORT
CITY COUNCIL

FILE NO.: C08-028

Submitted: 04/28/08

PROJECT DESCRIPTION: Conforming rezoning from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District to allow commercial uses on a 0.53 gross acre site

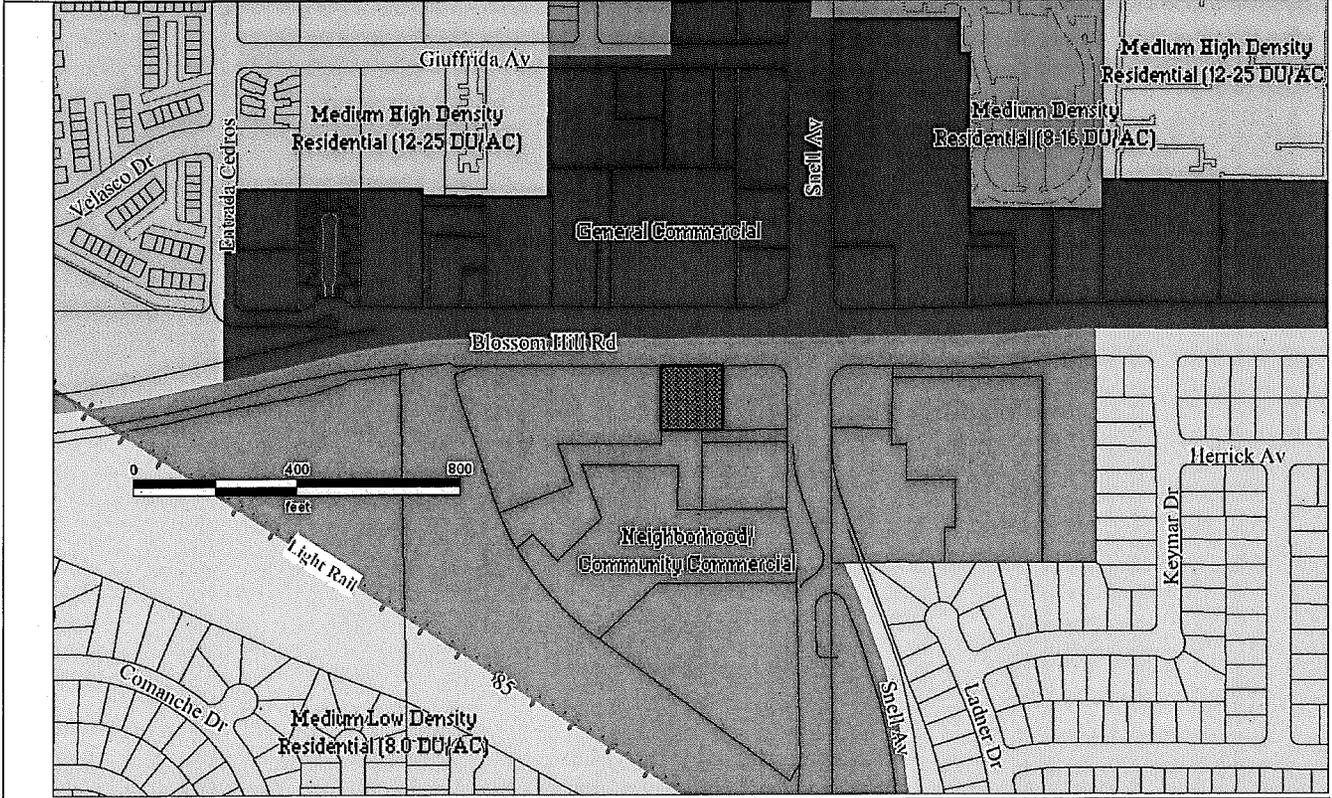
LOCATION: South side Blossom Hill Road, approximately 300 feet westerly of Snell Avenue (456 Blossom Hill Road).

Existing Zoning	CP Commercial Pedestrian
Proposed Zoning	CN Commercial Neighborhood
General Plan	Neighborhood/Community Commercial
Council District	6
Annexation Date	03/16/1911
SNI	N/A
Historic Resource	N/A
Redevelopment Area	N/A
Specific Plan	N/A

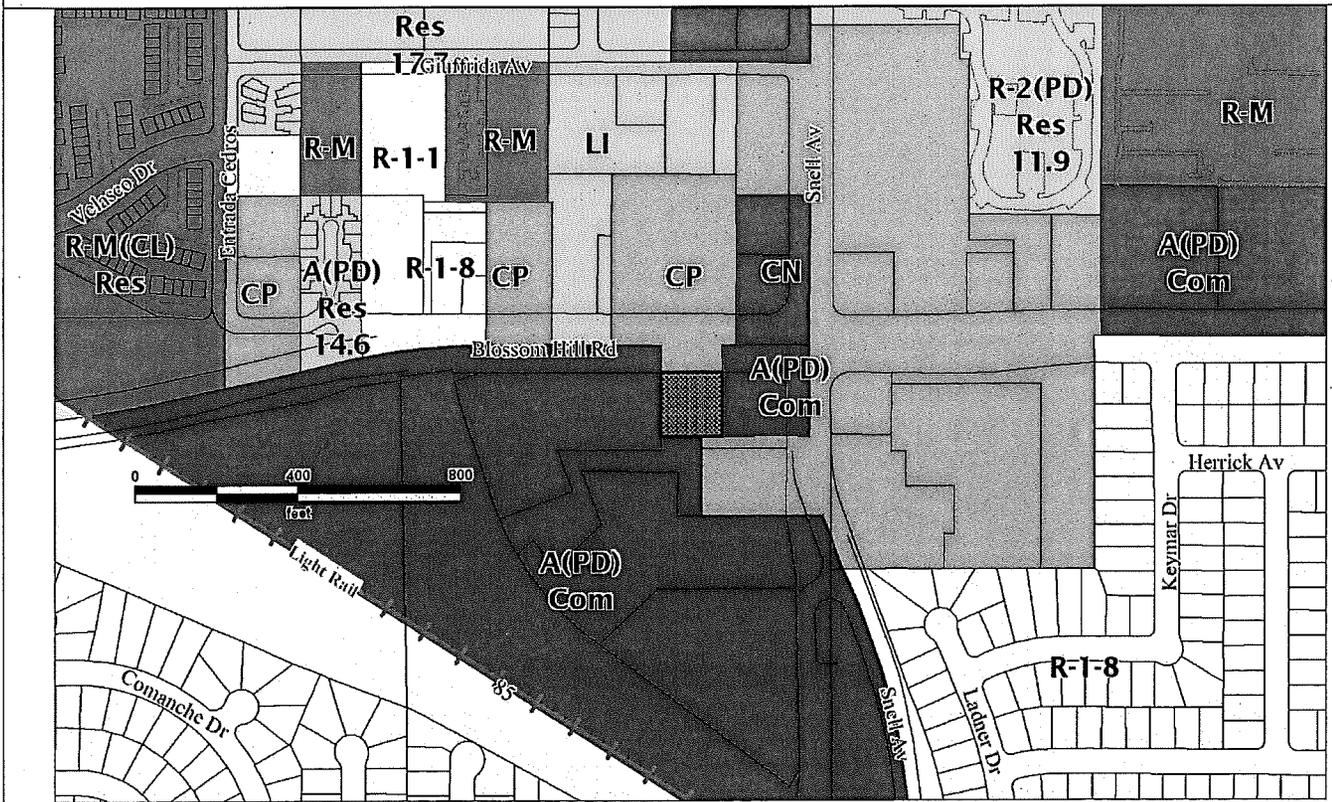
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed Conventional Rezoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram's designation of Neighborhood/Community Commercial given the building type and the uses proposed for the building, and given the uses within the surrounding area.
2. The proposed rezoning would allow commercial uses on this site that are compatible with the surrounding uses.

BACKGROUND & DESCRIPTION

The applicant, McDonald's Corporation, on behalf of the property owner, Gregory K. Bloom Trust, is requesting a conforming rezoning of the subject property from the CP Commercial Pedestrian to the CN Commercial Neighborhood Zoning District to allow commercial uses. The site is rectangular in shape, with approximately 150 feet of frontage along Blossom Hill Road. The site is surrounded by commercial retail uses on all sides.

The 0.53 gross acre site currently includes an existing fast food restaurant, which was constructed under the C-1 Commercial Zoning District. The CP Commercial Pedestrian Zoning District replaced the C-1 Commercial District citywide in February 2001. The current CP zoning would require minimal building setbacks and does not allow drive-through uses. Rezoning the subject property to the CN Commercial Neighborhood Zoning District would provide development standards reflecting development along this stretch of Blossom Hill Road, and would allow consideration of drive-through uses upon approval of a Conditional Use Permit. On April 24, 2008, the applicant submitted a Conditional Use Permit (File No. CP08-037) proposing to demolish the existing restaurant and construct a new restaurant with a 24-hour drive-through.

GENERAL PLAN CONFORMANCE

The General Plan designation for the site is Neighborhood/Community Commercial. The proposed rezoning to the CN Commercial Neighborhood Zoning District would be consistent with the site's General Plan Land Use/Transportation Diagram designation of Neighborhood/Community Commercial in that this designation supports a variety of commercial uses. The CN Commercial Neighborhood Zoning District would provide for setbacks and development standards appropriate for and consistent with development along this section of Blossom Hill Road.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR," Resolution No.65459. The City of San José 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.

ANALYSIS

The proposed rezoning to CN Commercial Neighborhood Zoning District would facilitate commercial uses consistent with the enumerated uses noted in the Zoning Ordinance and the Neighborhood/Community Commercial General Plan land use designation, and compatible with surrounding commercial uses

The proposed rezoning to the CN Commercial Neighborhood Zoning District would facilitate the potential development of a fast food restaurant with a drive-through use. As previously noted, a Conditional Use Permit application has been filed to demolish the existing fast food restaurant and construct a new fast food restaurant with an associated drive-through. The rezoning will allow for the potential for drive-through uses to be developed on the site that would not be permitted under the existing CP Commercial Pedestrian Zoning District.

Based on staff's initial review of the development application, the site design of the new restaurant with drive-through use appears to meet the City's design standards. It is anticipated that the Conditional Use Permit application will be considered by the Planning Commission in November.

PUBLIC OUTREACH/INTEREST

The property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. This staff report has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

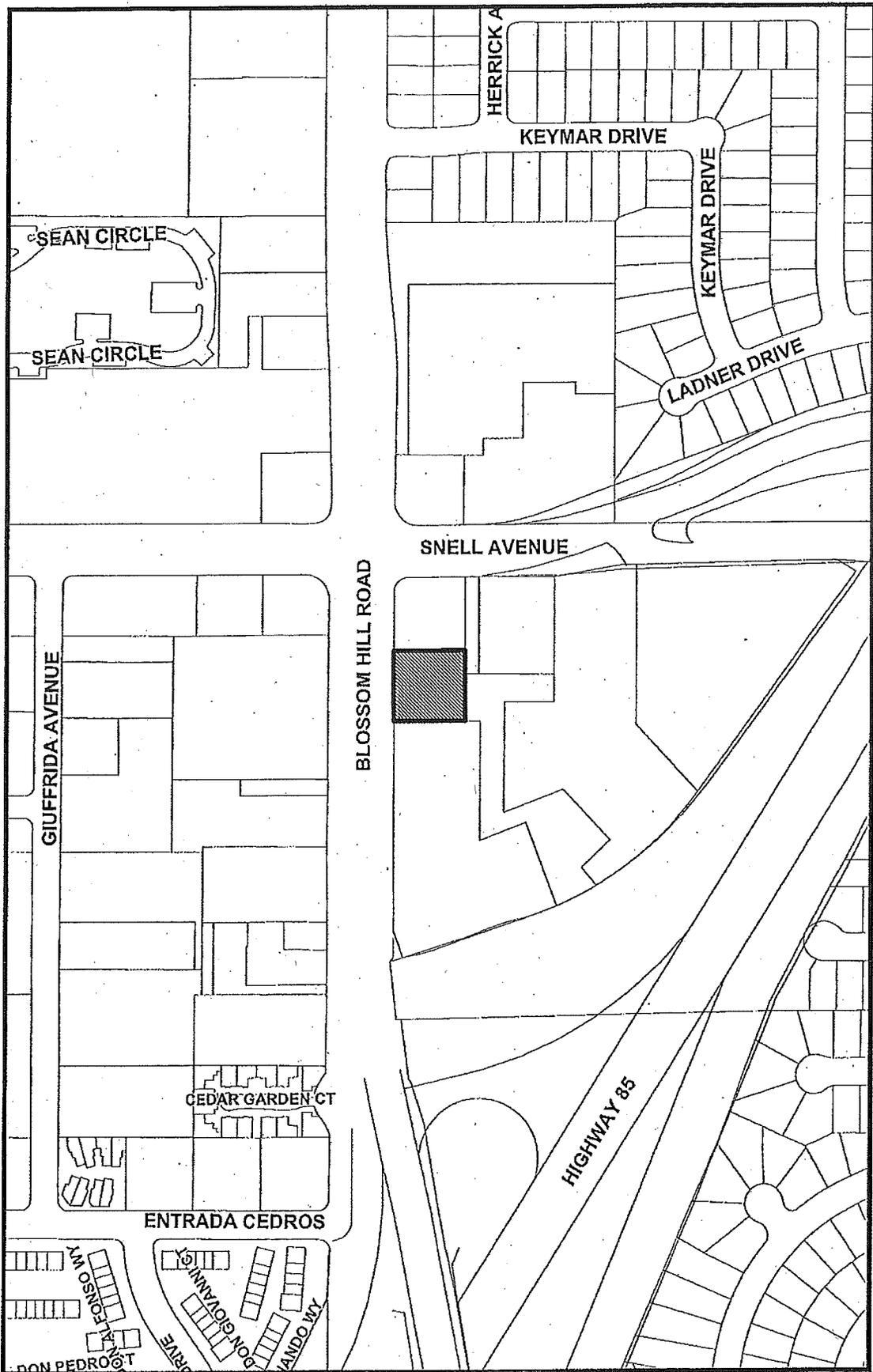
Project Manager: Sylvia Do

Approved by:

Susan Walton

Date: 09/26/08

Owner/Applicant:	Attachments:
McDonald's Corporation (Applicant) 2999 Oak Road, Suite 900 Walnut Creek, CA 94954	Location map Plans
Gregory K. Bloom Trust (Owner) 333 W. El Camino Real, Suite 240 Sunnyvale, CA 94087	

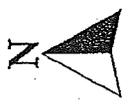


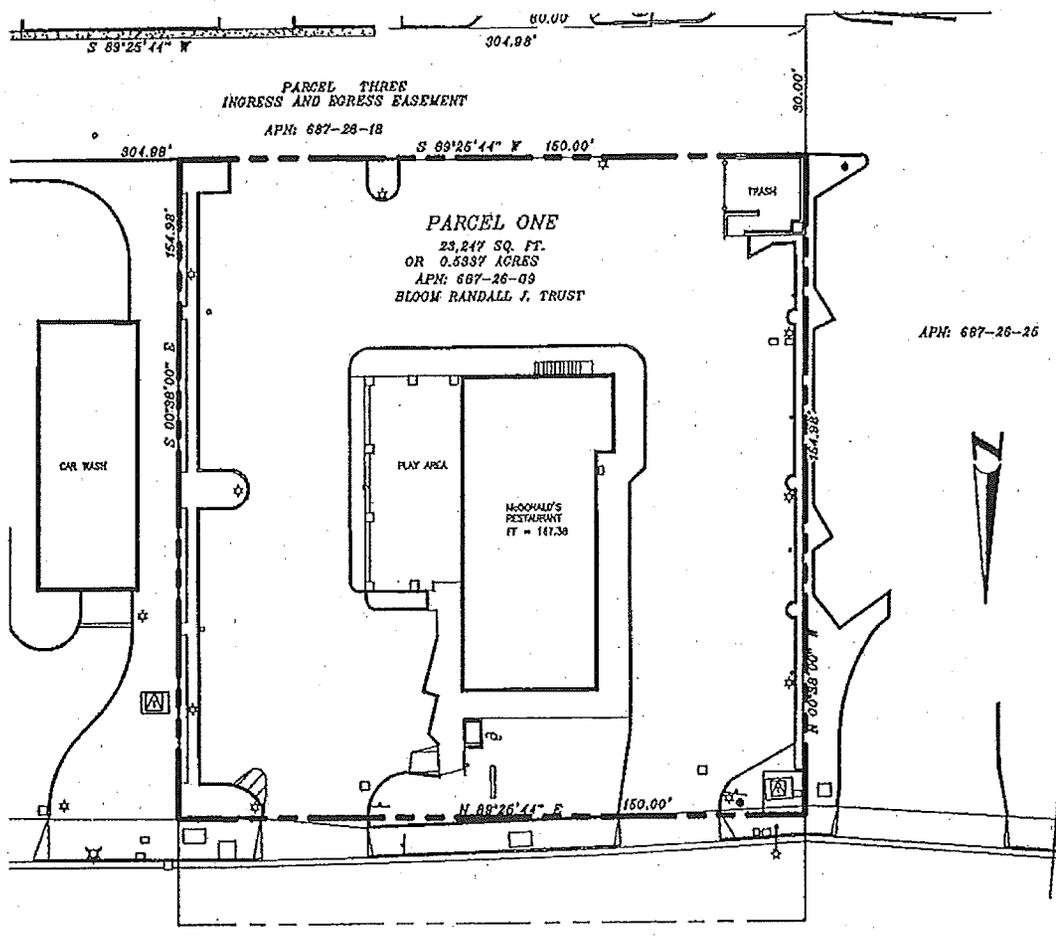
File No: C08-028

District: 10

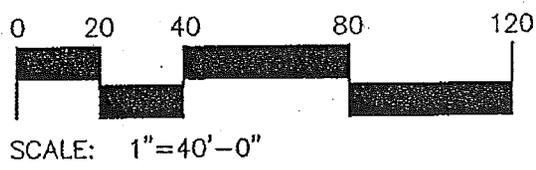
Quad No: 129

Approx. Scale: 1" = 300'
Map Created On: 04/24/2008
Noticing Radius: 500 feet





BLOSSOM HILL ROAD



820-028
608-028

**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

C08-028. Conforming Rezoning from CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District to allow commercial uses on a 0.53 gross acre site for a property located at 456 Blossom Hill Road.
Council District: 10. County Assessor's Parcel Number: 687-26-009

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
Cultural Resources
Urban Services
Energy
Open Space
Vegetation and Wildlife

Soils and Geology
Hazardous Materials
Air Quality
Facilities and Services
Schools

Noise
Land Use
Aesthetics
Water Quality/Resources
Drainage and Flooding

No additional site specific environmental analysis was necessary for this project.

Sylvia Do
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Date

9/25/08

Deputy

Shulpa