

STAFF REPORT
CITY COUNCIL

File No.: C09-029

Submitted: 09/09/09

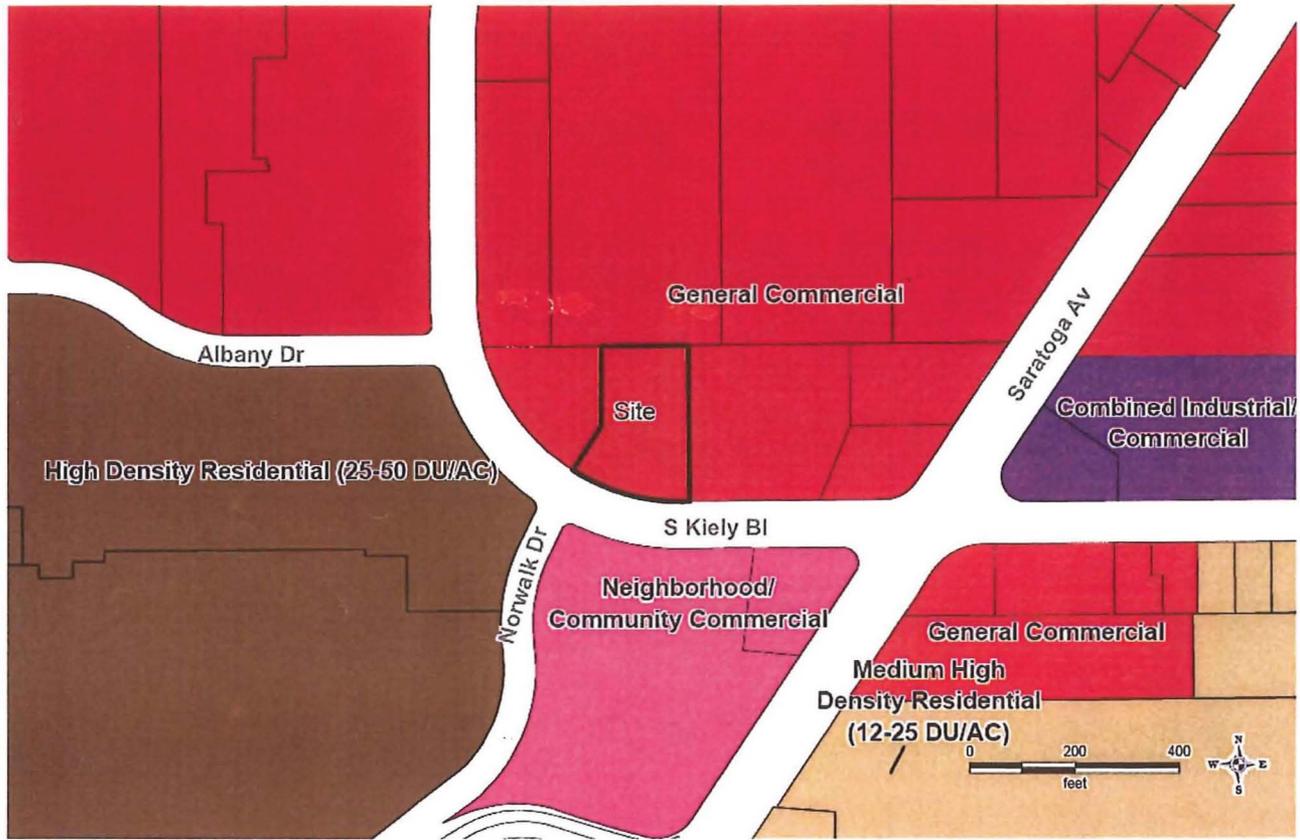
PROJECT DESCRIPTION: Conforming Conventional Rezoning from the CP Commercial Pedestrian zoning district to the CN Commercial Neighborhood zoning district to facilitate the development of a used automobile sales use on a 1.17 gross acre site.

LOCATION: North side of Kiely Boulevard, 550 feet westerly of Saratoga Avenue (370 South Kiely Boulevard)

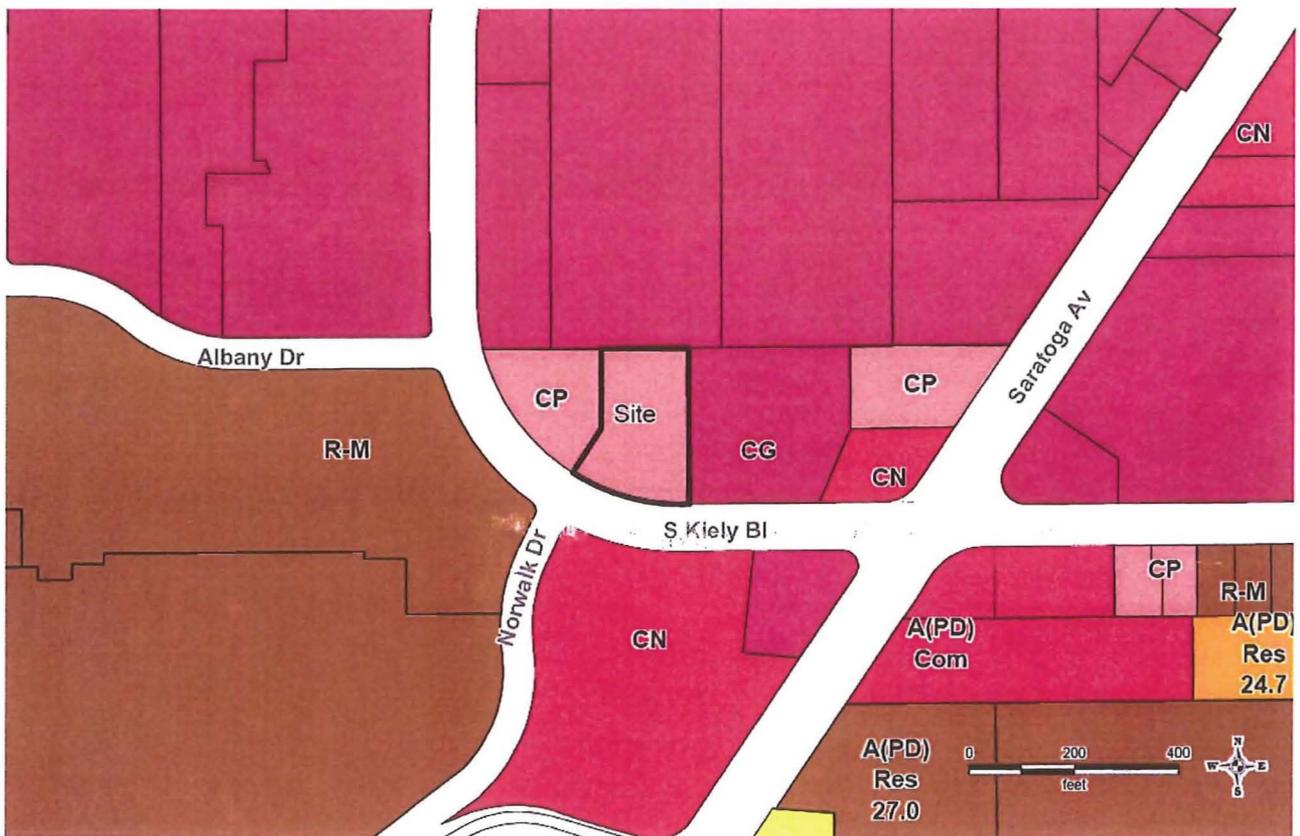
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|--------------------|----------------------------|
| Existing Zoning | CP Commercial Pedestrian |
| Proposed Zoning | CN Commercial Neighborhood |
| General Plan | General Commercial |
| Council District | 1 |
| Annexation Date | 11/6/1972 |
| SNI | N/A |
| Historic Resource | N/A |
| Redevelopment Area | N/A |
| Specific Plan | N/A |



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed conforming conventional rezoning for the following reasons:

1. The proposed rezoning is in conformance with the San José 2020 General Plan Land Use/Transportation Diagram's designation of General Commercial.
2. The proposed rezoning would allow commercial uses on this site that are compatible with the surrounding uses.
3. The proposed rezoning furthers the City's Economic Development strategy, goals and policies.

BACKGROUND & DESCRIPTION

The applicant, Stevens Creek Toyota, is requesting a conventional rezoning of the subject property from the CP Commercial Pedestrian to the CN Commercial Neighborhood Zoning District to allow auto sales uses. The site is roughly rectangular in shape, with approximately 225 feet of frontage along South Kiely Boulevard. The site is surrounded by commercial uses on all sides.

The 0.15 gross acre site is currently developed with a 5,315 square foot vacant commercial building that was most recently used as a Coco's Restaurant. The developer is proposing to demolish the existing building and combine the lot with the adjacent lot to the east to be used for used automobile sales. A Special Use Permit, SP09-055, is currently on file to allow the demolition and the auto sales use.

GENERAL PLAN CONFORMANCE

The proposed rezoning to the CN Commercial Neighborhood Zoning District is consistent with the site's San Jose 2020 General Plan Land Use/Transportation Diagram designation of General Commercial in that this designation supports a variety of commercial uses including retail automobile sales.

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 proposed minor change in allowed commercial uses will not result in any new significant environmental impacts or require additional mitigation measures.

ANALYSIS

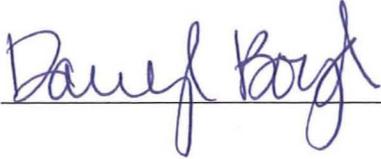
The proposed rezoning to CN Commercial Neighborhood Zoning District would facilitate commercial uses consistent with the enumerated uses noted in the Zoning Ordinance and the General Commercial General Plan Land Use/Transportation Diagram designation.

The proposed rezoning to the CN Commercial Neighborhood Zoning District will facilitate the potential construction of a used automobile dealership for Stevens Creek Toyota. A Special Use Permit (File No. SP09-055) is on file with the City for this proposed automobile dealership, which will include the conversion of the former Black Angus Restaurant on the adjacent site to the east into a showroom/dealership building. No automobile service or maintenance would be allowed on site. The proposed rezoning will allow the entire proposed dealership use on both sites to be approved under a Special Use Permit, which could not have occurred under the existing CP Commercial Pedestrian Zoning District.

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: Ed Schreiner

Approved by: 

Date: 9/28/2009

| Owner: | Applicant: | Attachments: |
|---|--|--------------|
| Lopina Family Trust 360 Kiely Blvd, #220 San Jose, CA 95129 | Steve Cornelius Stevens Creek Toyota 4202 Stevens Creek Blvd San Jose, CA 95129 | Location map |



File No: C09-029
District: 1

Noticing Radius: 500 Feet



Prepared by the Department of Planning,
Building, and Code Enforcement
9/9/2009