



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Rosalynn Hughey

SUBJECT: SEE BELOW

DATE: February 9, 2018

Approved

Date

2/9/18

COUNCIL DISTRICT: 3

SUPPLEMENTAL

SUBJECT: FILE NO. GP16-011: GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO COMBINED INDUSTRIAL/COMMERCIAL ON AN APPROXIMATELY 1.54-GROSS ACRE SITE.

FILE NO. C17-008: CONFORMING REZONING FROM THE HI HEAVY INDUSTRIAL ZONING DISTRICT TO THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT ON AN APPROXIMATELY 1.54-GROSS ACRE SITE.

FILE NO. CP17-015: CONDITIONAL USE PERMIT TO DEMOLISH AN EXISTING BUILDING AND FUELING DISPENSERS, AND CONSTRUCT A 3,750-SQUARE FOOT CONVENIENCE STORE WITH THE OFF-SALE OF BEER AND WINE, A GAS STATION WITH SIX AUTO RETAIL FUELING DISPENSERS (12 PUMPS), CANOPIES, AND 12 CARDLOCK FUELING DISPENSERS (24 PUMPS), AND 24-HOUR USES ON AN APPROXIMATELY 1.54-GROSS ACRE SITE.

FILE NO. ABC 17-007: DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR THE OFF-SALE OF BEER AND WINE ON AN APPROXIMATELY 1.54-GROSS ACRE SITE.

REASON FOR THE SUPPLEMENTAL

This supplemental memorandum provides clarity that pursuant to City Council direction and action on December 12, 2017, staff has provided draft ordinances and resolutions to **adopt** the Initial Study and Mitigated Negative Declaration and **approve** the General Plan Amendment, Conforming Rezoning, Conditional Use Permit, and Determination of Public Convenience or Necessity to allow the construction of a gas station with a carwash, 24-hour use, and the off-sale of beer and wine.

On November 15, 2017, as recommended by staff, the Planning Commission recommended that the City Council **deny** the General Plan Amendment, Conforming Rezoning and Conditional Use Permit. On November 15, 2017, the Planning Commission recommended denial of the General Plan Amendment, rezoning and Conditional Use Permit.

The City Council conducted an administrative hearing on December 12, 2017. Consistent with a memorandum from Councilmembers Peralez, Jones, Rocha and Khamis, dated December 8, 2017, the City Council directed staff on December 12, 2017, to return with:

1. A resolution **approving** the Initial Study and Mitigated Negative Declaration for the project, including the General Plan Amendment, Conforming Rezoning, Conditional Use Permit, and Determination of Public Convenience or Necessity;
2. A resolution **approving** the amendment to the General Plan land use designation from Heavy Industrial to Combined Industrial/Commercial;
3. An ordinance **approving** the rezoning from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District;
4. A resolution **approving** Conditional Use Permit for a 3,750-square foot convenience store with retail, a gas station with cardlock fuel dispensers and 24-hour uses; and
5. A report that includes analysis of the specific findings required for the off-sale of beer and wine and a Determination of Public Convenience and Necessity.

Additionally, referencing Item (c) of the memorandum from Mayor Liccardo and Councilmember Davis, dated December 8, 2017, the City Council also directed staff to amend Title 20 of the San Jose Municipal Code to modify the LI Light Industrial Zoning District to allow gasoline service stations with incidental retail as a conditional use. Staff would return with changes to the LI Light Industrial Zoning District when prepared and commence with another General Plan amendment, as necessary.

Draft ordinances and resolutions have been provided for the City Council to take action to **adopt** the Initial Study and Mitigated Negative Declaration and **approve** the General Plan Amendment, Conforming Rezoning, Conditional Use Permit, and Determination of Public Convenience or Necessity to allow the construction of a gas station with a carwash, 24-hour use, and the off-sale of beer and wine.

/s/
ROSALYNN HUGHEY, ACTING DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Steve McHarris, Planning Official, at (408) 535-7819.