

Legislation Details (With Text)

File #:	18-143	Version:	1
Type:	Land Use Regular Agenda	Status:	Agenda Ready
File created:	1/23/2018	In control:	Planning, Building and Code Enforcement Department
On agenda:	2/13/2018	Final action:	
Title:	General Plan Amendment, Rezoning, Conditional Use Permit and Determination of Public Convenience or Necessity for Site Located at 1202 Oakland Road.		
Sponsors:	City Council		
Indexes:			
Code sections:			
Attachments:	1. Memorandum, 2. Supplemental Memorandum, 3. Memorandum from CMs Peralez, Jones, Diep, Rocha, and Khamis, 4. (a) Resolution, 5. (b) Resolution, 6. (c) Resolution, 7. (d) Ordinance, 8. (e) Resolution		

Date	Ver.	Action By	Action	Result
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General Plan Amendment, Rezoning, Conditional Use Permit and Determination of Public Convenience or Necessity for Site Located at 1202 Oakland Road.

(a) Adopt a resolution denying the application for a General Plan Amendment to change the General Plan Land Use Designation, denying the application to change the Zoning to the CIC Combined Industrial/Commercial Zoning District, and denying the application for a Conditional Use Permit and Determination of Public Convenience or Necessity to authorize the demolition of an existing building and fueling dispensers, and the construction of a 3,750 square foot convenience store, auto retail fueling dispensers, canopies, and card lock fueling dispensers with the off-sale of beer and wine and 24-hour use; **OR take the following actions in Item 10.2 (b) through (e):**

(b) Adopt a resolution adopting the Rotten Robbie No. 67 Project Mitigated Negative Declaration, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.

(c) Adopt a resolution approving a 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, located on the northeast corner of Oakland Road and Commercial Street (1202 Oakland Road).

(d) Consideration of an ordinance of the City of San José rezoning an approximately 1.54 gross acres, located at 1202 Oakland Road, from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District (Robinson Oil Corporation).

(e) Adopt a resolution approving the Conditional Use Permit and Determination of Public Convenience or Necessity, subject to conditions, for the removal of existing building and fueling dispensers, and the construction of a

3,750-square foot convenience store, auto retail fueling dispensers, fuel island canopies, and card lock fueling dispensers with proposed off-sale of alcohol and 24-hour use, and to exceed the 55-decibel noise standard of the Zoning Ordinance at the residential property line by six decibels, on a 1.54-gross acre site. (1202 Oakland Road).

CEQA: Rotten Robbie No. 67 Project Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends denial. Planning Commission recommends denial (6-0-1, Ballard absent).

(Planning, Building and Code Enforcement)

File Nos. GP16-011, C17-008, CP17-015, & ABC17-007 - Council District 3