

AMENDED

PLANNING COMMISSION

January 27, 2016

Action Report

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Yob, Abelite, Ballard, O'Halloran, Pham, and Yesney

ABSENT: Commissioner Bit-Badal

SUMMARY OF HEARING PROCEDURES

1. PUBLIC COMMENT

None

2. DEFERRALS AND REMOVALS FROM CALENDAR

- a. **CP15-075 (Administrative Hearing)**. Conditional Use Permit to allow the installation of a communications utilities facility and a generator on a 0.61 gross acre site in the R-1-8 Single-Family Residence Zoning District located on the southeast corner of Blossom Hill Road and Blossom Park Lane (City of San Jose, Owner). Council District 10. CEQA: Addendum to Mitigated Negative Declaration for the Google Fiber project (Resolution No. 77591). **PROJECT MANAGER, ROSCOE MATA**

DEFERRED TO THE 2/10/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (6-0-1, BIT-BADAL ABSENT)

- b. **CP15-076 (Administrative Hearing)**. Conditional Use Permit to allow the installation of a communications utilities facility and a generator on a 2.93 gross acre site in the IP Industrial Park Zoning District located on the west side of Hellyer Avenue, approximately 1,010 feet southerly of Piercy Road (City of San Jose, Owner). Council District 2. CEQA: Addendum to Mitigated Negative Declaration for the Google Fiber project (Resolution No. 77591). **PROJECT MANAGER, ROSCOE MATA**

DEFERRED TO THE 2/10/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (6-0-1, BIT-BADAL ABSENT)

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<http://www.sanjoseca.gov/planning/hearings/>

- c. **CP15-079 (Administrative Hearing).** Conditional Use Permit to allow the installation of a communications utilities facility and a generator on a 6.17 gross acre site in the R-2 Two-Family Residence Zoning District located at the terminus of Oldham Way, approximately 720 feet northerly of Senter Road (2834 Lone Bluff Way) (City of San Jose, Owner). Council District 7. CEQA: Addendum to Mitigated Negative Declaration for the Google Fiber project (Resolution No. 77591). *PROJECT MANAGER, ROSCOE MATA*

DEFERRED TO THE 2/10/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (6-0-1, BIT-BADAL ABSENT)

3. CONSENT CALENDAR

- a. **C15-005.** Conventional Rezoning from the CN Commercial Neighborhood Zoning District to the R-2 Two-Family Residence Zoning District on an approximately 0.16 gross acre site, located on the east side of Almaden Avenue, approximately 80 feet north of Oak Street (890 Almaden Avenue) (Lin Connie, Owner). Council District 3. CEQA: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Program EIR (Resolution No. 77617). *PROJECT MANAGER, ROSCOE MATA*
- 1. DETERMINED THAT THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT IS IN ACCORDANCE WITH CEQA (5-0-1-1, BIT-BADAL ABSENT; YESNEY ABSTAINED)**
 - 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONVENTIONAL REZONING ORDINANCE (5-0-1-1, BIT-BADAL ABSENT; YESNEY ABSTAINED)**
- b. **C15-052.** Conventional Rezoning from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District on a 0.72 gross acre site, located on the west side of North 4th Street between East St. John and East Santa Clara Streets (49 North 4th Street) (First Presbyterian Church of San Jose, Owner). Council District 3. CEQA: Addendum to the Envision San Jose 2040 General Plan Final Program Environmental Impact Report and Supplemental Program EIR thereto (Resolution No. 76041). *PROJECT MANAGER, REBECCA BUSTOS*
- 1. DETERMINED THAT THE ADDENDUM TO THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL PROGRAM EIR (RESOLUTION NO. 76041) IS IN ACCORDANCE WITH CEQA (5-0-1-1, BIT-BADAL ABSENT; YESNEY ABSTAINED)**
 - 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONVENTIONAL REZONING ORDINANCE (5-0-1-1, BIT-BADAL ABSENT; YESNEY ABSTAINED)**
- c. **CP15-013 (Administrative Hearing).** Conditional Use Permit to modify the hours of operation for an existing restaurant (Germania Verein) to be open from 7:00 a.m. to 12:00 midnight, with an outdoor patio from 7:00 a.m. to 10:00 p.m., on a 0.2-gross acre site in the CG Commercial General Zoning District, located at 261 North 2nd Street (Germania Verein, Inc., Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. *PROJECT MANAGER, JENNIFER PIOZET*
- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**

**2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-004
(6-0-1, BIT-BADAL ABSENT)**

- d. **CP15-047 (Administrative Hearing).** Conditional Use Permit to allow the construction of a 4,718-square foot building to expand an existing church for Sunday School classrooms and incidental gathering space, on a 3.0-gross acre site in the R-1-5 Single-Family Residence Zoning District located at 19550 McKean Road (Almaden Neighborhood Church, Owner). Council District: 10. CEQA: Exempt per CEQA Section 15301(e)(2)(A) for Existing Facilities.
PROJECT MANAGER, LEA SIMVOULAKIS

MOTION TO CONTINUE THE ITEM TO THE 2/24/16 PLANNING COMMISSION MEETING TO ALLOW ADDITIONAL COORDINATION BETWEEN THE APPLICANT AND NEIGHBORS (6-0-1, BIT-BADAL ABSENT)

- e. **CP15-050 & ABC15-015.** Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol of a full range of alcoholic beverages at a 30,455 square foot full service grocery store (Smart & Final) on a 2.78 gross acre site, located on the southwest corner of West San Carlos Street and Royal Avenue (720 West San Carlos Street) (National Retail Properties LP, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. *PROJECT MANAGER, REBECCA BUSTOS*

- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONDITIONAL USE PERMIT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY (6-0-1, BIT-BADAL ABSENT) WITH A REVISED CONDITION TO ALLOW UP TO 3% FLOOR AREA TO BE DEDICATED FOR THE OFF-SALE OF ALCOHOLIC BEVERAGES**

- f. **CP15-054 (Administrative Hearing).** A Conditional Use Permit to allow for a change from the off-sale of beer and wine to the off-sale of a full range of alcoholic beverages at an existing 54,635 square foot full service grocery store (Whole Foods Market) on a 10.2 gross acre site, in the CG Commercial General Zoning District located at the southwest corner of Blossom Hill Road and Almaden Road (1146 Blossom Hill Road) (Pueblo Plaza Partnership, Owner). Council District 10. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. *PROJECT MANAGER, JOHN TU*

- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
- 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-005 (6-0-1, BIT-BADAL ABSENT)**

- g. **CP15-063 (Administrative Hearing).** Conditional Use Permit to allow an approximately 15,000 square foot post-secondary school within an approximately 56,995 square foot existing office building on a 3.35 gross acre site in the IP Industrial Park Zoning District located on the west side of Lundy Avenue, approximately 690 feet north of McKay Drive (1885 Lundy Avenue) (Lundy Investments LLC, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15332 for In-Fill Development Projects. *PROJECT MANAGER, DAVID FONG*

- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**

**2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-006
(6-0-1, BIT-BADAL ABSENT)**

h. **CP15-066 (Administrative Hearing)**. Conditional Use Permit to allow the construction/installation of a 2,880-square foot building and allow the sale of passenger vehicles (including pick-up trucks and motorcycles), on a 2.93-gross acre site in the CIC Combined Industrial/Commercial Zoning District, located on easterly side of Monterey Road, approximately 969 feet north of Lewis Road (John and Jane Sun, Owners). Council District: 7. CEQA: Exempt under CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. *PROJECT MANAGER, RINA SHAH*

**1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA
(6-0-1, BIT-BADAL ABSENT)**

**2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-007
(6-0-1, BIT-BADAL ABSENT)**

i. **CPA09-046-01 (Administrative Hearing)**. Conditional Use Permit Amendment to allow the following modifications to an existing child day care: (1) increase the number of children from 25 to 60; (2) increase the allowable interior area of the child day care to 2,017 square feet within the commercial center building; (3) increase the amount of outdoor play area to 2,106 square feet; (4) allow the single event noise level at the property lines to exceed the Zoning Ordinance standard by allowing up to 63 decibels; and (5) continue the outdoor use within 150 feet of residentially zoned property on a 13.1-gross acre site, in the CN Commercial Neighborhood Zoning District, located at 6148 Bollinger Road (Marchese Christopher Trustee & Et Al, Owner). Council District: 1. CEQA: Exempt per CEQA Guidelines Section 15332 for In-Fill Development Projects.

PROJECT MANAGER, JENNIFER PIOZET

**1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA
(6-0-1, BIT-BADAL ABSENT)**

**2. APPROVED THE CONDITIONAL USE PERMIT AMENDMENT – RESOLUTION
NO. 16-008 (6-0-1, BIT-BADAL ABSENT), WITH A REVISED RESOLUTION
IDENTIFYING THE APPROPRIATE CEQA CLEARANCE AS CEQA
GUIDELINES SECTIONS 15301(E) AND 15303(C)**

j. **CPA13-003-01 (Administrative Hearing)**. Conditional Use Permit Amendment modifying Conditional Use Permit File No. CP13-003 approving a church, to allow a reconfiguration of the parking lot, revised landscaping, a new six-foot wrought iron fence at the eastern property line, and to remove a condition of approval that required a reciprocal access easement to Speak Lane from the parking lot to the east through the parking lot on the subject 1.33 gross acre site in the CN Commercial Neighborhood Zoning District located at the southeast corner of Branham Lane and Speak Lane (1188 Branham Lane) (Congregation Of Edenvale, Owner). Council District 9. CEQA: Exempt pursuant to CEQA Guidelines Section 15301 Existing Facilities. *PROJECT MANAGER, ELIZABETH SCHULLER*

**1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA
(6-0-1, BIT-BADAL ABSENT)**

**2. APPROVED THE CONDITIONAL USE PERMIT AMENDMENT – RESOLUTION
NO. 16-009 (6-0-1, BIT-BADAL ABSENT)**

- k. [PDC14-033](#). Planned Development Rezoning from the CIC Combined Industrial/Commercial and CP Commercial Pedestrian Zoning Districts to the R-M(PD) Planned Development Zoning District to allow a 7-story mixed-use development with up to 110 multi-family residential units and approximately 2,990 square feet of commercial space on an approximately 1.3 gross acre site located on the east side of Sunol Street, approximately 120 feet north of West San Carlos Street (270 Sunol Street and 777 West San Carlos Street). (Marcus James R. Trustee, Owner). Council District 6. CEQA: Addendum to the Diridon Station Area Plan Environmental Impact Report (Resolution No. 77096). *PROJECT MANAGER, DAVID FONG*

1. **RECOMMENDED THE CONSIDERATION AND ADOPTION TO CITY COUNCIL OF THE ADDENDUM TO THE DIRIDON STATION AREA PLAN ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77096) (5-0-1-1, BIT-BADAL ABSENT; YESNEY ABSTAINED)**
2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE (5-0-1-1, BIT-BADAL ABSENT; YESNEY ABSTAINED)**

- l. [PDC15-041](#). Planned Development Rezoning from the R-M Multiple Residence Zoning District to the R-M(PD) Planned Development Zoning District to allow the demolition of 3 single-story multi-family buildings and 2 accessory structures, totaling 8,500 square feet; the construction of 18 attached residences; and the removal of 9 ordinance sized trees and 10 non-ordinance sized trees on a 0.91 gross acre site located at 368 and 388 South Buena Vista Avenue (BVista Properties Group, LLC, Owner). Council District: 6. CEQA: Mitigated Negative Declaration for the Buena Vista Townhomes project. *PROJECT MANAGER, LEA SIMVOULAKIS*

1. **RECOMMENDED THE CONSIDERATION AND ADOPTION TO CITY COUNCIL OF THE ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION FOR THE BUENA VISTA TOWNHOMES PROJECT (6-0-1, BIT-BADAL ABSENT)**
2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE (5-1-1, O'HALLORAN OPPOSED; BIT-BADAL ABSENT)**

4. PUBLIC HEARING

- a. [PD15-025 \(Administrative Hearing\)](#). APPEAL of the Planning Director's Decision to approve a Planned Development Permit to allow the installation of an 84-foot tall freeway sign with a total 488-square foot sign area, 237 square feet of which is programmable electronic sign, located in the Almaden Ranch Retail Center on a 44.3-gross acre site, in the A(PD) Planned Development Zoning District, located on the southeast corner of Almaden Expressway and Chynoweth Avenue (14540 Almaden Road) (Almaden Ranch LLC, Owner). Council District 9. CEQA: Addendum to the Almaden Ranch Environmental Impact Report (Resolution No. 76168). *Continued from 11/4/15 and 12/2/15. PROJECT MANAGER, REBECCA BUSTOS*

1. **MOTION FAILED TO DETERMINE THAT THE ADDENDUM TO THE ALMADEN RANCH ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76168) IS IN ACCORDANCE WITH CEQA, AND MODIFY THE PLANNING DIRECTOR'S DECISION AND APPROVE A PLANNED DEVELOPMENT PERMIT WITH THE INCLUSION OF THE FOLLOWING CONDITION: THE EAST-FACING PORTION OF THE PROGRAMMABLE ELECTRONIC SIGN SHALL BE ANGLED AT 15 DEGREES SOUTHERLY TOWARD THE FREEWAY (3-3-1, BALLARD, O'HALLORAN, YESNEY OPPOSED; BIT-BADAL ABSENT).**

2. **DETERMINED THAT THE ADDENDUM TO THE ALMADEN RANCH ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76168) IS IN ACCORDANCE WITH CEQA, AND MODIFY THE PLANNING DIRECTOR'S DECISION AND APPROVE A PLANNED DEVELOPMENT PERMIT WITH THE INCLUSION OF THE FOLLOWING CONDITION: AS VOLUNTEERED BY THE PERMITTEE, THE EAST-FACING ELEVATION OF THE PROGRAMMABLE ELECTRONIC SIGN SHALL BE LIMITED TO ILLUMINATED COPY (TEXT) AND LOGOS ON AN UNILLUMINATED BLACK BACKGROUND UPON 30 MINUTES PAST SUNSET OR 8:00 PM, WHICHEVER IS LATER - RESOLUTION NO. 16-010 (5-1-1, BALLARD OPPOSED; BIT-BADAL ABSENT)**

- b. **PDC15-010.** Planned Development Rezoning from the CG Commercial General Zoning District to the A(PD) Planned Development Zoning District to allow the demolition of two on-site buildings designated as Structures of Merit on the City's Historic Resources Inventory and the development of a 7-story building with up to 164 multi-family residential units and a minimum of 37,500 square feet of commercial space on a 1.72 gross acre site located on the northeast side of Stockton Avenue, approximately 300 feet north of West Santa Clara Street (120 and 138 Stockton Avenue) (Daniel Hudson Et Al, Owner). Council District 3. CEQA: Addendum to the Downtown Strategy 2000 and Diridon Station Area Plan Final Environmental Impact Reports (Resolution Nos. 72767 and 77096). *PROJECT MANAGER, ELIZABETH SCHULLER*

1. **RECOMMENDED THE CONSIDERATION AND ADOPTION TO CITY COUNCIL OF THE ADDENDUM TO THE DOWNTOWN STRATEGY 2000 AND DIRIDON STATION AREA PLAN FINAL ENVIRONMENTAL IMPACT REPORTS (RESOLUTION NOS. 72767 AND 77096) (5-0-2, BIT-BADAL & YESNEY ABSENT)**
2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE (5-0-2, BIT-BADAL & YESNEY ABSENT)**

5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

6. GOOD AND WELFARE

- a. Report from City Council
Apple Development Agreement; Ringwood Rezoning; Vanity SJ denied; 780 Winchester Boulevard; C15-060 Senter; 4th/Julian Rezoning
- b. Review and Approve Synopsis from [1-13-16](#)
Synopsis Approved (5-0-2, Bit-Badal & Yesney Absent)
- c. Subcommittee Formation, Reports, and Outstanding Business
No Reports
- d. Commission Calendar and Study Sessions
No Items
- e. The Public Record
No Items

ADJOURNMENT