

*AMENDED*

**PLANNING COMMISSION**

February 10, 2016

Action Report

**WELCOME**

**SALUTE TO THE FLAG**

**ROLL CALL**

PRESENT: Commissioners Abelite, Ballard, Bit-Badal, O'Halloran, Pham, and Yesney

ABSENT: Commissioner Yob

**SUMMARY OF HEARING PROCEDURES**

**1. PUBLIC COMMENT**

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*No public comment; nomination of Commissioner Bit-Badal as a substitute Chair for items Chair Abelite recuses from taking action on (6-0-1, Yob absent)*

**2. DEFERRALS AND REMOVALS FROM CALENDAR**

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- 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). *Deferred from 1/27/16.*  
**PROJECT MANAGER, ROSCOE MATA**

**DROPPED TO BE RE-NOTICED PER STAFF REQUEST (6-0-1, YOB 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). *Deferred from 1/27/16.*  
**PROJECT MANAGER, ROSCOE MATA**

**DROPPED TO BE RE-NOTICED FOR THE 2/24/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (6-0-1, YOB ABSENT)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:  
<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). *Deferred from 1/27/16. PROJECT MANAGER, ROSCOE MATA*

**DROPPED TO BE RE-NOTICED FOR THE 2/24/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (6-0-1, YOB ABSENT)**

### **3. CONSENT CALENDAR**

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- a. **CP15-025 (Administrative Hearing)**. Conditional Use Permit to allow the construction of a 57-foot tall steeple for a wireless communications facility and an associated equipment enclosure, with a back-up/stand-by generator, and to allow the removal of one Pine tree, approximately 69 inches in circumference, at an existing church on an approximately 1.61 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 1721 Dry Creek Road. (Silicon Valley Presbyterian Church, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. *PROJECT MANAGER, DAVID FONG*
- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, YOB ABSENT)**
  - 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-011 (6-0-1, YOB ABSENT), WITH THE FOLLOWING CONDITION: EXISTING AND NEW TRASH ENCLOSURES SHALL CONFORM TO THE CITY’S SOLID WASTE ENCLOSURE AREA GUIDELINES, SPECIFICALLY THAT TRASH ENCLOSURES SHALL BE COVERED.**
- b. **CP15-037 (Administrative Hearing)**. Conditional Use Permit to allow a daycare use up to 80 children at an existing tutoring center and allow an outdoor use (570 square foot fenced playground) within 150 feet of a residentially zoned property on a 2.42 gross acre site in the CP Pedestrian Zoning Commercial District located 430 feet southwest of the intersection of South De Anza Boulevard and Clarendon Street (1081 South De Anza Boulevard) (Courtyard, LLC, Jen-Hao Richard Chen, Owner). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. *PROJECT MANAGER, JOHN TU*
- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, YOB ABSENT)**
  - 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-012 (6-0-1, YOB ABSENT)**
- c. **CP15-072 (Administrative Hearing)**. Conditional Use Permit to allow the demolition of an existing convenience store and allow the construction of an approximately 3,000 square foot convenience store and drive-through self-service car wash on a 0.52 gross acre site in the CN Commercial Neighborhood Zoning District located at the southeast corner of Meridian Avenue and Fruitdale Avenue (900 Meridian Avenue) (Denice California Properties, LLC, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. *PROJECT MANAGER, JOHN TU*
- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, YOB ABSENT)**

**2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-013  
(6-0-1, YOB ABSENT)**

d. **PDC15-016.** Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow construction of a four-story, 261 room hotel (Residence Inn by Marriot & Fairfield Inn and Suites by Marriott) on a 6.73 gross acre site, located east of the northerly terminus of America Center Court (Silicon Valley Club LLC, Owner). Council District: 4. CEQA: Addendum to the Legacy Terrace Development Planned Development Rezoning and Prezoning Final EIR (Resolution No. 69392). *PROJECT MANAGER, LEA SIMVOULAKIS*

- 1. RECOMMENDED THE CONSIDERATION TO CITY COUNCIL THE ADDENDUM TO THE LEGACY TERRACE DEVELOPMENT PLANNED DEVELOPMENT REZONING AND PREZONING FINAL EIR (RESOLUTION NO. 69392) AND ADOPTION OF THE ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM (5-0-1-1, YOB ABSENT; YESNEY ABSTAINED)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE (4-1-1-1, BALLARD OPPOSED; YOB ABSENT; YESNEY ABSTAINED)**

**4. PUBLIC HEARING**

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a. **PDC13-028.** Planned Development Rezoning from the A Agricultural Zoning District to the A(PD) Planned Development Zoning District to allow up to eight single-family detached residences on a 1.81 gross acre site, located on the east of Almaden Expressway, 1,320 feet south of Winfield Boulevard (6082 Almaden Expressway) (Benjamin Mazzone, Trustee, Et Al, Owner). Council District 10. CEQA: Mazzone Property Mitigated Negative Declaration. *PROJECT MANAGER, REBECCA BUSTOS*

- 1. RECOMMENDED THE CONSIDERATION AND ADOPTION TO CITY COUNCIL THE MAZZONE PROPERTY MITIGATED NEGATIVE DECLARATION AND ADOPTION OF THE ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM (5-0-1-1, YOB ABSENT; ABELITE ABSTAINED)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE (5-0-1-1, YOB ABSENT; ABELITE ABSTAINED), WITH THE REVISED DEVELOPMENT STANDARDS THAT LANDSCAPING WITHIN THE RIPARIAN SETBACK IS CONSISTENT WITH PLANTINGS IN THE RIPARIAN CORRIDOR**

b. **PDC15-022.** Rezoning from A(PD) Planned Development Zoning District to CG(PD) Planned Development Zoning District to allow the construction of an approximately 8,413 square foot office and retail commercial building at an existing commercial center on a 8.33 gross acre site, located on the south side of Silver Creek Valley Road, approximately 320 feet southeast of Beaumont Canyon Drive (5601-5667 Silver Creek Valley Road) (Canyon Creek Plaza, LP, Owner). Council District 8. CEQA: Canyon Creek Plaza Retail/Commercial Building Mitigated Negative Declaration. *PROJECT MANAGER, JOHN TU*

**DEFERRED TO THE 2/24/16 PLANNING COMMISSION MEETING PER APPLICANT'S REQUEST TO ALLOW FOR INTERNAL DISCUSSION BETWEEN THE OWNERS (4-0-1-2, YOB ABSENT; ABELITE & YESNEY ABSTAINED)**

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

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*No Items*

## **6. GOOD AND WELFARE**

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- a. Report from City Council

*None*

- b. Review and Approve Synopsis from [1-27-16](#)

*Motion to continue the item until the 2/24/16 Planning Commission meeting to correct discrepancies (5-0-2, Yob & Abelite absent)*

- c. Subcommittee Formation, Reports, and Outstanding Business

*No Reports*

- d. Commission Calendar and Study Sessions

*Discussion of the Riparian Corridor Study Ordinance, Newby Island Odor Study update to be heard on 2/24/16, and reminder on request for Study Session items.*

- e. The Public Record

*No Items*

## **ADJOURNMENT**