

## PLANNING COMMISSION

February 24, 2016

Action Report

### WELCOME

### SALUTE TO THE FLAG

### ROLL CALL

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

ABSENT: None

### SUMMARY OF HEARING PROCEDURES

- **RECOGNIZED JOE HORWEDEL**

## 1. PUBLIC COMMENT

---

*None*

## 2. DEFERRALS AND REMOVALS FROM CALENDAR

---

- a. **CP15-056 (Administrative Hearing).** Conditional Use Permit to allow a trade and/or vocational school within an existing building on a 1.45 gross acre site in the LI (PD) Planned Development Zoning District located on the westerly terminus of Bern Court (911 Bern Court) (Alexander, Carol C., Trustee, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. **PROJECT MANAGER, ROSCOE MATA**

1. **DEFERRED TO THE 3/9/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (7-0-0)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

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

- b. **SF15-023 (Administrative Hearing).** APPEAL of the Planning Director’s decision to approve a Single Family House Permit to allow the demolition of an approximately 2,471 square foot single-family residence, demolition of an approximately 608 square foot detached garage, removal of six (6) non-ordinance size trees, removal of one (1) Palm tree, approximately 75 inches in circumference; and to allow the construction of an approximately 6,531 square foot single-family residence with a maximum height of 35 feet with a rooftop deck on an approximately 0.39 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 1724 Dry Creek Road (Leonard O. Lane, Jr. Trustee, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303(a) for New Construction or Conversion of Small Structures. *PROJECT MANAGER, DAVID FONG*
- 1. DEFERRED TO THE 3/9/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (7-0-0)**

### **3. CONSENT CALENDAR**

---

- a. **CP15-076 (Administrative Hearing).** Conditional Use Permit to allow the installation of a utilities facility (communication services) 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; Dropped & re-noticed from 2/10/16. PROJECT MANAGER, ROSCOE MATA*
- 1. CONSIDERED THE ADDENDUM TO MITIGATED NEGATIVE AND ADOPTED THE ASSOCIATED MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE GOOGLE FIBER PROJECT (7-0-0) WITH THE FOLLOWING:**
- **STAFF MADE A NOTE THAT STAFF RECEIVED ADDITIONAL COMMUNICATION FROM THE SANTA CLARA COUNTY DEPARTMENT OF PARKS AND RECREATION. THE PROJECT WILL NOT BE VISIBLE FROM ADJACENT TRAILS DUE TO RIPARIAN VEGETATION. A NOISE REPORT DEMONSTRATED THAT THERE WOULD NOT BE ANY NOISE IMPACTS FROM THE HUTS.**
- 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-014 (7-0-0), WITH STAFF’S REVISED RESOLUTION THAT INCLUDES MITIGATION MEASURES FROM THE MITIGATION, MONITORING, AND REPORTING PROGRAM OF THE ADDENDUM.**
- b. **CP15-079 (Administrative Hearing).** Conditional Use Permit to allow the installation of a utilities facility (communication services) 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; Dropped & re-noticed from 2/10/16. PROJECT MANAGER, ROSCOE MATA*
- 1. CONSIDERED THE ADDENDUM TO MITIGATED NEGATIVE AND ADOPTED THE ASSOCIATED MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE GOOGLE FIBER PROJECT (7-0-0) WITH THE FOLLOWING:**
- **STAFF MADE A NOTE THAT STAFF RECEIVED ADDITIONAL COMMUNICATION FROM THE SANTA CLARA COUNTY DEPARTMENT OF PARKS AND RECREATION. THE PROJECT WILL NOT BE VISIBLE FROM**

**ADJACENT TRAILS DUE TO RIPARIAN VEGETATION. A NOISE REPORT DEMONSTRATED THAT THERE WOULD NOT BE ANY NOISE IMPACTS FROM THE HUTS. THE PROJECT AVOIDS EXISTING TREES AND NONE ARE PROPOSED.**

- 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-015 (7-0-0), WITH STAFF’S REVISED RESOLUTION THAT INCLUDES MITIGATION MEASURES FROM THE MITIGATION, MONITORING, AND REPORTING PROGRAM OF THE ADDENDUM.**

- c. **C15-026.** Conventional Rezoning from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District on a 0.5-gross acre site, located at 439 South 4<sup>th</sup> Street (439 S. 4th St. LLC, Owner). Council District: 3. CEQA: Determination of Consistency to the Final Program EIR for the Envision San Jose 2040 General Plan (Resolution No. 76041) and Supplemental Final Program EIR for the Envision San Jose 2040 General Plan (Resolution No. 77617).  
*PROJECT MANAGER, JENNIFER PIOZET*

- 1. RECOMMENDED CONSIDERATION OF THE DETERMINATION OF CONSISTENCY TO THE FINAL PROGRAM EIR FOR THE ENVISION SAN JOSE 2040 GENERAL PLAN (RESOLUTION NO. 76041) AND SUPPLEMENTAL FINAL PROGRAM EIR FOR THE ENVISION SAN JOSE 2040 GENERAL PLAN (RESOLUTION NO. 77617) (6-0-1; YESNEY ABSTAINED)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONVENTIONAL REZONING ORDINANCE (6-0-1; YESNEY ABSTAINED)**

- d. **CP14-067 (Administrative Hearing).** Conditional Use Permit to allow a day care facility for up to 45 children in an existing 1,755-square foot building (currently vacant) and an outdoor play area within 150 feet of a residentially zoned property on 0.28-gross acre site, in the CO Commercial Office Zoning District, located at 3000 South Bascom Avenue (Natural Wonder Holdings LLC, Owner). Council District: 9. CEQA: “Natural Wonder Playschool” Mitigated Negative Declaration.  
*PROJECT MANAGER, JENNIFER PIOZET*

- 1. ADOPTED THE “NATURAL WONDER PLAYSCHOOL” MITIGATED NEGATIVE DECLARATION AND THE ASSOCIATED MITIGATION, MONITORING, AND REPORTING PROGRAM (7-0-0)**
- 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-016 (7-0-0)**

#### **4. CONTINUED ITEMS**

---

- a. **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. *Continued from 1/27/16.*  
*PROJECT MANAGER, LEA SIMVOULAKIS*

- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
- 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-017 (7-0-0), WITH STAFF’S REVISED RESOLUTION TO INCLUDE CONDITION 8, WHICH LIMITS**

**OUTDOOR ACTIVITY HOURS TO 8:00 AM TO 9:00 PM MONDAY THROUGH THURSDAY AND 8:00 AM TO 10:00 PM FRIDAY THROUGH SUNDAY.**

- b. **PD14-014 (Administrative Hearing).** APPEAL of the Planning Director’s decision to approve a Planned Development Permit to effectuate the Planned Development Zoning District (File No. PDC07-071) and allow a vertical expansion to an existing landfill, with no additional construction, on a 352 gross acre site in the A(PD) Planned Development Zoning District (1601 Dixon Landing Road) (International Disposal Corporation of California, Owner). Council District 4. CEQA: Determination of Consistency with the Newby Island Sanitary Landfill and the Recyclery Rezoning Project EIR, Resolution No. 76392. *Continued from 12/10/14; Deferred from 1/28/15; Continued from 2/11/15, 5/6/15, 6/24/15, & 8/26/15. PROJECT MANAGER, REBECCA BUSTOS*

**ACCEPTED STAFF’S UPDATE TO THE ODOR STUDY UNDER PREPARATION AND CONTINUE TO THE MAY 25, 2016 PLANNING COMMISSION HEARING (4-0-3; YOB, BIT-BADAL & YESNEY ABSTAINED)**

## **5. PUBLIC HEARING**

---

- a. **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. *Deferred from 2/10/16. PROJECT MANAGER, JOHN TU*

- 1. RECOMMENDED CONSIDERATION AND ADOPTION TO CITY COUNCIL THE CANYON CREEK PLAZA RETAIL/COMMERCIAL BUILDING MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION, MONITORING, AND REPORTING PROGRAM (5-0-2; ABELITE & YESNEY ABSTAINED)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE (5-0-2; ABELITE & YESNEY ABSTAINED)**

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

---

*No Items*

## **7. GOOD AND WELFARE**

---

- a. Report from City Council

*At the February 23, 2016 hearing, the City Council approved a Zoning Ordinance amendment that makes the City Council the decision-making body on mobilehome park conversion proposals, and adopted a new City Council policy that clarifies the intent to preserve mobilehome parks and establishes guidelines for good faith negotiations and re-location and purchase assistance. The City Council did not approve the General Plan Text Amendment (File No. GPT15-06) for mobilehome park protection because it requires legal consideration first. The City Council also adopted several rezonings (File Nos. C15-005, C15-050, C15-061, PDC14-003, PDC15-059, PDC14-040, PDC15-010, and PDC15-041) and the off-sale of alcohol for the Smart and Final located on W. San Carlos Street.*

- b. Review and Approve Synopsis from [1-27-16](#) & [2-10-16](#)  
*1/27/16 Synopsis Approved (7-0-0)*  
*2/10/16 Synopsis Approved (6-0-1; Yob Abstained), with corrections to the votes for Item 4.a. (5-0-1-1, Yob Absent; Abelite Abstained) and Item 4.b. (4-0-1-2, Yob Absent; Abelite & Yesney Abstained)*
- c. Subcommittee Formation, Reports, and Outstanding Business
  - 1. Newby Island Odor Study Update  
*Heard under Item 4.b.*
- d. Commission Calendar and Study Sessions  
*No Items*
- e. The Public Record  
*No Items*

## **ADJOURNMENT**