

## PLANNING COMMISSION

March 9, 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

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*None*

#### 2. DEFERRALS AND REMOVALS FROM CALENDAR

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*No Items*

#### 3. CONSENT CALENDAR

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- 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 at 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. *Deferred from 2/24/16. PROJECT MANAGER, ROSCOE MATA*

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL & PHAM ABSENT)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-018 (5-0-2, BIT-BADAL & PHAM ABSENT)**

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

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

- b. [CP15-053](#). Conventional Rezoning from the R-2 Two-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District on a 0.48-gross acre site located on the west side of North 21<sup>st</sup> Street (21 N. 21<sup>st</sup> Street), approximately 250 feet north of East Santa Clara Street, (439 S. 4th St. LLC, Owner). Council District: 3. CEQA: Determination of Consistency to the Final Program Environmental Impact Report for the Envision San Jose 2040 General Plan (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617).

*PROJECT MANAGER, JOHN TU*

- 1. RECOMMENDED CONSIDERATION OF THE DETERMINATION OF CONSISTENCY TO THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE ENVISION SAN JOSE 2040 GENERAL PLAN (RESOLUTION NO. 76041) AND SUPPLEMENTAL FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE ENVISION SAN JOSE 2040 GENERAL PLAN (RESOLUTION NO. 77617) (5-0-2, BIT-BADAL & PHAM ABSENT)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONVENTIONAL REZONING ORDINANCE (5-0-2, BIT-BADAL & PHAM ABSENT)**

- c. [CP15-035 \(Administrative Hearing\)](#). Conditional Use Permit to allow tenant improvements at an existing 41,105-square foot warehouse that include: retail sales and public eating establishment associated with a medium manufacturing and assembly use (coffee roasting company), drinking establishment (tasting room) and off-sale of alcohol in conjunction with a brewery, and Transportation Demand Management (TDM) measures to reduce parking requirements, on a 2.03-gross acre site, in the HI Heavy Industrial Zoning District, located at 460 Lincoln Avenue (Green Valley Corp/Barry Swenson Builders, Owners). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15332 for Infill Development. *PROJECT MANAGER, JENNIFER PIOZET*

- 1. DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL & PHAM ABSENT)**
- 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-019 (5-0-2, BIT-BADAL & PHAM ABSENT)**

#### **4. PUBLIC HEARING**

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- a. [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. *Deferred from 2/24/16.*

*PROJECT MANAGER, DAVID FONG*

- 1. DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-1-1, PHAM OPPOSED; BIT-BADAL ABSENT)**

2. **UPHELD THE PLANNING DIRECTOR’S DECISION AND APPROVED THE SINGLE-FAMILY HOUSE PERMIT – RESOLUTION NO. 16-020 (5-1-1, PHAM OPPOSED; BIT-BADAL ABSENT) WITH MODIFIED LANGUAGE TO CONDITION NO. 17:**

**TREE PROTECTION STANDARDS. THE APPLICANT SHALL MAINTAIN THE TREES AND OTHER VEGETATION SHOWN TO BE RETAINED IN THIS PROJECT AS NOTED ON THE APPROVED PLANS, AND SHALL NOT DAMAGE THE ADJACENT ORDINANCE-SIZED COAST LIVE OAK TREE IN THE BACKYARD OF 1720 DRY CREEK ROAD. MAINTENANCE SHALL INCLUDE PRUNING AND WATERING OF ON-SITE TREES AS NECESSARY AND PROTECTION FROM CONSTRUCTION DAMAGE. ALL TREES TO BE PRESERVED SHALL BE PERMANENTLY IDENTIFIED BY METAL NUMBERED TAGS PRIOR TO REMOVAL OF ANY TREE ON THE SITE. THE APPLICANT SHALL ALSO TAKE MEASURES ON-SITE TO PROTECT THE TREES ON NEIGHBORING PROPERTIES FROM DAMAGE DURING DEMOLITION, GRADING, AND CONSTRUCTION. ALL TREES TO BE SAVED AND PROTECTED SHALL BE PROTECTED BY FENCING OF CHAIN LINK OR OTHER FENCING APPROVED BY THE DIRECTOR OF PLANNING PRIOR TO ISSUANCE OF THE GRADING PERMIT OR REMOVAL OF ANY TREE. FOR ANY PROTECTIVE MEASURE FOR AN OFF-SITE TREE THAT IS PROPOSED TO OCCUR ON PROPERTY THAT IS NOT OWNED BY THE APPLICANT, SUCH PROTECTION SHALL REQUIRE THE PRIOR WRITTEN AUTHORIZATION OF THE OWNER OF THE PROPERTY UPON WHICH THE TREE IS LOCATED ANY ON-SITE PRUNING OF THE ROOTS OF ON-SITE OR OFF-SITE TREES REQUIRED FOR CONSTRUCTION PURPOSES MUST RECEIVE PRIOR REVIEW AND APPROVAL BY THE CITY’S ARBORIST AND BE SUPERVISED BY THE APPLICANT’S CONSULTING LICENSED ARBORIST. FENCING AND SIGNAGE SHALL BE MAINTAINED BY THE APPLICANT TO PREVENT DISTURBANCES OF HABITAT AND TREES DURING THE LENGTH OF THE DEMOLITION, GRADING, AND CONSTRUCTION.**

## **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

*No Items*

- b. Review and Approve Synopsis from [2-24-16](#)

*Synopsis Approved (6-0-1, Bit-Badal 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**