

PLANNING COMMISSION

May 25, 2016

Action Report

WELCOME

SALUTE TO THE FLAG

ROLL CALL

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

ABSENT: Commissioners Ballard and Pham

SUMMARY OF HEARING PROCEDURES

1. PUBLIC COMMENT

No Items

2. DEFERRALS AND REMOVALS FROM CALENDAR

a. [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, & 2/24/16.*

PROJECT MANAGER, REBECCA BUSTOS

[Public Correspondence received after May 6, 2015](#)

[Public Correspondence received after June 24, 2015](#)

1. DROPPED TO BE RE-NOTICED FOR THE 8/24/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (5-0-2, BALLARD & 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/>

3. CONSENT CALENDAR

- a. [CP16-006 \(Administrative Hearing\)](#). Conditional Use Permit to allow a school for up to 116 students within an existing approximately 22,215 square foot building with a proposed exterior play area within 150 feet of a residentially zoned property; to allow the maximum allowable noise level under Title 20 The Zoning Ordinance, at the property lines to be exceeded; and to allow an alternate parking arrangement with an adjacent property on a 4.45 gross acre site in the R-1-8 Single Family Residence Zoning District, located at the southeasterly corner of St. Elizabeth Drive and McKinley Avenue (950 St. Elizabeth Drive) (St Elizabeth Day Home, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15301 (a) for Existing Facilities.

PROJECT MANAGER, EMILY LIPOMA

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BALLARD & PHAM ABSENT) WITH THE FOLLOWING:**
 - **STAFF PROVIDED AN UPDATE THAT THE EXISTING DAYCARE IS SCHEDULED TO CLOSE BETWEEN SEPTEMBER 2016 AND JANUARY 2017. CLARIFIED TIMES OF USE OF OUTDOOR AREAS. PROVIDED HOURS OF AFTERSCHOOL PROGRAM. CLARIFIED THAT 5 VANS WOULD BE USED TO TRANSPORT STUDENTS.**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-032 (5-0-2, BALLARD & PHAM ABSENT)**

4. PUBLIC HEARING

- a. [SF15-062 \(Administrative Hearing\)](#). APPEAL of a Single-Family House Permit to allow an approximately 1,798 square foot addition (including a second story) to an approximately 1,344 square foot house for a proposed floor area ratio (FAR) of 0.52 on an approximately 0.14-gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at 1511 Pyramid Court (Sweatt, Kevin and Dawn, Owners). Council District 1. CEQA: Exempt, per Section 15301(e) (2) for Existing Facilities. *PROJECT MANAGER, PATRICK KELLY*

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2)**
2. **UPHELD THE PLANNING DIRECTOR’S DECISION AND APPROVED THE SINGLE FAMILY HOUSE PERMIT – RESOLUTION NO. 16-033 (5-0-2, BALLARD & PHAM ABSENT)**

- b. [PP15-118](#). To further goals and implement policies of the Envision San José 2040 General Plan (General Plan) related to protection of riparian corridors in the City, the project proposes amendments to Titles 20 (Zoning Code) and 23 (Sign Code) of the San José Municipal Code, and adoption of a new City Council Policy as described below:

1. Amendments and additions to Title 20 of the San José Municipal Code (the Zoning Code) to:
 - a. Add provisions requiring findings of consistency with the Envision San José 2040 General Plan (General Plan) goals and policies, and other City Council-adopted policies, including the new City Council Policy described under subsection 3 below;
 - b. Add provisions requiring proposed single-family house development in conventional zoning districts that involves ground-disturbing activity within 100 feet of a riparian corridor to obtain approval of a Single-family House Permit;
 - c. Add definitions of “riparian” and “riparian corridor”; and;

- d. Make other technical, formatting or non-substantive changes within the Zoning Code.
- 2. Amendment to Section 23.02.465 of Title 23 of the San José Municipal Code (the Sign Code) to delete this Section, so that the new definition in the Zoning Code will apply to the Sign Code under Section 23.02.010.B of the Sign Code.
- 3. Adoption of a proposed new City Council Policy to provide guidance for riparian corridor protection in furtherance of the goals, policies, and actions of the General Plan for:
 - 1) protecting, preserving, or restoring riparian habitat; 2) limiting the creation of new impervious surface within riparian corridor setbacks to minimize flooding from urban runoff, and control erosion; and 3) encouraging bird-safe design in baylands and riparian habitats of lower Coyote Creek, north of State Route 237.
- a. Clarifying standards for development and activities located up to three hundred (300) feet of the edge of a riparian corridor, including but not limited to limitations on activities, new structures, and impervious surfaces within riparian setbacks;
- b. Providing bird-safe design standards for development located within the area north of State Route 237 to reduce the potential for bird strikes for species associated with baylands or riparian habitats of lower Coyote Creek.

Council City: Citywide. CEQA: Pursuant to Section 15168(c) of the CEQA Guidelines, the City of San José has determined that the proposed project is within the scope of the Envision San José 2040 General Plan, and the environmental impacts of the proposed project have been adequately described by the Envision San José 2040 General Plan Environmental Impact Report, adopted by City Council Resolution No. 76041 on November 1, 2011; and the Envision San José 2040 General Plan Supplemental Environmental Impact Report, adopted by City Council Resolution 77617 on December 15, 2015. The City of San José has prepared a Determination of Consistency with the Envision San José 2040 General Plan FEIR as supplemented. *PROJECT MANAGER, DIPA CHUNDUR*

- 1. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE AMENDING TITLES 20 AND 23 (5-0-2, BALLARD & PHAM ABSENT)**
- 2. RECOMMENDED TO CITY COUNCIL THE ADOPTION OF A NEW CITY COUNCIL POLICY (5-0-2, BALLARD & PHAM ABSENT)**

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

No Items

6. GOOD AND WELFARE

- a. Report from City Council

From 5/17/16 Council meeting: Council approved 2 conventional zonings; 4 conforming rezonings; Rezoning and PD permit for 55-unit project on Almaden Road; and Delmas mixed use project (Trammell Crow) on W. Santa Clara street for one million square feet of commercial/retail and 325 residential units. Reminder that City Council will conduct interviews for Planning Commission vacancies on June 21, 2016.

- b. Review and Approve Synopsis from [5-11-16](#)
Synopsis Approved (5-0-2, Ballard and Pham absent)
- c. Subcommittee Formation, Reports, and Outstanding Business
Ad Hoc Bylaws Subcommittee met on 5/25/16 and will bring recommendations to 6/22 meeting.
- d. Commission Calendar and Study Sessions
6/8 meeting cancelled. Tentative dates for Study Sessions 7/27 and/or 8/10. Annual Retreat to be held in September. Commission will vote for new chair and vice chair at 6/22 meeting.
- e. The Public Record
No Items

ADJOURNMENT